



# THE NEW GUILD TRUST

## Supporting Pupil Attendance and Absence Policy

## POLICY

This policy has been adopted on behalf of all academy schools in The New Guild Trust:

**Moorpark Junior School Jackfield Infant School Alexandra Junior School Alexandra Infants' School**

### Approval and Review

Committee to Approve Policy	LCGB Standards Committee
Date of Trustee Board / Academy Committee Approval	June 2024
Chair of Trustee Board / Academy Committee	Mrs L Eagle
Signature	<i>L Eagle</i>
Accounting Officer	Mrs K Peters
Signature	<i>K Peters</i>
Policy Review Period	12 months
Date of Policy Review	June 2025

Version Control			
Version	Date Approved	Changes	Reason for Alterations
Initial	2019		
2	Jan 2022	Appendix 4: link to Covid-19 guidance	Updated Covid-19 guidance
3	Feb 2023	3.1 Use of Arbor MIS to record pupil attendance	New MIS
4	March 2024	Delete any references to COVID	No longer relevant
		Added reference to pupils with mental illness or SEND p4	Is an emphasis in newest guidance
		Added intro p4	To comply with WTTIA
		Reference new guidance "Working Together to improve school attendance" p5	Replaces older guidance
		Deleted reference to school census 2017 p5	outdated
		Added reference to the Equality Act and the UN Convention on the Rights of the Child p6	Referred to in WTTIA
		Added passage to reflect new guidance about PAs p8	To comply with WTTIA
		Added under 4.2 new guidance p9	To comply with WTTIA
		Changed from monthly and added more monitoring details p10	To comply with WTTIA
		Under 7.1 p10 added more detail about the role and responsibility of the Trust with regard to training and induction	To comply with WTTIA
		replaced SIMS with arbor	New MIS

		Added "Works with individual pupils to explore possible reasons for low attendance " p11	Was missed on original job list for attendance lead
		Added codes K, C1, C2, Y codes deleted H code: now C code	missing in old policy or obsolete
		Added appendix 4	
		P8 – Added passage about absence threshold leading to penalty notices	As per new guidance
		P9 changed penalty amounts to the new amounts	As per new guidance

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## 0. Attendance is most important

It is essential for pupils to get the most out of their school experience, including their attainment, wellbeing, and wider life chances. The pupils with the highest attainment at the end of key stage 2 and key stage 4 have higher rates of attendance over the key stage compared to those with the lowest attainment. At KS2, pupils not meeting the expected standard in reading, writing and maths had an overall absence rate of 4.7%, compared to 3.5% among those meeting the expected standard. Moreover, the overall absence rate of pupils not meeting the expected standard was higher than among those meeting the higher standard (4.7% compared to 2.7%).

For the most vulnerable pupils, regular attendance is also an important protective factor and the best opportunity for needs to be identified and support provided. All schools in the Trust are particularly mindful of pupils absent from school due to mental or physical ill health or their special educational needs and/or disabilities, and provide them with additional support (the schools will follow the processes as set out in paragraphs 56 to 62 of WTTIA 2024). For the exceptional circumstances that might require the consideration of a part-time timetable please consult our SEND and Inclusion policy.

Improving attendance is everyone's business. The barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families. Good attendance is enabled when school is a calm, orderly, safe, and supportive environment where all pupils want to be and are keen and ready to learn. Some pupils find it harder than others to attend school and therefore at all stages of improving attendance, our schools and their attendance partners in the LA will work with pupils and parents to remove any barriers to attendance by building strong and trusting relationships and working together to put the right support in place. Our practices for securing good attendance involve close interaction with our efforts on curriculum (catch all), behaviour (relational approach to behaviour), bullying, special educational needs support, pastoral and mental health and wellbeing (varied well being and mental health initiatives and trained staff in all schools), and effective use of resources, including pupil premium (large and experienced HSL team). It is not solely the preserve of a single member of staff, or organisation, it is a concerted effort across all teaching and nonteaching staff in school, the trust or governing body, the local authority, and other local partners.

Should you need any assistance enabling your child to attend school regularly on time, please don't hesitate to contact the named **attendance link** or the **Senior Attendance Champion** in each school:

Alexandra Infants School	Alexandra Junior School	Jackfield Infant School	Moorpark Junior School
	Mrs Lambert-Eardley	Mrs Beverley Bromage	Mrs M Matthews
	Mr Ralf Müller	Mrs Rachel Davies	Mrs Lyndsey Wright
	01782 23 53 77	01782 234450	01782 234440

## 1. Aims

The New Guild Trust expects all children on roll to attend every day when the school is in session, as long as they are fit and healthy enough to do so. We do all we can to encourage the children to attend, and to put in place appropriate procedures. We believe that the most important factor in promoting good attendance is development of positive attitudes towards

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school. To this end, we strive to make our school a happy and rewarding experience for all children. We will also make the best provision we can for those children who, for whatever reason, are prevented from coming to school. The school has the highest of expectations for school attendance and prides itself on good levels of attendance for all its pupils.

The New Guild Trust aims to meet its obligations with regards to school attendance by:

- Promoting good attendance and reducing absence, including persistent absence
- Ensuring every pupil has access to full-time education to which they are entitled
- Acting early to address patterns of absence

We will also support parents to perform their legal duty to ensure their children of compulsory school age attend regularly, and will promote and support punctuality in attending lessons. Successfully treating the root causes of absence and removing barriers to attendance, at home, in school or more broadly requires schools and local partners to work collaboratively with, not against families.

Our schools will follow the guidance in WTTIA and work together with parents and other partners as outlined under “Working together to improve attendance”:

**MONITOR:** Rigorously use attendance data to identify patterns of poor attendance (at individual and cohort level) as soon as possible so all parties can work together to resolve them before they become entrenched.

**EXPECT:** Aspire to high standards of attendance from all pupils and parents and build a culture where all can, and want to, be in school and ready to learn by prioritising attendance improvement across the school.

**LISTEN AND UNDERSTAND:** When a pattern is spotted, discuss with pupils and parents to listen to understand barriers to attendance and agree how all partners can work together to resolve them. **FACILITATE SUPPORT:** Remove barriers in school and help pupils and parents to access the support they need to overcome the barriers outside of school. This might include an early help or whole family plan where absence is a symptom of wider issues.

**FORMALISE SUPPORT:** Where absence persists and voluntary support is not working or not being engaged with, partners should work together to explain the consequences clearly and ensure support is also in place to enable families to respond. Depending on the circumstances this may include formalising support through a parenting contract or education supervision order.

**ENFORCE:** Where all other avenues have been exhausted and support is not working or not being engaged with, enforce attendance through statutory intervention or prosecution to protect the pupil’s right to an education.

## **1. Legislation and Guidance**

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school. Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

This policy meets the requirements of the attendance guidance from the Department for Education (DfE) (Working together to Improve School [Attendance](#) 2024), and refers to the DfE’s statutory guidance on [school attendance parental responsibility measures](#). These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- [The Education Act 1996](#)
- [The Education Act 2002](#)
- [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2010](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2011](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2016](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)

The policy also considers

- [The Equality Act 2010](#)
- [UN Convention on the Rights of the Child](#)
- Keeping Children Safe in Education

### **3. School Procedures**

#### **3.1 Attendance Register**

By law, all schools are required to keep an attendance register, and all pupils must be placed on this register. All schools within The New Guild Trust use Arbor MIS to record pupil attendance.

The Attendance Register will be taken at the start of the first session of each school day and once during the second session. It will mark whether every pupil is:

- Present
- Attending an approved off-site educational activity
- Absent
- Unable to attend due to exceptional circumstances

Any amendment to the attendance register will include:

- The original entry
- The amended entry
- The reason for the amendment
- The date on which the amendment was made
- The name and position of the person who made the amendment

See Appendix 1 for the DfE attendance codes.

Every entry in the attendance register will be preserved for 3 years after the date on which the entry was made.

Pupils must arrive in school on time on each school day.

The register for the first session will be taken at the start of the school day and will be kept open for 30 minutes.

#### **3.2 Unplanned Absence**

Parents must notify the school on the first day of an unplanned absence – for example, if their child is unable to attend due to ill health. All absence must be reported to the individual school office on the day of the absence by no later 30 minutes after the start of the school day. Absence must be reported everyday unless previously stated that a child will be absent for a number of days. Any

absence not reported within this timescale would be classed as unauthorised until the school seeks verification from the parent. Where this has not been able to be sourced despite of the school's best efforts then the absence will remain as unauthorised. Notification of the absence in the morning would cover all day. Any pupils who are not in school will be contacted by school staff.

Absence due to illness will be authorised when evidence is provided, such as a doctor's note, prescription, appointment card or other appropriate form of evidence.

If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised and parents will be notified of this in advance.

### **3.3 Medical or Dental Appointments**

Missing registration for a medical or dental appointment is counted as an authorised absence; advance notice is required for authorising these absences.

However, we encourage parents to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

Applications for other types of absence in term time must also be made in advance. Information relating to whether the school can authorise such absences can be found in section 4.

### **3.4 Lateness and Punctuality**

Frequent lateness of pupils can provide grounds for prosecution of parents. Any child not present when the register is taken will be marked absent. The School allows the register to be kept open for up to 30 minutes from the beginning of registration. In the case of known delays such as bus breakdowns or severe weather the register may be kept open for longer.

Should a pupil arrive after the normal period of registration has ended he/she should report to the school office to be marked present, this will automatically be recorded as a late mark. Lateness is regularly monitored by the appointed member of staff who will contact parents of children who are persistently late.

If the pupil arrives more than 30 minutes after the start of the school day, they will be marked as late. For legal purposes this can be regarded as an unauthorised absence, unless the parents have provided an acceptable reason, e.g. medical appointment.

### **3.5 Following Up Absence**

When a child is absent unexpectedly the class teacher will record the absence in the register and will inform the school office. Parents are expected to inform the school office within half an hour of the school start of this absence for the morning session. Absence should be reported every day unless previously stated that a child will be absent for a number of days. Should there be no contact from parents then contact will attempted to be made by the school to find out the reason for the child's absence via the school's first day call system. The Family Support Worker may decide to visit the home.

Parents are encouraged to send a note to school on the previous day should parent know of an absence the next day such as a medical appointment. All medical appointments in school time will

only be authorised with the correct evidence provided e.g. letter from the hospital, dental or doctor's appointment card. Appointments during the school day should be in exceptional cases.

If a child is absent during the school day they will be unable to take part in any extracurricular activities or events run after school or in the evening of the day they in which they were absent. The only exception to this would be where a child has had leave from school granted as an exceptional circumstance e.g. to attend a family funeral.

### **Long Term Absence**

When children are absent from school with an absence from an illness of more than 5 days, the school will do all it can to send material home, so that they can keep up with their school work. If the absence is likely to continue for an extended period, or be a repetitive absence, the school will attempt to make arrangements for tuition outside school should this be deemed to be an appropriate course of action. We will be providing the local authority with the full name and address of all pupils who have been recorded with code I (illness) and who the school has reasonable grounds to believe will miss 15 days consecutively or cumulatively because of sickness.

### **Repeated Unauthorised Absence**

In the first instance, the school will explore with the pupil and the parents the barriers for regular attendance and offer support on an individual basis. This could include working on self esteem, supporting with friendship issues or supporting the families with housing, transport etc. Following the guidance in WTTIA, where voluntary support (see also below) has not been effective and/or has not been engaged with all schools will work with the Educational Welfare Service to:

- Put formal support in place
- Issue a fixed penalty notice where support would not be appropriate or has not been successful or engaged with and it is likely to change the parents' behaviour.
- Intensify support through statutory children's social care involvement where there are safeguarding concerns, especially where absence becomes severe (below 50% attendance).
- Prosecute parents where all other routes have failed or are not deemed appropriate. This could include making the case for a community or parenting order where the parent is convicted to secure engagement with support.

The threshold from which penalty notices may be considered stands at 10 sessions of absences (equals five days) over a 10 week period. These absences can be made up of O, G and U codes of absence. Over a 3 year period a maximum of two penalty notice can be issued per child. A third offence would lead to prosecution in the Magistrates Courts.

If repeated unauthorised absence occurs, the school will refer to the Education Welfare Service who will then take the necessary action which could result in prosecution should the situation not improve following the support and advice of the school and Education Welfare Service. Legal action is always the last resort but will be taken should parents not take full responsibility for sending their children to school on a regular basis.

### **Persistent and severe absence**

Additional targeted support will be put in place to remove any barriers to attendance, where absence escalates and pupils miss 10% or more of school (equivalent to 1 day or more a fortnight across a full school year), to reengage these pupils. In doing so, our schools will sensitively consider some of the reasons for absence and understand the importance of school as a place of safety and support for children who might be facing difficulties, rather than reaching immediately for punitive approaches.

Particular focus should be given by all partners to pupils who are absent from school more than they are present (those missing 50% or more of school). These severely absent pupils may find it more



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difficult to be in school or face bigger barriers to their regular attendance and as such are likely to need more intensive support across a range of partners. A concerted effort is therefore needed across all relevant services to prioritise them. All partners will work together to make this group the top priority for support – this may include specific support with attendance or a whole family plan, but it may also include consideration for an education, health and care plan or an alternative form of educational provision where necessary to overcome the barriers to being in school. If all avenues of support have been facilitated by schools, local authorities, and other partners, and the appropriate educational support or placements (e.g. an education, health and care plan) have been provided but severe absence for unauthorised reasons continues, it is likely to constitute neglect. Schools and local authorities should be especially conscious of any potential safeguarding issues in these cases and where these remain, conduct a full children’s social care assessment. Further information is available in the statutory guidance on Keeping Children Safe in Education.

### 3.6 Reporting to Parents

Each school within the trust reports attendance to parents in the end of year reports. In addition, attendance would be discussed in parent consultations and at specific meetings in a child’s attendance needs support in improving.

## 4. Authorised and Unauthorised Absence (Including Holiday Requests)

### 4.1 Granting Approval for Term-Time Absence

We believe that children need to be in school for all sessions, so that they can make the most progress possible. However, we do understand that there are circumstances under which a parent may legitimately request leave of absence for a child to attend a special event. Under education law parents may request absence for pupils under exceptional circumstances and proof will be required. The New Guild Trust will take such requests into consideration but have decided that **holidays during term time will not be authorised** (exceptional circumstances are considered by the Head Teacher). An Exceptional Leave of Absence Request form should be requested by the parent via the school office. The school takes a very hard line on term time leave and fully implements the code of conduct (see appendix 2). Requests of this nature will only be authorised in the most exceptional circumstances. **All such requests for exceptional leave must be handed to the school office four weeks prior to the proposed leave.** (See Appendix 3 for Request for leave of absence form.)

If the pupil goes on holiday in spite of the school policy then the absence is unauthorised and **finer will be issued** (at the discretion of the Head Teacher). If a child is absent from school for more than 20 days without good reason i.e. illness, the pupil will be taken off roll and parents will have to re-apply for a place at the school by contacting the LA Admissions Team.

Any requests for absence of leave under special circumstances must be made to the Head Teacher and a meeting will be arranged with a member of the senior leadership team.

### 4.2 Legal Sanctions

The local authority can fine parents on behalf of a school for the unauthorised absence of their child from school, where the child is of compulsory school age (the schools do not benefit directly from any fines issued).

If issued with a penalty notice, parents must pay £80 within 21 days or £160 within 28 days (per parent). The payment must be made directly to the local authority.

The decision on whether or not to issue a penalty notice ultimately rests with the Head Teacher, following the local authority’s code of conduct for issuing penalty notices. This may take into account:

- A number of unauthorised absences occurring within a rolling academic year
- One-off instances of irregular attendance, such as holidays taken in term time without permission
- Where an excluded pupil is found in a public place during school hours without a justifiable reason

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If the payment has not been made after 28 days, the local authority can decide whether to prosecute the parent or withdraw the notice.

The law protects pupils' right to an education and provides a range of legal interventions to formalise attendance improvement efforts, and where all other avenues have been exhausted, enforce it through prosecuting parents. Attendance legal intervention can only be used for pupils of compulsory school age and decisions should be made on an individual case by case basis. Our schools work together with the LA in accordance to the structure set out in WTTIA section 6: Legal intervention where this should become necessary (see appendices 4 and 5 for an overview of effective attendance management procedures and legal intervention measures)

## **5. Strategies for Promoting Attendance**

Each school within the Trust celebrates good attendance. Please refer to each academy school's Attendance Page for specific initiatives (available on individual websites).

## **6. Attendance Monitoring**

The attendance leader monitors pupil absence on a weekly and analyses for trends on a half termly basis. Data is broken down into groups of pupils based on gender, FSM, SEND and ethnicity to try to detect if there are particular groups attending poorly so that support can be directed to these alongside the individual support that is always offered. Special consideration is always given to historically low attending groups like FSM and the particular vulnerability of SEND pupils is always taken into account.

If attendance falls below 97% a letter is sent to parents warning that attendance is falling.

If attendance does not improve then a second letter is sent inviting parents in to attend an attendance clinic where a member of SLT and the Family Support Worker will work with parents to support improving the child's attendance. The attendance team will discuss if there is reason to suspect school based reasons for poor attendance and will utilise strategies suggested in "Emotion based non attendance" guidance to explore this possibility to put support in place.

If attendance reaches as low as 90% an additional letter is sent inviting parents to a meeting and advising them that attendance will be expected to improve over the next 4 weeks. They will be informed that their child is classed as a PA child (Persistent Absentee). The persistent absence threshold is 10%. If a pupil's individual overall absence rate is greater than or equal to 10%, the pupil will be classified as a persistent absentee. The school will work closely with parents/carers to support improvement.

Pupil-level absence data is collected each term and published at national and local authority level through the DfE's school absence national statistics releases. The underlying school-level absence data is published alongside the national statistics. We compare our attendance data to the national average, and share this with the Local Community Governing Board.

Pupil attendance will be recorded on the arbor database. This will be used to track the attendance of individual pupils, and those whose absences may be a cause of concern, and monitor and evaluate those children identified as being in need of intervention and support.

## **7. Roles and Responsibilities**

### **7.1 The Trust and the Local Community Governing Board (LCGB)**

The LCGB is responsible for monitoring attendance figures for the whole school on at least a termly basis. It also holds the Head Teacher to account for the implementation of this policy.

The trust and LCGB ensure that: Training on attendance is included in the school(s)' continued professional development offer for all staff, and that attendance is covered in any trust/federation wide induction packs. All staff should have an understanding: of the importance of good attendance and that absence is almost always a symptom of wider circumstances, of the law and requirements of schools including on the keeping of registers, o the school/trusts' strategies and procedures for tracking, following up and improving attendance, o and the processes for working with other partners to provide more intensive support to pupils who need it.

- Dedicated attendance training is provided to any staff with a specified attendance function in their role, including administrative, pastoral or family support staff and senior leaders. In addition, this should include: o the necessary skills to interpret and analyse attendance data, o and any additional training that would be beneficial to support pupils and pupil cohorts overcome commonly seen barriers to attendance.

The trusts and federation governing bodies are, therefore, provide opportunities to bring together staff from different schools to learn from each other's attendance expertise and share effective interventions in form of a regularly meeting attendance group, chaired by one of the Headteachers.

### **7.2 The Head Teacher**

The Head Teacher is responsible for ensuring this policy is implemented consistently across the school, and for monitoring school-level absence data and reporting it to governors.

The Head Teacher also supports other staff in monitoring the attendance of individual pupils and issues fixed-penalty notices, where necessary.

### **7.3 The Attendance Leader and Family Support Worker**

The attendance lead:

- Monitors attendance data at the school and individual pupil level
- Implements rapid response to supporting improving attendance
- Reports concerns about attendance to the Head Teacher
- Works with education welfare officers to tackle persistent absence
- Arranges calls and meetings with parents to discuss attendance issues
- Works with individual pupils to explore possible reasons for low attendance
- Advises the Head Teacher when to issue fixed-penalty notices
- Meets with parents, share concerns and sets targets for attendance improvement.

### **7.4 Class Teachers**

The role class teachers take in being responsible for monitoring the attendance of their class and individuals and how concerns are raised with the child's parent and Family Support Worker in the first instance and then, if felt necessary, Senior Leaders and/or the Education Welfare Officer.

### **7.5 Office Staff**

Office staff are expected to take calls from parents about absence and record it on the school system.

## **8. Monitoring Arrangements**

This policy will be reviewed annually.

## 9. Links with Other Policies

This policy is linked to our Child Protection and Safeguarding Policy.

## Appendix 1

### Attendance Codes

The following codes are taken from the DfE's guidance on school attendance.

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration
\	Present (pm)	Pupil is present at afternoon registration
L	Late arrival	Pupil arrives late before register has closed
K	Local authority provision	Pupil is in AP or attends provision as part of an EHCP
B	Off-site educational activity	Pupil is at a supervised off-site educational activity approved by the school
D	Dual registered	Pupil is attending a session at another setting where they are also registered
J1	Interview	Pupil has an interview with a prospective employer/educational establishment
P	Sporting activity	Pupil is participating in a supervised sporting activity approved by the school
V	Educational trip or visit	Pupil is on an educational visit/trip organised, or approved, by the school
W	Work experience	Pupil is on a work experience placement

Code	Definition	Scenario
<b>Authorised absence</b>		
<b>C1</b>	Authorised leave of absence	For the purpose of participating in a regulated performance
<b>C2</b>	Authorised leave of absence	Part-time timetable
<b>C</b>	Authorised leave of absence	Pupil has been granted a leave of absence due to exceptional circumstances
<b>E</b>	Excluded	Pupil has been excluded but no alternative provision has been made
<b>I</b>	Illness	School has been notified that a pupil will be absent due to illness
<b>M</b>	Medical/dental appointment	Pupil is at a medical or dental appointment
<b>R</b>	Religious observance	Pupil is taking part in a day of religious observance
<b>T</b>	Gypsy, Roma and Traveller absence	Pupil from a Traveller community is travelling, as agreed with the school
<b>Unauthorised absence</b>		
<b>G</b>	Unauthorised holiday	Pupil is on a holiday that was not approved by the school
<b>N</b>	Reason not provided	Pupil is absent for an unknown reason (this code should be amended when the reason emerges, or replaced with code O if no reason for absence has been provided after a reasonable amount of time)

<b>O</b>	Unauthorised absence	School is not satisfied with reason for pupil's absence
<b>U</b>	Arrival after registration	Pupil arrived at school after the register closed

<b>Code</b>	<b>Definition</b>	<b>Scenario</b>
<b>X</b>	Not required to be in school	Pupil of non-compulsory school age is not required to attend
<b>Y1</b>	Unable to attend due to exceptional circumstances	Transport normally provided not available
<b>Y2</b>	Unable to attend due to exceptional circumstances	there is disruption to travel as a result of a local/national emergency
<b>Y3</b>	Unable to attend due to exceptional circumstances	Part of the school premises being closed
<b>Y4</b>	Unable to attend due to exceptional circumstances	Whole school site being unexpectedly closed
<b>Y5</b>	Unable to attend due to exceptional circumstances	Pupil in criminal justice detention
<b>Y6</b>		Unable to attend in accordance with public health guidance
<b>Y7</b>		Unable to attend because of any other unavoidable causes
<b>Z</b>	Pupil not on admission register	Register set up but pupil has not yet joined the school

#	Planned school closure	Whole or partial school closure due to halfterm/bank holiday/INSET day
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## Appendix 2

### Code of Conduct

# Stoke-on-Trent City Council: Code of Conduct for the issuing of Penalty Notices 2018

## 1. Purpose of the Code

The Government has made it clear that it expects Local Authorities to have a Code of Conduct in place so that the full range of measures for improving attendance are available to schools. Regular school attendance is both a legal requirement and essential if the children of Stoke-on-Trent are to achieve better outcomes in education and maximise the opportunities available to them. Stokeon-Trent schools consistently work towards a goal of 100 per cent attendance for all children in school.

The purpose of the local Code of Conduct is to ensure that Penalty Notices are issued consistently and fairly across the Local Authority area, in accordance with the relevant legislation, and that suitable arrangements are in place for the administration of the scheme.

The Education (Penalty Notices) (England) Regulations 2007, No. 1867 specify that each Local Authority must draw up a Code of Conduct which sets out measures to ensure consistency in the issuing of Penalty Notices including:

- Means of avoiding the issue of duplicate notices;
- Measures to ensure that a notice is not issued when proceedings for an offence under S.444 of the Education Act 1996 [or S.444(1A) of that section] or section 103(3) of the Education and Inspections Act 2006 are contemplated or have been commenced by the Local Authority;
- The occasions when it will be appropriate to issue a Penalty Notice for an offence;
- The maximum number of Penalty Notices that may be issued to a parent in a twelve month period, in respect of any individual child;
- Arrangements for co-ordination between the Local Authority, neighbouring local authorities where appropriate, the police and authorised officers.

Authorised officers are defined in section 444B(4) of the 1996 Act in relation to penalty notices under section 444A of that Act, and in subsection (6) of section 105 of the 2006 Act in relation to penalty notices under that section.

The Code will be reviewed annually in consultation among the local partners, namely:

- The Local Authority;
- Governing Bodies and Head Teachers of Schools including Primary, Secondary and Special Schools as well as Academies;
- The Chief Officer of Police for the Police area which includes all or part of the area of the Local Authority.

## **2. Background Legislation**

In February 2004, section 23(1) of the Anti-Social Behaviour Act 2003 added sections 444A and 444B to the Education Act 1996. These sections enable Penalty Notices to be used as an alternative to prosecution and provide parents with the opportunity to discharge liability for conviction of an offence under section 444 by paying a financial penalty to the Local Authority. Section 103 of the Education and Inspections Act 2006 enables Penalty Notices to be issued to parents in relation to an excluded pupil should they fail to ensure their child is not present in a public place during school hours in the first five days of each and every fixed period or permanent exclusion without reasonable justification.

It is a defence for a person charged with an offence under section 103(3) to provide proof of reasonable justification, for example, that the child or young person needed to attend a prearranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere other than at home.

Persons authorised to issue Penalty Notices must have regard to The Education (Penalty Notices) (England) Regulations 2007 as subsequently amended or modified by The Education (Penalty Notices) (England) (Amendment) Regulations 2013 No. 757, any guidance issued by the Secretary of State in relation to School Attendance, Absenteeism and Penalty Notices, together with the following legislation:

- Disability Discrimination Act 1995
- Data Protection Act 1998
- Human Rights Act 1998
- Equality Act 2010

In relation to all legislation and guidance, regard must be given to any subsequent amendments or modifications to the above documents.

## **3. Circumstances in which a Penalty Notice Warning can be Issued**

Regulation 15 of The Education (Penalty Notices)(England) Regulations 2007 states that in preparing the Code of Conduct the Local Education Authority must consult with governing bodies, Head Teachers and the Chief Officer for the Police in the area of the Local Education Authority.

Following consultation with the said consultees it has been decided that the following circumstances may result in the issue of a Penalty Notice:

- a. Where one or both parents persistently fails to ensure their child of compulsory school age attends the school in which they are registered as a pupil or attends at another place of learning and attendance is below 90 per cent in a school term i.e. 12 or more sessions of absence in a 12 week period, and;



- b. Any absence by the child which is not due to the instances stated in the Education Act 1996, namely:
- Sickness or unavoidable cause [Section 444(2A)]
  - With leave ie. Authorised absence [Section 444(3)(a)]
  - For religious observance by the religious body to which his/her parent belongs [Section 444(3)(c)]
  - The Local Authority has a duty to make travel arrangements to facilitate the child's attendance at the school and has failed to discharge that duty [Section 444(3B)]; and
- c. Where the school can show evidence to the Local Authority that they have attempted all of the following:
- i. Contact by telephone;
  - ii. Contact by letter;
  - iii. Invitation to a formal meeting
- d. Term time leave is taken without obtaining the prior written agreement of the Head Teacher or an authorised deputy or assistant Head Teacher and the parents have been warned that a Penalty Notice may result.
- e. Unwarranted delayed return from term time leave without the prior written agreement of the Head Teacher or an authorised deputy or assistant Head Teacher
- f. Persistent late arrival of a child after the school register has been closed (Attendance Code U only) being 12 unauthorised late marks in the register within a 12 week period.
- g. A parent's failure to make arrangements to ensure that a child who has been excluded from school on disciplinary grounds is not in a public place at any time during school hours on a day which is during the first five school days of any exclusion, without reasonable justification. [Section 103 of the Education and Inspections Act 2006].

It is incumbent upon the parent in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere other than at home.

In light of the above, a letter containing a Penalty Notice warning may be sent out by the Head Teacher or an authorised Deputy or Assistant Head Teacher on Stoke-on-Trent City Council letterheaded paper, signed by a Head Teacher or an authorised Deputy or Assistant Head Teacher and counter-signed by either:

- i. Education Welfare Team Manager; or ii. Education Welfare Officer for the school (where appropriate)

#### **4. Authorisation to Issue a Penalty Notice (Fine)**

The Education (Penalty Notices) (England) Regulations 2007 No. 1867 deals with the Issue of Penalty Notices in paragraphs 10. 11. 12 and 13. The authority to issue a Penalty Notice is only given to a Head Teacher or if they authorise it to a deputy or assistant Head Teacher [para. 10] – the Head Teacher cannot authorise any other member of staff to issue a Penalty Notice. However, although a Local Education Authority has the power to issue Penalty Notices there are limits to this as detailed in para. 12. – the child must be a registered pupil at a school in the area of the Local Education Authority; or for whom the Local Education Authority has made arrangements for alternative educational provision (whether or not in the area of the Local Education Authority; or is a child who

is not a registered pupil at any school (due to exclusion or otherwise) but lives in the area of the Local Education Authority.

In consultation with the said consultees it has been agreed that the Local Authority will issue Penalty Notices (fines) on behalf of those authorised to issue a penalty notice under The Education (Penalty Notices) (England) Regulations 2007. This will avoid the potential for duplicate notices to be issued, or for notices to be issued when legal proceedings are underway. A Penalty Notice (fine) may be issued once two sessions of unauthorised absence have occurred during the time frame outlined in the Penalty Notice warning. The request for the Penalty Notice to be actioned needs to be sent by a Head Teacher or authorised Deputy or Assistant Head Teacher to the Education Welfare Team Manager at Stoke-on-Trent City Council.

## **5. Who can be Issued with a Penalty Notice**

Anyone defined as a 'parent' under Section 576 Education Act 1996 is a parent for the purposes of these provisions. The 1996 Act states that 'parent' includes any person who is not a parent of the child but has parental responsibility for him or who has care of him. This means a parent can include:

- all natural parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility for a child or young person;
- any person who, although not a natural parent, has care of a child or young person.

'Parental responsibility' is defined by section 3(1) of the Children Act 1989 as being "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.

Having care of a 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.

A 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 a 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. A Penalty Notice must not be issued jointly to both parents, as each parent should be issued with their own Penalty Notice.

## **6. Maximum Number of Penalty Notices that can be Issued**

The said consultees have agreed that the maximum number of formal written warnings that may be issued in a twelve-month period is two. A parent would be advised, within the Penalty Notice Warning letter, that at this stage they can only make representations to the nominated Senior Local Authority officer. The maximum number of Penalty Notices that can be issued in respect of an individual child in a twelve-month period is two.

## **7. Amount of Penalty and Payment Arrangements**

Regulation 4 of The Education (Penalty Notices)(England) Regulations 2007 states the amount of the penalty payable by a parent and the period within which payment is to be made. The 2007 Regulations were subsequently amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2013 No. 757. The penalty for each parent is £60 for each child, if paid within 21 days of receipt of the Penalty Notice. The penalty increases to £120 if paid after 21 days but within 28 days of receipt of the Penalty Notice. (Service by post is deemed to have been effected, unless otherwise proved, on the second working day after postage by first class post). Arrangements for payment to the Local Education Authority are detailed on the Penalty Notice.

If a penalty is not paid in full by the end of the 28 day period, the Education Welfare Team at Stoke-on-Trent City Council will either prosecute for the offence for which the Penalty Notice has been issued, or withdraw the Penalty Notice. The prosecution is not for non-payment of the Penalty Notice but is a prosecution for irregular school attendance (Section 444(1) Education Act 1996). The reasons for issuing a Penalty Notice need to accord with Section 444 of the Education Act 1996 and associated legislation. There is no statutory right of appeal against the issuing of a Penalty Notice.

A Penalty Notice can only be withdrawn in accordance with Regulation 8 of The Education (Penalty Notices) (England) Regulations 2007, namely, where it should not have been issued or that it should not have been issued to the person named as the recipient or the Penalty Notice contains material errors.

In accordance with Regulation 23 of The Education (Penalty Notices) (England) Regulations 2007 sums of money received by the Local Education Authority in respect of the payment of penalties will be used solely for the purpose of issuing and enforcing Penalty Notices and for the prosecution of recipients who do not pay. If any sums received are not used for those purposes then they must be paid to the Secretary of State.

## **8. Procedures for Issuing Penalty Notices**

The issuing of Penalty Notices will be undertaken by staff authorised by Stoke-on-Trent City Council. A Checklist for schools and a Penalty Notice Warning Letter in respect of offences under sections 444(1) and 444(ZA) of the Education Act 1996 respectively, has been prepared by the Education Welfare Service and copies of these are shown in the appendices.

## **9. Pupil Watch/Truancy Sweeps**

Where a child is located on a truancy patrol then unless there is a justifiable reason for the child's absence from attending school the following procedure will occur:

- Child is located during a truancy patrol;
- Letter is sent to parent advising them that if the child is located during a truancy patrol a Fixed Penalty Notice will be issued to the parent, unless they can prove there was a justifiable reason for the child's absence from school;
- If the absence is found to be unauthorised then the Head Teacher's Certificate of Attendance for the absent child is to be made available for the evidential period

- The evidence of the child's absence from school must have been reported by an Education Welfare Officer, a Police Officer or a Police Community Support Officer whilst taking part in a Local Authority approved truancy operation.

Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by the Head Teacher will be laid before the court, alongside a witness statement completed by the reporting officer, copies of the Penalty Notice and a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 28 days have elapsed since the Penalty Notice was deemed to have been received by the parent for the child. From that point, the Education Welfare Team will make an application for a hearing in the Magistrate's Court to be scheduled for a date within 21 days, subject to court availability.

## **10. Holidays in Term Time**

A parent must obtain prior written permission from the Head Teacher of the school where the child is registered as a pupil if they want to take their child out of school during term time.

They can only do this if:

- a parent the child normally lives with makes a written application to the Head Teacher at least four weeks in advance of the proposed absence during term time.
- there are exceptional circumstances, in which case the period of notice may be reduced but should nevertheless be at least two working days' written application prior to the proposed absence.

The Head Teacher (or an authorised deputy or assistant Head Teacher) has absolute discretion regarding whether or not a child's absence from school is to be permitted during term time and if so, the period of absence to be permitted.

**A parent can be fined for taking a child on holiday during term time without the prior written permission of the Head Teacher (or an authorised deputy or assistant Head Teacher) at the school where the child is registered as a pupil.**

### **Unauthorised Leave of Absence (Holidays) Taken During Term Time**

A parent will be expected to complete a holiday application form at least four weeks in advance of the proposed holiday. The form will include information about the use of Penalty Notices as a consequence of leave of absence taken in term time without the Head Teacher's prior written authorisation.

Where a parent has taken a child out of school for a holiday or other leave of absence without prior written authorisation, there should be evidence on the attendance certificate of unauthorised absence. The Head Teacher will notify the Local Authority that an unauthorised leave of absence has taken place and will complete the following documents:

- A completed pro-forma witness statement;
- A Certificate of Attendance for the period in question;
- A copy of the advisory letter sent to the parent;
- A copy of the holiday application form from the parent and reply from the head teacher;
- A completed referral form.

If a holiday form has not been completed but a Head Teacher has sufficient evidence that the child has been absent from school due to an unauthorised holiday/leave of absence then the Head Teacher or their authorised representative should provide this evidence in the witness statement and submit the following documents to the Education Welfare Service:

- A completed referral form
- A completed pro-forma witness statement
- A Certificate of Attendance for the period in question

On receipt of these, the Education Welfare Service will issue a Fixed Penalty Notice by first class post to the parent. Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by the Head Teacher will be laid before the court, alongside a witness statement completed by the reporting officer, copies of the Penalty Notice and a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 28 days have elapsed since the Penalty Notice was deemed to have been received by the parent. From that point, the Education Welfare Team will make an application for a hearing in the Magistrates' Court to be scheduled for a date within 21 days subject to court availability. The prosecution of the parent will be on the grounds that the parent has failed to ensure the child has regularly attended the school with whom he is registered as a pupil rather than for non-payment of the amount detailed in the Penalty Notice.

#### **11. Copy of Penalty Notice to be Supplied to the Local Education Authority**

A person issuing a Penalty Notice must provide a copy to the Local Education Authority which is named as the recipient for any payment of the penalty.

#### **12. Records**

Pursuant to Regulation 20 of The Education (Penalty Notices)(England) Regulations 2007, a Local Education Authority must keep records of Penalty Notices, namely, a copy of each Penalty Notice issued with a record of all payments made and the dates of such payments together with details about whether the Penalty Notice was withdrawn and the grounds for such a withdrawal, as well as information as to whether the recipient was subsequently prosecuted for the offence for which the Penalty Notice was issued.

#### **13. Information to the Secretary of State**

A Local Education Authority must supply the Secretary of State with such information as he may require in respect of Penalty Notices.

#### **14. Compliance with the Code of Conduct**

Any person issuing a Penalty Notice must do so in accordance with the Code of Conduct, any regulations regarding Penalty Notices and any directions issued by the Secretary of State to a Local Education Authority at any time.

## Appendix 3

### Holiday Request Form

#### Exceptional Leave of Absence Request

Please note that the School **does not** authorise holidays taken during term time unless in ‘**exceptional circumstances.**’ (See **Attendance Policy.**) Regular attendance is an important factor in your child's performance at school. Please think carefully before deciding to request leave of absence. **Please note that the School must receive the Leave of Absence Request form 4 weeks prior to the leave of absence.**

**The School's Attendance Target is 97% and we expect all of our pupils to meet this.**

<b>School:</b>			
<b>Name:</b>		<b>Class:</b>	
<b>Address:</b>		<b>Date of Birth:</b>	
<b>Holiday Requested:</b>	<b>From:</b>		<b>To:</b>
<b>Reason for Request:</b>			

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<b>Name of Parent/Carer:</b>		<b>Signature:</b>	
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This is an example of the number of lessons your child will miss. Remember these lessons will not be repeated.

**1 day's absence – 6 lessons missed**

**3 day's absence – 18 lessons missed**

**1 week's absence – 30 lessons missed**

**2 week's absence – 60 lessons missed**

***Please note:*** Should you decide to take your child/ren out of school during term time, then the absence will be recorded as "unauthorised". In line with legislation and our School's Attendance Policy we may refer unauthorised leave of absence to the Attendance & Prosecution Service. Such a referral may lead to a Fixed Penalty Warning Notice being issued. Holidays in previous academic years can also be used as evidence towards such a prosecution. Please be advised that parents who fail to ensure their child's regular attendance can be fined £60 (per parent, per child). If payment to the local authority is not made within 21 days (of a penalty notice being issued) the penalty will rise to £120 (per parent, per child)

**For School Use**

*(to be kept on file, copy to parent following meeting, and information computerised system):*

*noted on*

Attendance %

*(10 day's absence will result in an attendance level below 95% (94.7%) that is assuming that there are no other absences.)*

Previous Holiday Leave this Academic Year - Yes/No\* No. of days Previous

Holiday Leave in previous Academic Year(s) - Yes/No\*

No. of days

Meeting with Parent/Carer completed - Yes/No

Request Authorised - Yes/No

Evidence Supplied – Yes/No **(see Supportive Evidence Section)**

**Minutes/Notes of Meeting**

*\*\*Please also note any mitigating circumstances for the family if applicable\*\**



APPENDIX 4:

**Effective school attendance improvement and management**

**PREVENTION** of poor attendance through good whole school attendance management

**ALL PUPILS** Developing good attendance patterns through effective whole school approach to attendance (including leadership, ethos and systems and processes)

**PUPILS AT RISK OF POOR ATTENDANCE** Using attendance and absence data rigorously to support pupils with increasing levels of absence, arriving at school late or taking leave in term time without permission before it becomes a regular pattern

**EARLY INTERVENTION** to reduce absence before it becomes habitual

**PUPILS WITH POOR ATTENDANCE** Intervening as early as possible and agreeing an action plan for pupils with high levels of absence and those demonstrating growing disengagement with school

**TARGETED** reengagement of persistent and severely absent pupils

**PERSISTENTLY AND SEVERELY ABSENT PUPILS**  
Put additional targeted support in place, where necessary working with partners, and agree a joint approach with local authorities for all severely absent pupils