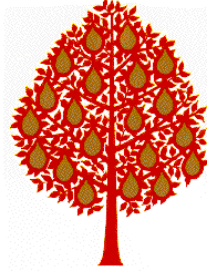


PERRYFIELDS INFANT SCHOOL



Helping each other to learn and grow

ATTENDANCE AND PUNCTUALITY POLICY

Approved By	Date	Next Review Date
	November 2021	

PERRYFIELDS INFANTS SCHOOL

ATTENDANCE AND PUNCTUALITY POLICY



Helping each other to learn and grow

Covid-19 pandemic

Perryfields Infant School will implement all DFE policies and guidelines relating to attendance during the Covid-19 pandemic. From September 2021 the expectation is that all pupils will attend school and the Pupil Attendance Policy will be reinstated and implemented. Due to Covid-19 we are continuing a slightly longer start to the day to allow social distancing. The school day starts at 8:55am when children can begin to come into school. Gates close at 9:05am and registers are taken at 9:05am and your child will receive a late mark if they are not in by that time. Children arriving after 9:05am are required to come into school via the school office and the parent/carers will sign them into our 'Late Book' and provide a reason for their lateness which is recorded.

Perryfields Infant School is committed to providing a rich and diverse educational experience to all its pupils. If pupils are to benefit from education, good attendance is crucial. Any issues that impede full attendance will be identified as swiftly as possible.

Regular and punctual school attendance is important. Pupils need to attend school regularly if they are to take full advantage of the educational opportunities available to them by law. Perryfields Infant School fully recognises its responsibilities to ensure pupils are in school and on time, therefore having access to learning for the maximum number of days and hours.

Our policy applies to all pupils registered at this school and this policy is made available to all parents/carers of pupils who are registered at our school on our school website.

Although parents/carers have the legal responsibility for ensuring their child's good attendance, the Headteacher and Governors at our school work together with other professionals and agencies to ensure that all pupils are encouraged and supported to develop good attendance habits. Procedures in this policy are followed to ensure this happens.

Pupils who are persistently late or absent soon fall behind with their learning. Pupils who are absent from school frequently develop large gaps in their learning which will impact on their progress and their ability to meet age related learning expectations. The Department for education has published data on their website that clearly shows this link between attendance and attainment (see annex B). **It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the headteacher, not the parent, who can authorise the absence.**

AIMS AND OBJECTIVES

This attendance policy ensures that all staff, governors and parents in our school are fully aware of and clear about the actions necessary to promote good attendance.

Through this Policy we aim to:

- Improve pupils' achievement by ensuring high levels of attendance and punctuality.
- Achieve full attendance for all children, apart from those with chronic health issues.
- Create an ethos in which good attendance and punctuality are recognised as the norm and seem to be valued by the school.

- Raise awareness of parents, carers and pupils of the importance of uninterrupted attendance and punctuality at every stage of a child's education.
- Ensure that our policy applies to Reception aged children in order to promote good habits at an early age.
- Work in partnership with pupils, parents, staff, Attendance Specialist Teams and follow the Children Missing Education procedures so that all pupils realise their potential, unhindered by unnecessary absence.
- Promote a positive and welcoming atmosphere in which pupils feel safe, secure and valued, and encourage in pupils a sense of their own responsibility.
- Establish a pattern of monitoring attendance and ensure consistency in recognised achievement and dealing with difficulties.
- Recognise the key role of all staff, but especially class teachers in promoting good attendance. We maintain and promote good attendance and punctuality through:
- Raising awareness of attendance and punctuality issues among all staff, parents and pupils.
- Ensuring that parents have an understanding of the responsibility placed on them for making sure their child attends regularly and punctually.
- Equipping children with the life skills needed to take responsibility for good school attendance and punctuality appropriate to the child's age and development.
- Maintaining effective means of communication with parents, pupils, staff and governors on school attendance matters.
- Developing and implementing procedures for identifying, reporting and reviewing cases of poor attendance and persistent lateness.
- Supporting pupils who have been experiencing any difficulties at home or at school which are preventing good attendance.
- Developing and implementing procedures to follow up non-attendance at school.

SCHOOL ATTENDANCE AND THE LAW

There is no longer any entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

At Perryfields Infant School 'exceptional circumstances' will be interpreted as:

Being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the headteacher). The fundamental principles of defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

We will not consider applications for leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- During assessment and test periods in the school's calendar affecting your child.
- When a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

The school attendance register is a legal document and schools must take a register at the start of the morning session, and again during the afternoon session. Since September 2006, schools have been required to use statutory registration codes which identify why the pupil was absent from school.

Under the Education (Pupil Registration) Regulations 2006, only the school (and not parents/carers) can authorise an absence. Where the reason for a pupil's absence cannot be established at the time

the register is taken, that absence shall be recorded as unauthorised. If a reason for absence is provided by the parent/carer, the school may decide whether or not the absence is justified and, if so, should ensure that the most appropriate authorised absence code is entered into the attendance register.

Where a family chooses to take a holiday during term time, the absence will be coded as unauthorised (G code) and a Penalty Notice may be issued to each parent for each child (provided the Essex Code of conduct criteria has been met).

AUTHORISED AND UNAUTHORISED ABSENCE

All requests for leave of absence must be made in advance, in writing to the Headteacher.

DEFINITIONS Authorised absence

- An absence is classified as authorised when a child has been away from school for a legitimate reason and the school has received notification from a parent or carer. For example, if a child has been unwell and the parent telephones the school to explain the absence.
- Only the school can make an absence authorised. Parents do not have this authority. Consequently, not all absences supported by parents will be classified as authorised.

Unauthorised absence

- An absence is classified as unauthorised when a child is away from school without permission of the school.
- Therefore, the absence is unauthorised if a child is away from school without good reason, even with the support of a parent.

Unauthorised absences are those which the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction.

Unauthorised absence includes, however is not exhaustive:

- Parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- Absences which have never been properly explained
- Children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session.
- Shopping trips
- Looking after other children or children accompanying siblings or parents to medical appointments
- Their own or family birthdays.
- Holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher- may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority.
- Day trips.
- Other leave of absence in term time which has not been agreed.

Absence for the following reasons could be authorised where parents have followed the appropriate procedure: -

- sickness (telephone call on first day of absence)
- unavoidable medical/dental appointment (written notification to Headteacher)
- days of religious observance (written request to Headteacher)
- exceptional family circumstances e.g. bereavement (written request to Headteacher)

- service personnel who are prevented from taking holidays outside of term-time
- transport arranged by the Local Authority has failed to arrive where the child lives beyond statutory walking distance.

Parental Request for Absence from School for Holiday

Any other request for absence (e.g. family holiday) will not be authorised.

Persistent Absenteeism (PA)

A pupil is defined by the Government as a 'persistent absentee' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and co-operation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

PROCEDURES

Our school will undertake to follow the following procedures to support good attendance:

- To maintain appropriate registration processes.
- To maintain appropriate attendance data.
- To communicate clearly the attendance procedures and expectations to all staff, governors, parents and pupils.
- To have consistent and systematic daily records which give detail of any absence and lateness.
- To follow up absences and persistent lateness if parents/carers have not communicated with the school.
- To inform parents/carers what constitutes authorised and unauthorised absence.
- To strongly discourage unnecessary absence through holidays taken during term time.
- To work with parents to improve individual pupils attendance and punctuality.
- To work with the Attendance Specialist Teams where parents/carers have not responded to school initiatives to improve.
- To report attendance statistics to the LA and the DFE where requested.
- All staff should be aware that they must raise any attendance or punctuality concerns to the Leadership Team with responsibility for monitoring attendance.

ROLES RESPONSIBILITIES AND PROCEDURES

As agreed in the home-school agreement: -

SCHOOL

- At Perryfields Infant School an electronic registration system is used and the data is automatically loaded onto the attendance data base. Pupils are expected to be in the playground ready to enter school at 8.55am. Pupils arriving after 9.00 a.m. must go straight to the school reception where parents/carers will be asked to sign their children into school. This is so we have a clear record of who is on the school premises. Should a child arrive after 9.05 a.m. a late mark will be written in the register. After noon registers are marked between 1.05 p.m. and 1.10 p.m. for the afternoon session. Should a child arrive after 1.10 p.m. a late mark will be given;
- Parents who fail to contact the school to report their child as absent will receive contact via a telephone call (first day contact call);

- Where a child is persistently late the school will write to the parent/carer confirming the start time of school and request that they ensure that their child arrives in good time for the start of the school day;
- The Headteacher is responsible for attendance issues and will check the registers on a regular basis to identify any attendance/punctuality issues;
- The Administrative Assistant is responsible for analysing the registers and reporting any concerns to the Headteacher;
- The Class Teacher is responsible for taking the register daily, once for the morning session and once for the afternoon session.
- Upon receipt of the electronic registers the Administrative Assistant will ensure that the correct absence code has been entered against any pupil who is not present or late;
- The Administrative Assistant is responsible for ensuring that registers are kept safely and are available for inspection;
- Where school staff hold concerns relating to the safety or whereabouts of a child who has failed to arrive at school, such concerns will be raised with relevant safeguarding services;
- Requests for leave will be considered on a case-by-case basis and only leave due to exceptional circumstances will be authorised by the headteacher. All requests must be applied for on a school 'Leave of Absence' application form (see appendix 2) together with a supporting letter, with sufficient notice to enable a response to be provided;
- Where attendance levels are causing concern, school staff will contact parents to arrange a meeting to identify the reasons for absence (School Attendance Meeting). Parents may be required to provide medical evidence where illness absence is considered high;
- In cases where unauthorised absences continue to be recorded, school will consider making a referral to the Attendance Compliance Team at Essex County Council;
- Arrangements for re-integration will be discussed following periods of extended absence, to ensure that appropriate support is in place to enable the pupil to reengage with their education. This Individual Re-integration Programme will include all members of school staff and will be designed to be as supportive of the child as possible.

PARENTS/CARERS

- Parents are expected to make contact with the school on each day that their child is absent;
- Parents must ensure that:
- If their child is experiencing difficulties in school which may lead to absence, they contact school staff to discuss concerns and find a resolution which prevents absences;
- When school staff request medical evidence, such as appointment cards, appointment texts (to cover absences incurred as a result of attending GP or dentist appointments) or prescribed medication (to cover whole days of absence as a result of diagnosed illness) that such evidence is provided without delay to enable absences to be authorised;
- Whenever possible all medical and dental appointments to be made after school or near the end of the day;
- Where a parent experiences difficulties obtaining medical evidence, school nursing services may be able to liaise with the relevant GP/medical practitioner to secure this evidence on behalf of the school. Parents will need to provide permission for information to be shared in this way;
- Failure on the part of the parent to provide such medical evidence may result in absences being recorded as unauthorised, which may lead to a referral to the Local Authority Attendance Specialist Team.
- Parents must only request leave if there are exceptional circumstances as family holidays will NOT be authorised under any circumstances;
- Expectation to work with school to resolve any attendance issues.

PUPILS

- To start to take responsibility for good attendance and wanting to get to school on time appropriate to the child's age and development.
- Teaching children the life skills needed to be school ready every day.

REGISTRATION

At Perryfields Infant School an electronic registration system is used and is automatically loaded onto the attendance data base.

- All the school doors open at 8.55am until 9.00am. This time is sufficient for all pupils to come into their classroom.
- Children arriving after 9.00am must go straight to the school reception where parents/carers will be asked to sign their children into school. This is so we have a clear record of who is on the school premises.
- Should a child arrive after 9.05am a late mark will be written in the register.
- Registers are marked between 1:05 p.m. and 1:10 p.m. for the afternoon session. Should a child arrive after 1:10 p.m. for the afternoon session, a late mark will be given.
- All attendance records are documented using SIMs software, which is supported by the Local Authority. Attendance registers are legal documents.
- The register is a legal document and must be marked accurately, recording pupils' attendance or absence and in the latter case if authorised or unauthorised. A certified extract of the register can be used in legal proceedings against parents/carers for failing to ensure their child's attendance.

LATENESS

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spent time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world. Once the doors are closed at 9.00am the only way to get into school is via the school office. Any pupils who come into school this way from 9.05am will be marked as late in the attendance record. Records are kept of those pupils who are late.

Where there have been persistent incidents of lateness parents/carers will receive a letter advising them of the concerns and the school will provide opportunities for the parents/carers to seek support and advice to address these issues.

ABSENCES

Parents/carers should contact the school on each day that their child is absent. When parents/carers notify us of their child's absence it is important that they provide us with details of the reason for their absence.

All absences are recorded as either authorised or unauthorised absences on the computer. It is important that we receive accurate information from parents with reasons for the child's absence. This information is used to determine whether the absence is authorised or unauthorised. The Headteacher has the responsibility to determine whether absences are authorised or unauthorised.

Where we have not received reasons for a child's absence and have been unable to contact the parent then the absence will be recorded as an unauthorised absence (Attendance Code o).

First Day Contact

Where a child is absent from school and we have not received any verbal or written communication from the parents, then we initiate a first day contact process. Office staff check all of the registers from 9.00am to 9.30am on a daily basis, to identify those pupils who are absent. There are occasions when we are unable to explain why the child is absent and we will contact the parent to check the reasons for the child's absence.

Illness

When children are very ill there are times when they shouldn't be at school. Parents are asked to read 'A parent's guide – common childhood illnesses' and 'Infection Control Information for Parents' which can both be located on the schools website. If parents/carers are unsure whether their child is too poorly for school we ask parents to either phone the school for advice or to bring their child into

school. As a school we always err on the side of caution and would always contact the parent/carer if we felt a child was too poorly.

Where over the course of an academic year, a child has repeated periods of illness, the school will write to parents to invite them to a meeting and ask them to provide medical evidence for each future period of illness related absence. This evidence could be a Doctor's note, appointment card or copy of a prescription. We may seek written permission from you for the school to make their own enquiries.

When children have an illness that means that they will be away from school long term, the school will do all it can to send material home, so that they can keep up with their school work.

Monitoring Attendance

Our office staff have the responsibility for ensuring that all of the attendance data is accurately recorded on the SIMs attendance software. Regular meetings are held with the Headteacher to discuss all attendance concerns and appropriate actions are taken following these meetings such as letters sent to parents or meetings arranged to discuss attendance concerns with parents.

The Attendance Compliance Team at Essex County Council will investigate any concerns and will issue penalty notices to parents where there has been a referral from the school as part of the school's processes to address poor attendance patterns.

Summary

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

All school staff and the Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.

Annex A – School Attendance –Information from the Local Authority

Annex B - DfE "The link between absence and attainment at KS2

Annex C – Leave of Absence Form

Annex D - Penalty notice example

Annex A

ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23

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 parent¹ 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 pupils, 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

¹ 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.

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.

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 (Pupil 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 Scheme² are authorised to do so.

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

CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5th 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 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. 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)³

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 pupils 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

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

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/pupils/Attendance_Compliance/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.

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 pupils 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 pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil 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 pupils 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 pupil 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 effected, 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 ITS LOCAL PARTNERS

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

VERSIONS

Original Code of Conduct was introduced in September 2004.

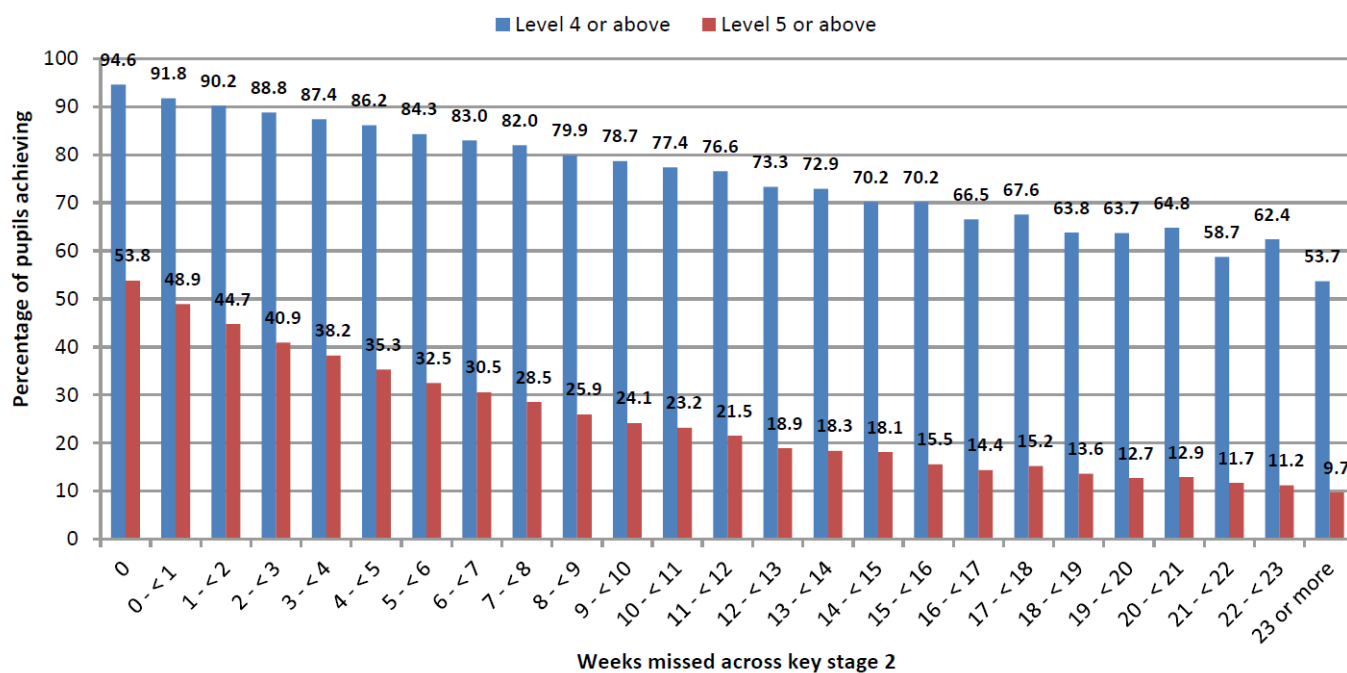
Most recent revision - November 2017

Revised March 2019 for implementation from April 2019

Annex B

DfE “The link between absence and attainment at KS2 - 2013/14 academic year”

The analysis of the link between overall absenceand attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.





Perryfields Infant School in collaboration with Springfield Primary Network



APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME

Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school. As from 1st September 2013, the Education (Pupil Registration) (England) (Amendment) Regulations 2013 amended Regulation 7 to prohibit the proprietor of a maintained school from granting leave of absence to a pupil, except where an advance application has been made by the parent with whom the pupil normally resides, and the proprietor considers that there are exceptional circumstances relating to the application.

Taking your child out of school during term time could be detrimental to your child's educational progress. A pupil who takes 10 days absence will only attain 94.7% attendance in the year. 10 days absence also means the pupil will miss 50 hours of education.

There is no entitlement to parents to take their child out of school during term time, however, you may apply to the school for leave of absence if you believe there are exceptional circumstances.

If the absence is not authorised and the holiday is taken, the case will be referred to the Education Welfare Service who may issue a Penalty Notice for £120 (or £60 if paid within 21 days) to each parent for each child taken out of school.

Please complete one application per child.

Name of Child	
D.O.B:	
Class:	

Date of First Day of Absence: _____

Date of Return: _____

Number of Days Requested: _____

Do you have another child at a different school? YES/NO (please circle)

If so, which school _____

Please name the other children and which year group they are in _____

Important: A letter must be attached to this request, outlining the 'exceptional circumstances' for which a leave of absence is being applied for.

Signed: _____

Dated: _____

Name: _____

School/office use only:

Attendance percentage preceding 12 weeks:			
Number of sessions absence this academic year:	Auth	Unauthorised	Total

Annex D

Private & Confidential – Addressee Only

Our ref:

Date:

PENALTY NOTICE / LEGAL ACTION WARNING

Dear

Pupil's name:

D.O.B:

It is noted that you are the parent of, or have day to day care of , a child who is a registered pupil at this school and is not in regular attendance as required by the Education Act 1996, Section 7.

has been recorded as having school sessions (equivalent to school days) lost due to unauthorised absences between the dates of and .

It is recommended that you take immediate steps to ensure that the child named above attends school regularly. If this is not achieved and there are further unauthorised absences a referral will be made to the Local Authority and you may be prosecuted in the Magistrates Court under section 444 of the Education Act 1996 for failing to ensure regular attendance at school. However, depending upon the circumstances, you may be provided with an opportunity to discharge the offence by paying a penalty notice which imposes a fine of £60 if paid within 21 days, rising to £120 if paid between 22 days and 28 days. Should you fail to pay within the prescribed timescales, you will be prosecuted for the original offence.

Please note: If you have previously been the subject of a prosecution for any child in relation to irregular school attendance and the attendance of does not improve to a satisfactory level immediately, you may be required to attend a formal pre-court interview. This interview will be carried out under caution to investigate the circumstances.

When deciding upon the most appropriate action, the Local Authority has a duty to consider if the making of an Education Supervision Order would be appropriate. If an assessment of the situation indicates that this may be appropriate, and no improvement is achieved, you may be invited to a pupil planning meeting.

It is important for you to note that the above absences may be included if any further action is taken against you.

Another parent/carer or someone with day-to-day responsibility regarding the above named child may have also received this letter. Each adult holds separate responsibility and will also be required to take appropriate action to ensure there are no further unauthorised absences.

Further information on school attendance and Essex County Council's policies may be found at www.essex.gov.uk. Should you have any queries or wish to discuss your child's attendance, please contact the school.

The attached 'Legal information for Parents and Carers' provides you with further information on legal proceedings in relation to irregular school attendance.

Yours sincerely,

Telephone:

Fax:

Internet:

Email:

Enc: Legal Information Fact Sheet

c.c.