

# The Bromfords School



## Attendance Policy

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## **1. Introduction**

- 1.1 The Bromfords School is committed to providing an education of the highest quality for all its students and recognises this can only be achieved by supporting and promoting excellent school attendance for all. This is based on the belief that only by attending school regularly and punctually will children and young people be able to take full advantage of the educational opportunities available to them. High attainment depends on good attendance. Celebration assemblies are held at the end of each term, focusing on students' attendance and achievements, inc. most improved and best overall attendance. Students are also rewarded with 100% badges, bronze, silver and gold and "jump the cue" card issued if targets are reached.
- 1.2 The whole school community – students, parent/carers, teaching/support staff and school Governors – have a responsibility for ensuring good school attendance and have important roles to play. The purpose of the policy is to clarify everyone's part in this.
- 1.3 The policy is based on current Government and Local Authority Guidance and Statutory Regulations. The school will ensure that all members of the community know of the policy and have access to it.

## **2. School's roles and responsibilities**

- 2.1 All staff (teaching and support) at The Bromfords School have a key role to play in supporting and promoting excellent school attendance and will work to provide an environment in which all our students are eager to learn, feel valued and look forward to coming to school every day. Staff also have a responsibility to set a good example in matters relating to their own attendance and punctuality.
- 2.2 The Headteacher at The Bromfords School will oversee, direct and co-ordinate the school's work in promoting regular and improved attendance and will ensure the Attendance Policy is consistently applied throughout the school. The senior leader responsible for the strategic approach to attendance in school is Mrs L Briffaut contact number 01268 471201.
- 2.3 The Attendance Officer/Home-School Attendance Officer will ensure that up-to-date attendance data and issues are shared with relevant personnel; Students and parents are regularly reminded about the importance of good school attendance and data may be used to reinforce this. A report is prepared for the Governing Body on a regular basis. The Attendance Officer will ensure that attendance issues are identified at an early stage and the Home-School Attendance Officer will ensure support is put in place to deal with any difficulties.

### **2.4 Registration**

- 2.4.1 The school is required to mark the attendance register twice each day; once at the start of the day and once at the start of the afternoon session. Form tutors are responsible for completing the AM attendance register; the class teacher for Period 4 is responsible for completing the PM attendance register; the Attendance Officer adds prescribed codes for absence (Appendix A).
- 2.4.2 The school day starts at 8.30am. Pupils should be on the school site and in form period for this time. If pupils arrive after this time, they are classed as late (L) and will be issued with a same-day detention lasting 30 minutes.
- 2.4.3 AM registers will close at 9.00am and PM registers at 12.30pm. Pupils arriving after the register closes will be marked as U. Students who arrive late but before the register closes will be counted as present

but will be given a late mark (L) and dealt with under the school's current policy on punctuality and lateness.

## 2.5 Categorising absence

- 2.5.1 A mark will be made in respect of each child during registration. Any child who is not present at this time will be marked as having unauthorised absence, unless leave has been granted by the school in advance, or the reason for absence is already known and accepted by the school as legitimate. Where a reason for absence is given and accepted by the school at a later stage, the register will be amended in such a way that the original entry and the amendment/correction are distinguishable. The decision about whether the absence should be authorised or unauthorised rests with the school.
- 2.5.2 The Bromfords School recognises the clear links between attendance and attainment and, attendance and safeguarding children. It recognises that inappropriate authorisation of absence will potentially send a message to parents that any reason for non-school attendance is acceptable and can render children extremely vulnerable to harm. If absence is frequent or continuous, except where a child is clearly unwell, staff at The Bromfords School will then challenge parents about the need and reasons for their child's absence and will encourage them to keep absences to a minimum. A note or explanation from a student's parent/carer does not mean an absence becomes authorised. The decision whether or not to authorise an absence will always rest with the school.
- 2.5.3 If a student has been absent for five consecutive school days and we have not received a reason for absence or we deem the reason given to be unsatisfactory, or the student has not been seen by any other professional working with the family, the school will endeavour to carry out a safeguarding check which will take the form of a home visit.
- 2.5.4 If no explanation about an absence is received by the school within two weeks, the absence will remain unauthorised. Absence will be authorised in the following circumstances:
- a) Where a student is to participate in an approved performance for which a licence has been granted by the Local Authority
  - b) Where a student has been granted leave due to exceptional circumstances – in authorising such an absence, the individual circumstances of the particular case and the student's overall pattern of attendance will be considered
  - c) where the school is satisfied that the child is too ill to attend or where medical evidence has been provided or where a previously diagnosed known medical condition exists;
  - d) where the student has a medical appointment supported by an appointment card/hospital letter (although parents should be encouraged to make these out of school hours wherever possible, and to return their child to school immediately afterwards – or send him/her to school beforehand). Please note we will only authorise half a day's absence for routine orthodontic appointments i.e., brace fitting/tightening;
  - e) where there is an unavoidable cause for the absence which is beyond the family's control, e.g., extreme weather conditions
  - f) the absence occurs on a day exclusively set aside for religious observance by the religious body to which the student's parents belong
  - g) the Local Authority provided transport for the student fails to arrive
  - h) other exceptional circumstances e.g., a family bereavement and for a very limited period.

2.5.5 Except in the circumstances described above, absences will be unauthorised. Some examples of reasons for not authorising absence would be:

- a) no explanation has been given by the parent;
- b) the school is not satisfied with the explanation;
- c) the student is staying at home to mind the house a relative or pet;
- d) a shopping trip;
- e) a birthday;
- f) family holiday;
- g) being unable to participate in a school activity e.g., school trip, activity day;
- h) meeting relatives from/taking relatives to the airport.

## 2.6 Class registers

In order to track students' whereabouts throughout the day, deal with any truancy that occurs after morning or afternoon registration and to ensure the safety of students, class teachers will ensure all expected students attend each lesson. The school will endeavour to pick up any absences that occur during the day and will then take steps to locate the student.

## 2.7 Staff training

The Bromfords School will ensure that all staff are aware of the registration process and receive in-service training on registration regulations and education law.

# 3 **Collection and analysis of data**

3.1 The Attendance Officer will ensure that attendance data is complete, accurate, analysed and reported to the Headteacher and relevant school personnel.

3.2 Attendance is monitored for each student; where relevant, it is analysed and discussed with all appropriate parties.

3.3 The Data Manager will ensure attendance returns are made to the DFS within the stipulated time-frame.

# 4 **Systems and strategies for managing and improving attendance**

4.1 Attendance has a very high profile at The Bromfords School and is discussed at assemblies, meetings for parents and in Governor meetings. Parents are regularly reminded in newsletters and school meetings about the importance of good attendance and its links to attainment.

4.2 First-day calling - The Bromfords School has in place a system of first-day calling. This means that parents will be sent a text/email on the first day a student is absent without explanation, to establish a reason for the absence. This helps to identify at an early-stage Students who do not have a good reason for absence, or who may be absent without their parents' knowledge.

4.3 Meetings with parents - Where the school deems a student's level of attendance is becoming a cause for concern, in the first instance a letter will be sent home and if attendance then fails to significantly improve, without good reason, the parent/carers will be invited into school for an attendance meeting to discuss the reasons for the absences. Plans are put in place with the parents and the student to resolve any difficulties and improve the attendance, this may include referrals to outside agencies for further support.

- 4.4 Referral to the Local Authority - if there continues to be unauthorised absences the matter will be referred to the Local Authority who may issue a Penalty Notice or prosecute parent/carers. See Appendix D Essex Code of Conduct, Penalty Notices to Parents.
- 4.5 Lateness and punctuality - Students are expected to arrive at school, and be in the correct room for registration, on time every day. It is not only very disruptive to their own education but that of others in their class, if they are late. Students who arrive after the register closes (see para 2.4) will be marked absent for the whole session (a session being a morning or an afternoon). This absence will be unauthorised unless the school is satisfied that there is a legitimate reason for the student to be late. Such a reason will not include things such as alarm did not go off, clothes in the washing machine or lost shoes. A student who is persistently absent by reason of lateness will be dealt with in the same way as other students with attendance concerns (see para. 4.4).
- 4.6 Persistent late arrival for school, before the register closes, will be followed up by a letter/meeting with those concerned and strategies will be suggested to improve the matter.
- 4.7 For health and safety reasons it is imperative that the school knows who is in the building. Students arriving late must, therefore, sign in on arrival at Student Reception. It is important that all students arriving late follow this procedure.
- 4.8 For the same reason it is important that students leaving the premises legitimately (e.g., for a medical appointment) are collected from the Main Reception after signing out in student Reception. If a student returns to school later in the day they must sign back in at Student Reception.
- 4.9 Post-registration truancy - post-registration truancy occurs when a student goes missing from school, having previously registered for the session. This behaviour not only means the student will not be receiving a full-time education, it also potentially renders him/her vulnerable to harm. The school takes this very seriously and will endeavour to ensure it does not happen by taking the register and noting attendance in lessons. If, however, it appears a student has left the premises without authorisation, the school will endeavour to make contact with his/her parent/carers as soon as possible.

## 5 Leave of Absence Due to Exceptional Circumstances

- 5.1 The school discourages avoidable absences and as from 1<sup>st</sup> September 2013 changes in the Education Regulations 2006 Section 7 states that Headteachers may no longer grant any leave of absence during term time unless there are exceptional circumstances. All leave of absence due to exceptional circumstances must be applied for via the school application form and at least three weeks in advance.
- 5.2 Family holidays **do not** come under exceptional circumstances and if a leave of absence is not authorised and the time is still taken, the absence will be recorded as unauthorised and the case may be referred to the Local Authority who may issue a Penalty Notice or prosecute parent/carers. See Appendix D Essex Code of Conduct, Penalty Notices for Parents.

## 6 Parent/Carer responsibilities

- 6.1 The prime responsibility for ensuring children receive an appropriate and full-time education rests with parent/carers (defined by the Education Act 1996 as those with parental responsibility and those who have the care of a child), who will be supported and encouraged by The Bromfords School.

6.2 The Bromfords School expects that parent/carers will:

- ensure their children attend the school regularly
- support their children's attendance by keeping requests for absence to a minimum
- not expect the school to automatically agree any requests for absence and not condone unjustified absence from school.

Parents will also be expected to:

- to telephone the school every day a student is going to be absent, preferably by no later than 8.20am, leaving a detailed reason for absence.
- Attendance number: 01268 474500, email address: [attendanceoffice@bromfords.essex.sch.uk](mailto:attendanceoffice@bromfords.essex.sch.uk)
- contact the school without delay if they are concerned about any aspects of their child's attendance/punctuality.
- The Bromfords School will endeavour to support parents to address any concerns.
- Parents should confirm the reasons for any absence by sending in a letter, along with the relevant medical evidence, when the child returns to school, addressed for the attention of the Attendance Officer.

## **7 Student responsibilities**

7.1 All students should be aware of the importance of regular school attendance. If they are having difficulties that may prevent them from attending school regularly, they should speak to the Home-School Attendance Officer or their Head of Year.

7.2 Students should attend all their lessons on time, ready to learn.

7.3 Students also have a responsibility for following school procedures if they arrive late.

## **8 Conclusion**

Regular school attendance is a necessary contributor to ensure optimum academic progress which, in turn, will have a positive impact on qualifications and life chances.

## APPENDIX A

### Register Codes

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Educated Off Site (NOT Dual registration)	Approved Education Activity (present)
C	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised Absence
D	Dual registration (i.e. student attending other establishment)	Approved Education Activity
E	Excluded (no alternative provision made)	Authorised Absence
F	Extended family holiday (agreed)	Authorised Absence
G	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised Absence
H	Family holiday (agreed due to exceptional circumstances)	Authorised Absence
I	Illness (NOT medical or dental appointments)	Authorised Absence
J	Interview	Approval Education Activity (present)
L	Late (before register closed)	Present
M	Medical/Dental Appointments	Authorised Absence
N	No Reason Yet Provided for Absence	Unauthorised Absence
O	Unauthorised Absence (not covered by any other code/description)	Unauthorised Absence
P	Approved Sporting Activity	Approved Education Activity (present)
R	Religious Observance	Authorised Absence
S	Study Leave	Authorised Absence
T	Traveller Absence	Authorised Absence
U	Late (after register closed 8.50am and 12.15pm)	Unauthorised Absence
V	Educational Visit or Trip	Approved Education Activity (present)
W	Work Experience	Approved Education Activity (present)
Y	Enforced Closure	Not Counted in Possible Attendances
Z	Student Not Yet on Roll	Not Counted in Possible Attendances
#	School Closed to Students	Not Counted in Possible Attendances

Please note: Any absence, be it authorised or unauthorised, will bring your child's attendance percentage down.



## APPENDIX B

### Attending School Regularly - A Guide for Parents

#### 1. When does my child need to be in School?

Your child should be at school every day and in good time for registration. The morning register will be called promptly at 8.30am and the afternoon register at 12.20pm

#### 2. What happens if my child is late?

If your child arrives after 8.30am but before 9.00am he/she must sign in at Student Reception and he/she will be marked late. If your child arrives for afternoon registration after 12.20pm but before 2:15pm he/she will be marked **late**.

Pupils arriving after the register closes will be marked as U; this counts as an absence figure. Students who arrive late but before the register closes will be counted as present but will be given a late mark (L) and be issued with a same-day detention lasting 30 minutes.

If your child is late for school, should they fail to sign-in late at Student Reception they will be deemed as arriving after the close of registration and will, therefore, be marked as **absent**.

Unacceptable reasons for lateness include:

- Oversleeping;
- Alarm clock failure;
- Clothes in washing machine;
- Lost tie or shoes etc.;
- Taking a younger sibling to school.

Persistent late arrival for school will be followed up by a letter/meeting with those concerned and strategies suggested to improve the matter.

#### 3. Does the school need letters explaining my child's absence or will a phone call do?

We would expect a parent to telephone the school every day a student is going to be absent, preferably by no later than 8.30am leaving a detailed reason for absence. If you do not phone us, we will endeavour to contact you via our texting system (please ensure the school has your up-to-date telephone contact details). If we do not receive an explanation or if the explanation is unsatisfactory, we will not authorise the absence. Parents should confirm the reasons for any absence by sending in a letter, along with the relevant medical evidence, when their child returns to school, addressed for the attention of the Attendance Officer. Attendance telephone number: **01268 474500**, email address: **attendanceoffice@bromfords.essex.sch.uk**

Messages relating to absence or other matters **must not** be relayed via other Students.

#### 4. What reasons will the school accept for absences?

a) where leave has been granted by the school in advance, for example:

- a student is to participate in an approved performance for which a licence has been granted by the Local Authority.
- a student has been granted leave due to exceptional circumstances – in authorising such an absence, the individual circumstances of the particular case and the student's overall pattern of attendance will be considered.

- a) where the school is satisfied that a student is too ill to attend or where medical evidence has been provided or where a previously diagnosed known medical condition exists. If a student's attendance falls below 96% parents/carers will receive a letter advising that the school will no longer continue to authorise any absence due to illness without medical evidence unless a known previously diagnosed medical condition exists.
- b) where a student has a medical appointment supported by an appointment card/text/hospital letter (although parents should be encouraged to make these out of school hours wherever possible, and to return their child to school immediately afterwards – or send him/her to school beforehand).
- c) where there is an unavoidable cause for the absence which is beyond the family's control, e.g., extreme weather conditions.
- d) the absence occurs on a day exclusively set aside for religious observance by the religious body to which the student's parents belong.
- e) the Local Authority provided transport for the student fails to arrive.
- f) other exceptional circumstances e.g., a family bereavement and for a very limited period.

#### **5. What is unacceptable?**

Except in the circumstances described above, absences will be unauthorised. Some examples of reasons for not authorising absence would be:

- a) no explanation has been given by the parent;
- b) the school is not satisfied with the explanation;
- c) the student is staying at home to mind the house, a relative or pet;
- d) a shopping trip;
- e) a birthday;
- f) family holiday;
- g) being unable to participate in a school activity e.g., school trip, activity day;
- h) meeting relatives from/taking relatives to the airport.

#### **6. Will the school contact me if my child is absent?**

The Bromfords School has in place a system of first-day calling. This means that parents will be sent a text/email on the first day a student is absent without explanation, to establish a reason for the absence. This helps to identify at an early-stage students who do not have a good reason for absence, or who may be absent without their parents' knowledge.

#### **7. My child is trying to avoid coming to school. What should I do?**

Contact your child's Form Tutor, Head of Year or the Home/School Attendance Officer immediately and openly discuss your worries. It is important that we identify the reason for your child's reluctance to attend school and work together to tackle the problem.

## APPENDIX C

### Attending School Regularly - A Guide for Students

**Attending regularly and on time** - regular attendance will help you make the most of the opportunities here at The Bromfords School. It will help you keep up with your school work, get the best results you can and get a job when you are older – employers like people who are punctual and reliable.

**Absences** - acceptable reasons for you being absent include:

- Genuine illness;
- Emergency dental / medical appointments (your parents are asked to make routine appointments after school or during the holidays);
- A day of religious observance;
- Family bereavement.

#### Unacceptable reasons for not coming to school

- Family holiday;
- Looking after your brothers and sisters or pets;
- It's your birthday;
- Shopping trips;
- Taking relatives to or meeting relatives from the airport;
- Being unable to take part in a school activity or trip.

Your parents are asked to telephone the school by 8.30am on the first day of your absence and ask for a letter on your return to school.

**Late arrival to school** - If you are late for school and this keeps happening, we will ask to talk to you and your parents. If you arrive late for school, you **must** sign in at Student Reception. If you arrive between 8.30 and 9.00am you will be marked late (L) and issued with a same-day detention lasting 30 minutes. If you arrive after 9.00am you will be marked **with a U code which counts as an absence**.

#### Need Help?

- Problems with your school work?
- Are your friends giving you a hard time?
- Are things difficult at school?
- Are things difficult at home?

You may feel that **not** coming to school is the answer. **It is not** – it may even make things worse. **TALK TO SOMEONE** – your form tutor, your Head of Year, another member of staff or your parents. We will do everything we can to help resolve problem.

## Appendix D

### ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent<sup>1</sup> must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

#### **Legislative Framework for Education Penalty Notices**

The legal framework governing school attendance and the responsibilities of parents of excluded students, schools and the LA is set out in a succession of acts, regulations and other guidance.

#### **Education Act 1996**

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

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<sup>1</sup> All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

On 6 April 2017, in the case of *Isle of Wight Council v Platt* [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

### **Anti-social Behaviour Act 2003**

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

### **Children Act 1989**

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

### **Crime and Disorder Act 1998**

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

### **Education and Inspections Act 2006**

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

### **The Education (Student Registration) (England) Regulations 2006 (Amended 2013)**

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

### **Authorisation to Issue Penalty Notices**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme<sup>2</sup> are authorised to do so.

### **Circumstances In Which A Penalty Notice May Be Issued**

Penalty Notices apply to students of statutory school age, which commences the term immediately following the child's 5<sup>th</sup> birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and

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<sup>2</sup> Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email [attendancecompliance@essex.gov.uk](mailto:attendancecompliance@essex.gov.uk). A response will be sent within 3 working days. Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter. Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

### **Penalty notices for unauthorised leave of absence (ULA)<sup>3</sup>**

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of students settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

### **Penalty Notices for Irregular School Attendance (ISA)**

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

[https://schools.essex.gov.uk/students/Attendance Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx](https://schools.essex.gov.uk/students/Attendance%20Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx).

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

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<sup>3</sup> Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

*N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.*

### **Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence**

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve-month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

### **Number of Penalty Notices which can be issued for students identified during a school attendance and exclusion sweep**

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a student stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that student during the preceding 10 school weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve-month period for students identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

### **Excluded children**

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a student is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

### **Number of penalty notices which can be issued for exclusion**

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12-month period.

## **Number of penalty notices which can be issued for unauthorised leave of absence**

Essex will issue no more than two penalty notices to a parent in a twelve-month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

## **Payment of Penalty Notice**

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been affected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28-day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

## **Withdrawal of Penalty Notice**

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e., where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.

## **Co-Ordination Between the Local Authority and It's Local Partners**

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.