



# Attendance Policy

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## **Staverton C of E Primary School**

### **Attendance Policy**

#### **Rationale**

At Staverton C of E School, we understand that regular school attendance is the key to enabling children and young people to maximise the educational opportunities available to them and become emotionally resilient, confident adults who are able to realise their full potential and make a positive contribution to their community. We are committed to providing an education of the highest quality for all our children at Staverton Primary and endeavour to provide an environment where all our pupils feel happy, safe, valued, and cared for.

For our children to gain the greatest benefit from their education it is vital that they attend school regularly and punctually. Parents, carers, and the school community share the responsibility for supporting and promoting excellent school attendance and punctuality for all.

In addition, school is the foundation for preparing children and young people for life as adults. At Staverton Primary it is important that we help prepare our children for the demands of employment later in life, where regular attendance is expected, and non-attendance is unacceptable.

This policy represents our commitment to support children to achieve the highest possible attendance. It sets out the principles, procedures and practice the school will undertake, including strategies to improve attendance and the benefits of attending school regularly. Furthermore, the policy explains the sanctions and possible legal consequences of poor attendance and punctuality. This policy will be reviewed, amended as necessary and updated annually in accordance with current legislation and guidance.

#### **Aims**

At Staverton Primary we believe that the foundation for good attendance is based on a strong partnership between school, parents, and the child. This includes clear communication with our families regarding our expectations of what is required to secure excellent attendance for pupils at our school. We are committed to meeting our obligations with regards to school attendance and we will:

- Ensure every pupil has access to the full-time education to which they are entitled
- Promote high levels of attendance through our newsletters and via our school website
- Promote good attendance to reduce absence, including persistent absence
- Include attendance information in school reports about your child's performance in school and how any absence may be affecting their attainment
- Act early to address any patterns of absence
- Support parents and carers to perform their legal duty to ensure their children of compulsory school age attend regularly
- Work with you and your child to achieve maximum attendance

At Staverton Primary School we expect:

- The children to arrive at school every day on time
- Parents and carers to work with the school to ensure that their child attends regularly
- Parents and carers to contact the school and share any factors that may be affecting their ability to get their child to school on time, or attending regularly

## Legislation and Guidance

This policy meets the requirements of the [school attendance guidance](#) from the Department for Education (DfE), 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:

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006](#) (and [2010](#), [2011](#), [2013](#), [2016](#) amendments)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)
- This policy also refers to the DfE's guidance on the [school census](#), which explains the persistent absence threshold.

The law says that ensuring a child receives education is a parent or carer's legal responsibility (Section 444 of the 1996 Education Act). For most parents and carers this means registering their child at a school. Permitting absence from school that is not authorised by the school creates an offence in law and parents and carers who do not secure their child's regular attendance at school, may be issued with a Penalty Notice (see appendix D), or referred to the Wiltshire Education Welfare Service for prosecution in the magistrates' court.

To avoid this, we will work with parents and carers to address irregular or poor attendance to ensure full-time attendance.

- Authorised absences are those that have been agreed by the headteacher.
- Unauthorised absences are those where no valid reason has been provided for absence, or absence which the headteacher has not agreed.

## Working in Partnerships – Roles and Responsibilities

At Staverton Primary School attendance is the business of everyone in our school community. The governors and all staff are committed to supporting all pupils to achieve excellent attendance and regularly review school procedures and strategies to support this.

### Parents and Carers

We expect that parents and carers will work with us if school absence becomes a concern. Parents and carers can help to promote positive attendance by:

- Ensuring children arrive at school on time, before registers close, appropriately dressed and ready to learn (e.g. not too tired or too hungry) and with the right equipment they need for the school day
- Supporting their child to attend school regularly
- Working in partnership with us to help their child gain an appreciation of the importance of attending school regularly
- Working in partnership with us to take an active interest in their child's education
- Working in partnership with us and other agencies (as appropriate) to resolve problems relating to non-attendance, which may have a negative impact on their child's attendance

### Class Teachers

Class teachers are responsible for recording attendance on a daily basis, using the correct codes (see Appendix A), and submitting this information to the school office. Where class teachers are not aware of the reason for absence an N code should be used until the reason for absence is established.

## **The Headteacher**

The headteacher is responsible for:

- Implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors
- Supporting staff with monitoring the attendance of individual children
- Issuing fixed-penalty notices, where necessary and appropriate

## **The School Attendance Officer**

The school Attendance Officer:

- Monitors attendance data across the school and at an individual level, including analysing groups of children
- Reports any concerns about attendance to the headteacher
- Works with Education Welfare Officer to tackle persistent absence
- Arranges calls and meetings with parents to discuss attendance issues
- Advises the headteacher when to issue fixed-penalty notices

## **The Governing Body**

The governing board is responsible for monitoring attendance figures for the whole school on at least a termly basis. It also holds the headteacher to account for the implementation of this policy. At Staverton Primary a nominated governor is responsible for monitoring the school's attendance policy and processes and feeding relevant information back to the Full Governing Body.

## **School Procedures**

Our school attendance target is 97%, this is agreed by the Governing Body and is set so that it is both achievable and matches the aspirations for the children in the school.

This means that we are expecting every child to have 100% attendance. Children who miss just 3 days of school in a school year will contribute to the school not achieving this attendance target.

Legally the school register must be taken twice a day.

At Staverton Primary the register is taken at 9.00 am (morning registration time) and once during the afternoon session at either 1.00 pm or 1:30pm, depending on key stage. Pupils arriving before registers close at 9:15am will be marked as late using the code L. Pupils arriving after the registers have closed will be coded U (Late after registers close). A U code counts as an unauthorised absence for the whole morning session.

Absence is recorded as unauthorised until a satisfactory reason is provided. If the reason given is not satisfactory and/or evidence of the reason cannot be provided, the absence will be coded as unauthorised absent. Ongoing and repeated lateness after the close of registration is considered as unauthorised absence and may be taken into account if any legal action is taken.

We will contact parents to address and improve attendance where:

- A child's attendance falls below 95%
- A child has 3 weeks or more in a term where they have not achieved full attendance. There are 6 terms in a school year
- A child has more than 5 recorded late codes in a term
- A child has a regular pattern of absence
- Siblings have a consistent pattern of absence

Parents are asked to:

- Notify the school when their child is unable to attend, with a reason, on the first and subsequent days of absence. Parents should aim to make contact with school before the start of the school day.
- Keep the school informed, in cases of ongoing absence. A note from a pupil's home does not mean an absence becomes authorised. The decision whether or not to authorise an absence will always remain with the school.
- Arrange medical or dental appointments outside of school hours unless there is urgent need for an appointment.
- Provide evidence of medical appointments that take place within school hours.
- Tell the school if their child is going to be late, the reason why and expected time of arrival. Only request leave of absence, or holiday in term time if it is for an exceptional circumstance. The process for requesting leave of absence is explained further in this policy.

Examples of types of absence that are not considered reasonable and which will not be authorised under any circumstances are:

- Going shopping with parents
- Family celebrations, including birthdays
- Needing a day off due to being tired
- Staying at home because a sibling is unwell
- Day trips and holidays in term time
- Arriving at school too late to get a present mark (after the register has closed at 9.15am)
- Death of a pet

We will contact the parent or carer if a child is absent and they have not advised school that the child will be absent. Parents can expect contact on every occasion where they have not notified the school of an absence. The school's attendance officer will initially phone parents within 30 minutes of registers closing. If we cannot speak directly with parents or carers, then we will make contact with nominated emergency contacts to establish the reason for absence; this is in line with school safeguarding procedures.

If after 3 days of absence, your child has not been seen and no contact has been made with the school, a home visit will be made by school staff, to ascertain the safety and well-being of your child and establish the reason for absence from school.

After 10 days of unexplained absence and no contact with the school, we are obliged to notify the local authority. The local authority will follow their procedures for Children Missing from Education (CME) and parents may expect contact and visits from an Education Welfare Officer to ascertain the well-being and safety of your child.

### **Collecting your Child from School**

We ask that all parents or carers ensure that they are able to collect their children from school on time. School finishes at 3.15pm. If parents are unable to collect their child as usual, then they will need to communicate the alternative arrangements they have made with the school. If arriving late to collect their child, parents and carers will need to notify the school, so we can reassure the child and prevent them from worrying.

We will not release children in these circumstances to anyone who we have not been advised of. If children remain uncollected from school, the protocol is to keep the children safe in school and contact parents or carers by telephone. If we are unable to make contact with parents and carers, we will contact the emergency contacts on the child's school record.

## **Monitoring Attendance**

Weekly monitoring of the registers will be made by the Attendance Officer to analyse overall absence for each pupil and identify pupils with low attendance, a pattern of absences that may lead to Persistent Absence (PA), patterns and levels of broken weeks, lateness, authorised absence and unauthorised absence and reasons for absence.

A child is classed as a persistent absentee when they miss 10% or more schooling across the school year, for whatever reason, whether it be authorised or unauthorised, or a mixture of both. Absence at this level is doing considerable damage to a child's educational prospects and we need parents and carers full support and encouragement to tackle it. Persistently absent children are tracked and monitored carefully and we combine this with tracking academic progress to assess the effect on the pupil's attainment.

Absence for whatever reason disadvantages a child by creating gaps in their learning. The Attendance Officer will be responsible for putting in place actions for each child of concern. Initially, we will try to resolve the problem with parents or carers to see if there is any underlying reason for the absences. In the first instance the school will offer support to see how we can work in partnership with our families to improve a child's attendance.

Where concerns about attendance continue, we may need to escalate our school response to absences. This may involve requesting medical evidence in order for the school to authorise any further absence due to ill health and a school attendance meeting may be arranged. However, if the pattern continues, the school may make a referral to the Local Authority for interventions that may include penalty notices and court action. (See Appendix 3 for a flow chart of the stages school will go through to address any concerns about attendance).

## **Requesting Leave of Absence in Exceptional Circumstances**

In accordance with Department for Education (DfE) guidance, leave of absence from school, including for holidays in term-time, may only be authorised in exceptional circumstances. Parents are required to complete a leave of absence request form (see Appendix B), which must outline the exceptional circumstances for which the leave has been requested. Leave of absence request forms must be completed in advance of the dates requested.

We require one week's notice unless the absence is related to an emergency. As a school, we do not give retrospective agreement for leave of absence, so any absence not advised to the school in advance will be unauthorised. Requests will be considered by the headteacher and parents and carers will be advised if the request is authorised, or not.

Any pupil who has taken a term time holiday will be required to provide medical evidence if they are ill in the period directly before or after the dates advised to school. Parents and carers will be asked to provide evidence if a pupil does not return to school on the agreed date following a holiday as a result of delayed or cancelled flights or other travel arrangements.

Where an unauthorised leave of absence is taken, parents may be issued with a penalty notice. This will be in the sum of £120 per parent or carer for each child, but is reduced to £60 per parent or carer for each child if paid within 21 days of issue.

## **Consequences of Persistent Absence**

At Staverton Primary School, we will always work with you to address any attendance concerns. If we have been unable to resolve the issue, despite a number of interventions, then we may have to refer you to the local authority. The Education Welfare Service has a range of actions available which include:

- 1) The parents or carers may be issued with a penalty notice, which carries a fine of £120, per parent, per child. This is reduced to £60 if paid within 21 days of issue. If not paid at all, court action will be initiated.
- 2) The local authority may initiate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, imposition of orders such as Parenting Orders or even imprisonment.

3) In some cases, action may be taken under the Children Act 1989 to protect the welfare and development of the child.

### **Strategies for Improving and Maintaining Good Attendance**

At Staverton Primary we place great value on school attendance as it impacts on many aspects of a child's development. We are a kind and caring school community where the needs of all pupils are carefully considered. The school provides and promotes a welcoming and positive atmosphere so that pupils feel happy, safe and know that their presence is valued.

If there are specific issues which might impact on your child's attendance, it is important that you talk to us so that we can support you and your child.

There may be times when we ask other agencies to become involved to help us understand and work with you to encourage regular school attendance (e.g. Wiltshire Council, School Nurse, Ethnic Minority and Traveller Advisory Service, Medical Needs Reintegration Service). If we feel that this would be helpful, we will discuss with you first.

We are very keen to listen to the views of children and parents regarding attendance matters and we welcome any feedback, which helps us to shape how we work with families to address any attendance issues.

### **Monitoring and Evaluation**

The attendance policy will be reviewed annually by governors and school staff to ensure that it continues to meet the needs of the school community. We will ensure that the policy reflects current DfE and Local Authority guidance so that parents may be assured of the standards that we strive to achieve.

### **Communicating the Contents of the Attendance Policy**

All new parents are introduced to the policy and information on attendance is communicated in the school induction pack. It is also accessible on the school website. School attendance will feature in the school newsletter and we will advise parents of any changes to our policy and procedures.

## **Appendix A**

### **Attendance Registers: National Absence and Attendance Codes**

#### **PRESENT**

- Pupils present at morning registration should be recorded with an oblique stroke, with a stroke in the reverse direction for the afternoon session: / \
- The presence of a pupil who has arrived at school late, but while the register remains open should be marked by the symbol: L

#### **AUTHORISED ABSENCE**

The national absence codes must be used. Schools cannot add to the list of codes or use their own local codes. In order to be useful to schools in helping them identify patterns of absence, it is essential that there is consistency of use by staff within each school.

C: Other circumstances (e.g. bereavement, agreed special occasions, performances, other approved absences not covered by other codes).

E: Excluded

F: Extended family holiday (agreed)

H: Family holiday (agreed)

I: Illness (NOT medical or dental etc. appointments)

M: Medical / Dental appointments

R: Religious observance

S: Study leave

T: Traveller absence (where the family is known to be travelling or has informed of travelling for the purposes of work)

#### **APPROVED EDUCATION ACTIVITY**

B: Educated off site (NOT dual registration)

D: Dual registration (e.g. pupil attending other establishment)

J: Interview or school interview

P: Approved sporting activity (arranged by school)

V: Educational visit or trip (arranged by school)

W: Work experience

#### **UNAUTHORISED ABSENCE**

G: Family holiday (NOT agreed or days in excess of agreement)

N: No reason yet provided for absence

O: Unauthorised absence

U: Late (after registers closed)



## Appendix B

- **Parents and Carers complete this side of the form**
- **School will complete the form overleaf and return it to you**

### Leave of Absence during Term Time

#### Exceptional Circumstances Form

At Staverton School, we believe that every lesson is important & maximum attendance and punctuality are valuable life skills. Taking your child out of school during term time may harm your child's academic progress. Schools may agree up to 10 days holiday absence in exceptional circumstances with consideration being given to pupil's attendance, attainment and public examinations. Absences may only be authorised at the discretion of the Headteacher. Circumstances which are notified to the school or Local Authority after a decision has been made by the Headteacher will not be considered. Therefore, please be certain to provide details of the exceptional circumstances relating to your application below and attach any supporting evidence.

Please read the attached Local Authority leaflet which explains Penalty Notices issued for unauthorised holidays during term time.

#### **Exceptional Circumstances (your reason) for applying for leave of absence during term time:**

Please provide details of the special circumstances relating to your application below and attach any supporting evidence.

Taking your child out of School during term time may harm your child's academic progress and attainment

Name of Child(ren):	
Date of Birth:	
Class:	
Date of First day of Absence:	
Date of Return:	
No. of days requested:	
Known siblings and school(s) attending	

Signed by the Parent/Carer: .....

Date: .....

**Please return this form to the School Office and a copy will be returned to you with a reply overleaf**



Dear .....

Thank you for your recent application for leave of absence for your child.

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- ☐ I am writing to advise that the reason you have provided is deemed exceptional and the absence for this period will be authorised.
- ☐ It is with regret that I am unable to authorise your request. In September 2013, new Legal duties came into force making it clear that Head Teachers may not grant any leave of absence during term time for the purposes of a family holiday, family day out or Birthday celebrations.
- 

I must advise you, that if your request is unauthorised and you do take your child out of School for this time, the absence will be recorded as unauthorised. Where unauthorised holiday absence amounts to 10 sessions (5 school days) or more, within six months of the current academic year, the Education Welfare Service must be notified, and the Local Authority will issue a Penalty Notice to each parent for each child. The six months includes all unauthorised holiday absence, up to and including the date the Education Welfare Service is notified.

If the Penalty is paid within 21 days it will be reduced by half, but if the Penalty is not paid in full within 28 days, the Local Authority is required to commence proceedings in the Magistrates' Court for the offence of unauthorised absence.

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**Request Authorised:**                      **YES/NO**                      **No. of Days Granted:** .....

**Date:** .....

**Signed by the Head Teacher:** .....

**Mr. Edward Powe**

(for School Use: Child's attendance this year:..... %)

**Headteacher:** Mr Edward Powe

**Administrative Officer:** Mrs Jo Sykes

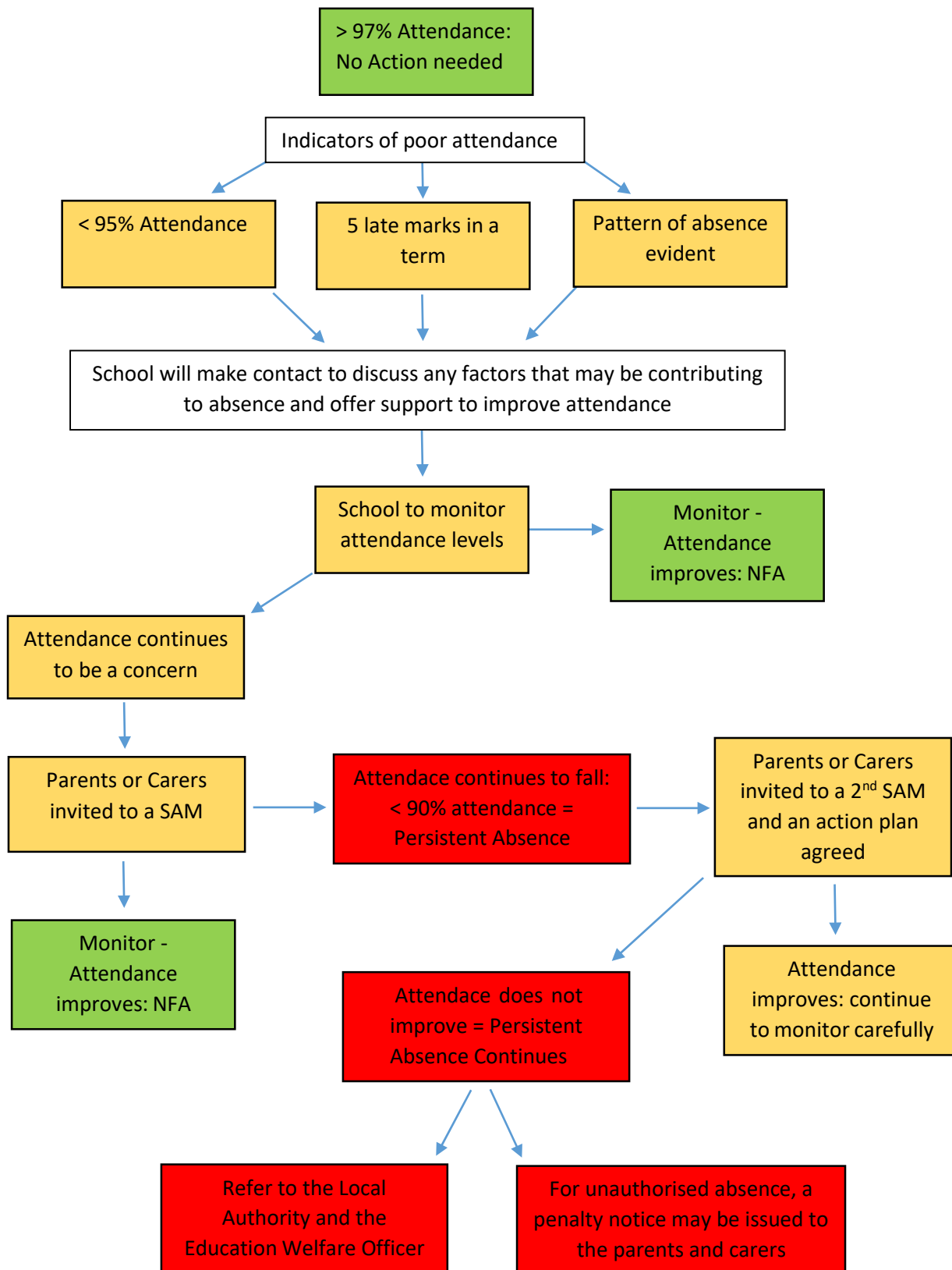
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## Appendix C

### Staverton C of E primary School - Attendance Process Flow Chart



Please note: A penalty notice can be issued immediately for a one-off attendance concern. E.g. if unauthorised absence equates to more than 10 days

Glossary

SAM: School Attendance Meeting

NFA: No Further Action

## Appendix D

The impact of persistent absence and lateness on time spent in school.

- Research by the DfE suggests that a pupil who misses 17 days of school a year will drop 1 GCSE grade in attainment.
- 95% attendance equates to half a day off every two weeks in a school year
- 90% attendance equates to a day off every two weeks in a school year
- 85% attendance equates to one and a half days off every two weeks in a school year
- 80% attendance equates to one whole day off every week in a school year
- A secondary aged pupil, whose attendance is 80%, will have missed ONE WHOLE YEAR of education by the time they finish their education

“Better attendance at school by pupils improves their educational achievements and, in turn, their lives and prospects. Even a small reduction in absence would result in many pupils receiving greater benefit from their education.” The National Audit Office.

***Surely 1 or 2 days absent a week doesn't seem much but this is how it is..***

If your child misses...	That equals...	Which is...	And over 13 years of schooling that's...
1 day per fortnight	20 days per year	4 weeks per year	Nearly 1 ½ years
1 day per week	40 days per year	8 weeks per year	Over 2 ½ years
2 days per week	80 days per year	16 weeks per year	Over 5 years
3 days per week	120 days per year	24 weeks per year	Nearly 8 years

***If your child is late 10 minutes a day - surely that won't matter or affect my child..***

Only missing just..	That equals..	Which is...	Over 13 years of schooling that's...
10 minutes per day	50 minutes per week	Nearly 1 ½ weeks per year	Nearly ½ a year
20 minutes per day	1hour 40minutes per week	Over 2 ½ weeks per year	Nearly 1 year
30 minutes per day	Half a day per week	4 weeks per year	Nearly 1 ½ years
1 hour per day	1 day per week	8 weeks per year	Over 2 ½ years

**If you want your child to be successful at school and develop good habits for later in life, attendance matters and every day counts**

## Penalty Notice Code of Conduct

### Wiltshire Council

## Penalty Notice - Code of Conduct

### Rationale

- 1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to detail with unauthorised absence to avoid this becoming entrenched.
- 1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full-time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.
- 1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.
- 1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school, then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority, it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.
- 1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:
  - The pupil's absence was authorised by the school
  - The pupil was ill or prevented from attending by unavoidable cause
  - The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
  - The school is not within walking distance of the child's home and the LA has made no suitable arrangements
  - The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade or business allows, and the child has attended school for at least 200 sessions during the preceding twelve months

Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five school days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under section 104 (Education and Inspections Act 2006) to

be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence. Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

## **Legislation**

- 2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.
- 2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).
- 2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.
- 2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice
- 2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)
- 2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007
- 2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

## **Procedure**

- 3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.
- 3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period
- 3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

- 3.4 The Education Welfare Service will receive requests to issue penalty notices from schools / academies/ colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:
- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
  - All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.
- 3.5 The Education Welfare Service will ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

#### **Criteria for the Issuing of a Penalty Notice**

- 4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six-month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.
- 4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:
- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
  - Advise the parent of the powers of the Local Authority to issue penalty notices
  - State the number of unauthorised absences accrued which give rise to the formal warning being issued
  - Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is affected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.
- 4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan.
- 4.4 With effect from 22 March 2020 Wiltshire Council will **not** issue Penalty Notices for unauthorised absence **directly related** to the Covid-19 pandemic until such time as the Department for Education (DfE) deems appropriate.

#### **Circumstances in which a Penalty Notice will be issued:**

- 5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.
- 5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions

- 5.3 Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions
- 5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken
- 5.5 Following notification from a neighbouring Local Authority
- 5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

### **Procedure for withdrawing Penalty Notices**

- 6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:
- It ought not to have been issued
  - It ought not to have been issued to the person named as the recipient
  - It is materially defective
- 6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.
- 6.3 A Penalty Notice cannot be withdrawn because of an inability to pay
- 6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.
- 6.5 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **after** 16 March 2020 this will be withdrawn by Wiltshire Council immediately.
- 6.6 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **before** 16 March 2020 any action relating to this will be suspended until such time as the Department for Education (DfE) deems appropriate.

### **Appeals**

- 7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college
- 7.2 The Education (Pupil Registration) (England) Regulations does not permit Headteachers to give authorisation for absence retrospectively.



## **Payment of Penalty Notices**

- 8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice
- 8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

## **Non-payment of Penalty Notices**

- 9.1 Non-payment of a Penalty Notice will normally result in prosecution under the provisions of section 444 of the Education Act 1996 or prosecution under section 103 of the Education and Inspections Act 2006

## **Publicity**

- 10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:
- Set out the establishment's process for managing absence
  - Ensure that all parents / carers are aware of the process to request leave of absence during term time
  - Make notifications to the Local Authority without delay when the particular criteria is reached
  - Publish details regarding arrangements of managing absence within the establishment's Attendance Policy