



ATTENDANCE POLICY

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LONGMEADOW PRIMARY SCHOOL

ATTENDANCE POLICY

1. Introduction

Longmeadow Primary School believes in education for all children. We believe that if children attend school regularly and punctually they will be best able to take full advantage of the educational opportunities available to them and achieve the best possible outcomes.

The Headteacher and Attendance and Dinners Officer have overall responsibility for attendance at Longmeadow Primary School.

2. Responsibilities – Parents and Carers

By law, parents are responsible for ensuring that children of compulsory school age receive an efficient education suitable to their age, ability, aptitude and any special educational needs that they may have. Most parents fulfil this responsibility by registering their children at a school.

Parents whose children are registered at a school are responsible for ensuring that their children attend and stay at school.

Parents should:

- ensure that their children arrive at school every day on time, appropriately dressed and ready to learn
- ensure their children understand the importance of attending school regularly
- ensure that they are aware of the attendance policy of their children's school
- ensure children understand the need to follow the school's behaviour policy
- take an active interest in their children's schooling, praising and encouraging good work and behaviour and attending parents' evenings and other relevant meetings
- work in partnership with their children's school to resolve issues which may lead to non-attendance
- notify their child's school if he/she is absent. This should be done as soon as possible - before 11am on the first day of absence. They should also provide an explanation for the absence.
- not arranging medical/dental appointments during school hours
- not booking holidays during term time

3. Responsibilities – Longmeadow Primary School

Longmeadow Primary School is responsible for supporting the attendance of their pupils and for dealing with problems that may lead to non-attendance.

The school will call attendance registers at the start of the morning session and once during the afternoon session to record whether pupils are present, absent or on an approved educational activity.

Longmeadow Primary School will differentiate in the registers between absence that is authorised and absence that is unauthorised.

Longmeadow Primary School will:

- work actively to ensure high school attendance rates - both in relation to individual pupils and for the pupil body as a whole
- have clear policies in place to address persistent absence
- support parents in ensuring the regular and punctual attendance of pupils and promptly respond to any issue which may lead to non-attendance
- be sensitive to the needs of individual parents. The school recognises that some parents have difficulty understanding written communications and will also recognise the reluctance of some parents to come to school.
- produce school attendance policies which are consistently applied and clearly communicated to all parents, pupils and staff
- use the SIMS electronic registering system to record rates of attendance for each child. The class teacher or cover supervisor will complete the register at each session. The Attendance and Dinners Officer is responsible for monitoring the registers each day.
- contact the family by text, Message app or telephone on the first day of absence if a reason for absence has not been received. If the school has been unable to contact the family the absence will be unauthorised until such time as a reason is given. Further agencies may also be contacted if necessary. The school will continue to try to contact the family each day until a reason is given or the child returns to school.

4. Responsibilities – ISL Attendance Team

The ISL Attendance Team fulfils the statutory duty of the County Council in enforcing regular school attendance. In doing so it enables schools and parents to meet their respective responsibilities.

Longmeadow Primary School is allocated an Attendance Improvement Officer (AIO) who will work in close partnership with the school.

In working closely with schools, the Attendance Improvement Officer will offer the following services:

Consultation Visits

Consultation visits by the AIO will be allocated according to need. Need will be identified using the school annual DfE Absence data. The purpose of the consultation visit will be to:

- identify pupils who are experiencing attendance difficulties. This will include the regular examination of the school's attendance registers
- agree on focused, time-limited action which needs to be taken by the school and/or the AIO. Before accepting a referral, the AIO will expect school staff to have first undertaken some preliminary work themselves, e.g. action by the class teacher or phase leader, contact with parents, etc
- feedback and exchange information in relation to work which has been undertaken by the AIO and/or the school
- identify areas of concern and of good practice in relation to attendance matters
- advise the school on strategies for improving attendance

- assist schools in identifying PA pupils and those at risk of becoming PA and ensuring that effective plans of action are in place

Casework

AIOs may undertake early intervention (pre-referral) work prior to a case being accepted. This may include the following:

- telephoning or writing to the parents about their child's absences or lateness
- attending a meeting with parents arranged by the school to emphasise the need for good attendance and the possibility that, if there is no improvement, the AIO will become formally involved.

Once a case has been accepted, the AIO will undertake direct work with pupils and their parents. This can include:

- arranging meetings between the school, parents and pupils
- making home visits to assess the situation and determine what action needs to be taken
- offering specific support to parents and individual pupils, either at school or elsewhere
- facilitating meetings
- enabling the pupil and parents to access appropriate support from other services and agencies through the use of Integrated Practice/Common Assessment process

The AIO may also arrange for the pupil to receive specialist support such as counselling or group work.

Attendance Improvement Officers will usually work with children whose absences have not been authorised. However, AIOs may work with children whose absences have been authorised (see appendix 1).

In-service training for school staff

Attendance Improvement Officers will offer, or assist with, INSET sessions on a range of subjects related to the attendance or welfare of pupils, including:

- the promotion of regular school attendance
- working effectively with the AIO
- addressing persistent absence
- legal responsibilities relating to school attendance

5. The Use of Legal Action

If a parent fails to register a child of compulsory school age at a school (and he/she does not intend to educate the child otherwise than at school). The LA will serve a School Attendance Order under Sections 437 - 439 of the Education Act 1996.

If a pupil, who is registered at a school, fails to attend that school regularly without a legitimate reason and attempts by the Attendance Improvement Officer and the school fail to secure that pupil's return to regular attendance, the County Council will take legal action. A complaint may be laid against the parents in the Magistrates' Court under Section 444 of the Education Act 1996, or an Education Supervision Order relating to the pupil under Section 36 of the Children Act 1989 will be applied for. Any exceptional mitigating circumstances relating to the pupil's absence will be considered when considering legal action. 'Exceptional mitigating circumstances' will be determined by the Central Attendance and Employment Support Team Manager on behalf of the County Lead for Behaviour and Attendance. If 'exceptional mitigating circumstances' are not deemed to exist then cases which remain open for more than 24 weeks will be referred for legal action. Legal action will, however, be taken earlier when appropriate.

If, after legal action has been taken, the child still fails to attend school regularly the AIO will keep the case open and will, if appropriate, take further legal action at a subsequent date.

In cases where parents wilfully withhold a pupil from school or persistently refuse to co-operate with efforts aimed at affecting a return to satisfactory school attendance, the ISL Attendance Team will promptly begin legal proceedings because no other course of action is available.

The Central Attendance & Employment Support Team Manager on behalf of the County Lead for Behaviour and Attendance will give approval before legal proceedings are commenced.

The Attendance Team will consider applying for an Education Supervision Order when a parent finds it difficult to exercise an effective influence over a child who has developed a pattern of poor attendance. Education Supervision Orders will not usually be applied for in relation to pupils in Years 10 or 11.

Before an application is made for an Education Supervision Order:

- other possible means of dealing with the pupil's poor attendance will be explored
- the attitudes of the parent and pupil towards the poor attendance, and their wishes as to how it should be dealt with will be noted
- the AIO will be of the view that the Order will have a significant effect on the pupil's attendance at school

6. Penalty Notices for Parents of Truants

Subsection (1) of section 23 of the Anti-Social Behaviour Act 2003 added two new sections (444A and 444B) to section 444 of the Education Act 1996. These new sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for a conviction for that offence by paying a penalty.

A penalty notice is a suitable intervention in circumstances of parentally condoned truancy, where the parent is judged capable of securing their child's regular attendance but is not willing to take responsibility for doing so. For example, it could be used where a parent has failed to engage in any supportive measures.

It is particularly useful as a sanction at an early stage before attendance problems become entrenched and where the Local Authority considers that a prosecution would not be appropriate as a first action. Further information on penalty notices is available at www.thegrid.org.uk administration/pupil welfare/attendance or from the local Attendance Team Manager.

7. Attendance Registers

The rules governing the maintenance of registers, including removal from roll, are contained in the Education (Pupil Registration) (England) Regulations 2006 as amended 2010, 2011 and 2013. Attendance registers are legal documents that may be required as evidence in court cases.

Registers must be taken at the beginning of each morning and once during the afternoon session. If the register is called at the end of the afternoon session schools should ensure that adequate arrangements are in place to ensure that pupils do not leave school between registrations. They should ensure that pupils can be accounted for in an emergency and that a pupil removed from the school at lunchtime will not go unnoticed.

Registers must record whether each pupil is present; attending an approved educational activity; absent; or unable to attend due to exceptional circumstances. In the case of a pupil of compulsory school age who is absent, the register must also indicate whether the absence has been authorised by the school.

The registers at Longmeadow Primary School are open at the following times:

- Mornings: 08:45- 09:00. Any child arriving after 09.15am will receive an unauthorised absence for the session.
- Afternoons: Dependent on phase

When calling the register, the appropriate mark and/or symbol should be placed against each pupil's name - gaps should not be left so that entries can be made later. In marking registers, schools should use the national set of symbols as advised by the Department for Education (see Appendix 2).

When the reason for a pupil's absence cannot be established at the beginning of a session, the absence should be recorded as unauthorised and any subsequent correction to the register made as soon as practicable after the reason for the absence has been established. This will be completed by the school's attendance officer.

All schools are required to notify the Local Authority of any pupil of compulsory school age who fails to attend school regularly, or who have been absent for a continuous period of more than 10 school days, without a legitimate reason.

8. Monitoring

Children's attendance and punctuality are monitored. The school attendance manager monitors attendance daily, liaising with the assistant head teacher and deputy head teachers. Attendance is discussed weekly at SLT meetings with a view to improve attendance/lateness for individuals or groups of pupils. Letters are sent from the school office to alert parents/carers if their child's attendance is a cause for concern:

Lateness: Issued for 5 or more late sessions either before or after the register closes.

Notification letter: If attendance falls below 96% you will be issued with a notification letter, informing you that attendance is below 96% and is beginning to cause concern. You will be offered a number of ways in which the school can support you to get back on track.

Letter M.E (medical evidence): If attendance falls below 92% a letter will be issued to informing that the school will require medical evidence or absence will not be authorised. The AIO will become involved in the monitoring process. *(Serious concerns and children whose attendance falls below 93% are discussed with the AIO who visits the school regularly.)*

Fixed Penalty Notices: If a child has 6-8 unauthorised sessions (3-4 days) within the current or previous term, a penalty notice warning letter (FPNW) is issued. This includes unauthorised holidays. If absence increases to 15 sessions (7.5 days) or more then paperwork relating to an attendance fine is automatically issued and sent to Herts County Council for processing.

The school wishes to work proactively with parents to support children to attend school regularly. If attendance begins to fall below reasonable levels then you will be invited to a meeting to offer support to obtain the best possible outcomes for your child. This meeting could be with the attendance manager, assistant head teacher or your child's phase leader.

9. Deletion from Roll

A pupil's name may not be deleted from the attendance register unless it has also been deleted from the admissions register. Full details are contained in regulation 8 of The Education (Pupil Registration) (England) Regulations 2006 (as amended) When a pupil's name is removed from the admissions register the school must notify their local Attendance Team.

A pupil of compulsory school age should have his/her name deleted from the admissions register when:

- the pupil is registered at the school in accordance with the requirements of a School Attendance Order and another school is substituted by the LA for that named in the Order or the Order is revoked
- the pupil has been registered at another school. (Schools can register Traveller children even if they are on the roll of another school. The school the child normally attends is the base school; the other registration is temporary)
- the school has received written notification from the parent that they are educating the pupil themselves. (Elective Home Education)
- the pupil has ceased to attend the school and no longer lives within a reasonable distance of the school
- in the case of a pupil granted leave of absence, the pupil has failed to attend the school within the 10 school days immediately following the last day of absence which was granted and the school is not satisfied that the pupil is unable to attend the school due to sickness or any unavoidable cause and both the school and the local authority have failed, after reasonable enquiry to locate him/her
- the pupil is certified by the School Medical Officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age
- the pupil has been continuously absent from school for a period of not less than 20 school days, the absence is unauthorised, *and* there are no reasonable grounds to believe that the pupil is unable to

attend due to sickness or any unavoidable cause *and* both the school and the AIO have failed, after reasonable enquiry, to locate him/her

- the pupil is serving a custodial sentence of four months or longer and the head teacher does not have reasonable grounds to believe that the pupil will return at the end of that period
- the pupil has died
- the pupil will cease to be of compulsory school age before the school next meets *and* the relevant person has indicated that the pupil will cease to attend the school *or* the pupil does not meet the academic entry requirements for admission to the school's sixth form. (All registered pupils are required to remain at school until the leaving date - last Friday in June. "At school" includes for these purposes approved educational activities undertaken off-site, including work experience).
- the pupil has been permanently excluded and the exclusion has been upheld
- the pupil has been admitted to the school to receive nursery education and has not on completing such education transferred to a reception class at the school
- the pupil attends a special school and the LA gives consent for his/her name to be removed
- the pupil is a boarder at a maintained school or Academy and charges for board and lodging are payable by the parent of the pupil, and the charges remain unpaid by the pupil's parent at the end of the school term to which they relate.

If a school is told that a pupil is leaving to attend another school, the staff at the school of departure should establish the pupil's new address, the name and address of the new school and the date the pupil will start there. Confirmation should then be sought from the receiving school. When this information has been obtained, the school should complete form EWN1 and return it to the local Attendance Team office. Whenever a pupil leaves a school a Common Transfer File (CTF) must be completed.

If a school is concerned about any aspect of a transfer or if a pupil has "disappeared" the matter should be drawn without delay to the attention of the Children Missing Education Officer by telephoning 01992 556867 or by written referral to CME Officer, Central Attendance & Employment Support Team, Room 134, CHO 135, County Hall, Pegs Lane, Hertford SG13 8DF.

Further guidance and a referral form is available at www.thegrid.org.uk administration/pupil welfare/attendance.

Responsibilities of the AIO – Attendance Registers

If the allocated AIO is concerned that a school's registers have not been kept in accordance with the requirements of the relevant regulations he/she will:

- notify the headteacher of the concern and suggest that the matter is addressed
- if no appropriate action is taken by the school, and the AIO remains concerned, the Attendance Team Manager will address the concern with the headteacher
- if the matter still remains unresolved, the Attendance Team Manager will write to the Headteacher formally noting the concern. A copy of this letter will be sent to the relevant ISL Area Manager and the County Lead for Behaviour and Attendance.

Registers – Retention

Longmeadow Primary School will keep registers in a secure place for a period of not less than 3 years.

Registers should be made available for inspection by Attendance Improvement Officers when requested.

10. Punctuality

Longmeadow Primary School will take steps to actively encourage excellent levels of punctuality. Lateness should be monitored and followed up.

School policies and the school website will clearly state the time at which each school session begins and finishes, including the time at which registers open and close.

When a pupil arrives late and the register is still open he/she should be marked as 'late' but counted as present for that session.

When a pupil arrives after the register has closed and provides a satisfactory explanation, he/she should be marked as 'authorised absent' for that session using the correct code.

When a pupil arrives after the register has closed and fails to provide a satisfactory explanation, he/she should be marked as 'unauthorised absent' for that session. (Code U)

When a pupil arrives late having missed registration, his/her presence on site should be noted in a book in the school office for purposes of emergency evacuation, etc.

11. Authorising Absence

Only the school can authorise an absence. The fact that a parent has provided a note or other explanation (telephone call or personal contact) in relation to a particular absence does not, of itself, oblige the school to accept it, if the school does not accept the explanation offered as a valid reason for absence. If, after further investigation doubt remains about the explanation offered - or when no explanation is forthcoming at all - the absence should be treated as unauthorised.

Schools should communicate to parents their policies with regard to the notification and categorisation of absence. If parents, such as those whose first language is not English or who do not read or write, experience difficulty in providing notes the school will seek to make alternative arrangements.

Absence should be authorised if:

- the pupil is absent with leave (defined as 'leave granted by any person authorised to do so by the governing body or proprietor of the school')
- the pupil is ill or prevented from attending by any unavoidable cause
- the absence occurs on a day exclusively set aside for religious observance by the religious body to which the pupil's parent belongs

- the school at which the child is a registered pupil is not within walking distance of the child's home; and no suitable arrangements have been made by the LA for any of the following: the child's transport to and from school; boarding accommodation for the child at or near the school; enabling the child to become a registered pupil at a school nearer to his/her home
- the pupil is the child of Traveller parents who are known to be travelling for occupational purposes and have agreed this with the school but it is not known whether the pupil is attending alternative provision
- there is a close family bereavement
- leave of absence has been applied for in advance and has been granted because of exceptional circumstances relating to the application. (Parents should be reminded that they cannot expect, as of right, that the school will grant leave of absence)
- leave of absence should be granted to allow a pupil to take part in a performance within the meaning of s37 of the Children and Young Persons Act 1963 (c) for which a child performance licence has been issued. HCC will not issue a child performance licence where absence is required without the written permission of the head teacher.

Absence should be unauthorised if no explanation is forthcoming from the parents or if the school is dissatisfied with the explanation

12. Administrative Codes

There are several administrative codes which are not counted as a possible attendance in the school census. They must only be used in the circumstances described:

Unable to attend due to exceptional circumstances (Code Y)

This code is collected in the school census for statistical purposes but is not counted as a possible attendance. It may be used when:

- the school site, or part of it is closed due to unavoidable cause; or
- the transport provided by the school or the local authority is not available *and* where the pupil's home is not within walking distance; or
- a local or national emergency has resulted in widespread disruption to travel which has prevented the pupil from attending school

Not required to be in school (Code X)

is used to record sessions that non –compulsory school age children are not expected to attend

Pupil not on admission register (Code Z)

enables schools to set up registers in advance of pupils joining the school to ease administration burdens. Schools must put pupils on the admission register from the first day that the school has agreed, or been notified, that the pupil will attend the school.

Planned whole of partial school closure (Code #)

should be used for closures that are planned or known in advance eg holidays, curriculum planning/training days (up to five per year) or the use of the school as a polling station

Different Term Dates for Different Pupils (Code #)

can also be used to record staggered starts or induction days. This is only acceptable where the school ensures that pupils not attending on that day are still offered a full education over the school year.

13. Approved Off-Site Educational Activity

Pupils who are engaged in off-site educational activities should be recorded as attending (or absent from) an approved educational activity using the appropriate code.

The key features of approved educational activity are that they must be:

- educational *and*
- approved by the school *and*
- supervised by the school or someone authorised by the school

A pupil should be recorded as approved educational activity if he/she is attending:

- a field trip or educational visit (Code V)
- an approved sporting activity approved by and supervised by someone authorised by the school (Code P)
- the pupil is attending an interview with a prospective employer, or another educational establishment (Code J)
- an off site educational activity (Code B)

Note: The B code must not be used for any unsupervised educational activity or where a pupil is at home doing school work. Schools are ultimately responsible for the safeguarding and welfare of pupils educated off-site. In using the B code schools are certifying that the education is supervised and measures have been taken to safeguard pupils.

- Dual Registered – at another educational establishment (Code D)

Note: This code is used to indicate that the pupil was not expected to attend the session in question because they were scheduled to attend the other school at which they are registered. This code is not counted as a possible attendance in the school census. This code should be used where pupils are attending as ESC, hospital or special school on a temporary basis or for Gypsy, Roma and Traveller children are known to be registered at another school for the session in question.

Each school should only record the attendance/absence for those sessions where the pupil is expected to attend. Schools must ensure that they follow up all absence in a timely manner.

14. Flexi-schooling

Head teachers can agree to flexi-schooling arrangements where the parents take on the responsibility for their child's education for part of the school week. Head teachers are advised to consider any such requests from parents very carefully before agreeing to them and are advised to draw up a written agreement with

the parent. Where agreement has been reached, pupils should be marked authorised absent from school during periods when they are receiving home education. (C)

15. Part-time time-tables

All pupils of compulsory school age are entitled to a full-time education. In exceptional circumstances there may be a need for a part time timetable to meet an individual pupil's needs. A part time timetable must be time limited and must not be treated as a long term solution. The school should mark the sessions were the pupil is not expected to attend as authorised absence. (C)

16. Requests for Family Holidays During Term time

Amendments to the 2006 Pupil Registration (England) Regulations which come into effect on 1st September 2013 remove all references to family holidays and extended leave for holidays in term time. The amendments make clear that headteacher's may not grant any leave of absence during term time unless there are exceptional circumstances. It is for the headteacher to determine what constitutes exceptional circumstances and for them to determine the number of school days a child can be away from school if the leave is granted. It is therefore highly unlikely that time off for holidays during term time will be granted.

At the request from headteacher's, the local authority has provided a standard letter to be handed to parents and carers to support the governing body and headteacher's in communicating their decision making regarding individual requests for leave of absence for holidays in term time. This is available on www.thegrid.uk

Further information and advice of school attendance including the use of the correct registration codes is available at www.education.gov.uk

The Education (Pupil Registration) Regulations 2006 and subsequent amendments in 2010, 2011 and 2013 is available at www.legislation.gov.uk

Further details information and advice on all aspects of school attendance in Hertfordshire is available at www.thegrid.uk school/ administration/pupil welfare/attendance

HERTFORDSHIRE COUNTY COUNCIL

Policy for Attendance Improvement Officers working with children whose absence has been authorised

- if the AIO becomes concerned (through checking the attendance register) that a pupil has accumulated significant amounts of authorised absence this will be discussed with the relevant member of school staff
- if it is agreed that there is a concern about the pupil's attendance the school should share this concern with the parents
- if concerns about the pupil's attendance remain, the AIO will consider accepting the case
- AIO will give priority to those cases when the absence has been unauthorised

(Note: if a pupil's absence has been authorised by the school the LA cannot cite that absence as evidence of non attendance under Section 444 of the Education Act 1996.)

ATTENDANCE CODES, DESCRIPTIONS AND MEANINGS

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Present at off site educational activity	Approved Education Activity
C	Leave of absence authorised by the school	Authorised absence
D	Dual registered at another educational establishment	Not expected to attend this session
E	Excluded (no alternative provision made)	Authorised absence
G	Holiday (NOT agreed <u>or</u> days in excess of agreement)	Unauthorised absence
H	Holiday authorised by the school	Authorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J	Interview	Approved Education Activity
L	Late (before registers closed)	Present
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Other unauthorised absence	Unauthorised absence
P	Supervised sporting activity	Approved Education Activity
R	Day set aside exclusively for religious observance	Authorised absence
S	Study leave	Authorised absence
T	Gypsy, Roma and Traveller absence for occupational reasons	Authorised absence
U	Late and arrived after the registers closed	Unauthorised absence
V	Educational visit or trip	Approved Education Activity
W	Work experience	Approved Education Activity
X	Not required to be in school (non-compulsory school age pupils)	Not counted in possible attendances
Y	Unable to attend due to exceptional circumstances	Not counted in possible attendances
Z	Pupil not on admission register	Not counted in possible attendances
#	School closed to all pupils (Planned)	Not counted in possible attendances

Detailed advice on the use of these registration codes can be found at

www.education.gov.uk/aboutdfe/advice/f00221879/advice-on-school-attendance

Hertfordshire County Council

Penalty Notices
Unauthorised Absence
(Truancy)

Hertfordshire Code of Conduct – Revised March 2020



Hertfordshire County Council Penalty Notices Unauthorised Absence (Truancy) Hertfordshire Code of Conduct and Guidance for Schools and Academies April 2019 (Revision 22 March 2020)

© Hertfordshire County Council 2019. Local Code of Conduct – Penalty Notices for Unauthorised Absence (Truancy) Introduction Section 23 of the Anti-Social Behaviour Act 2003 empowers the police, designated Local Authority Officers and Headteachers and Deputy and Assistant Headteachers authorised by them to issue penalty notices in cases of unauthorised absence (truancy) of pupils of statutory school age.

The government requires Local Authorities to issue a Code of Conduct to which all parties involved must adhere. Penalty notices may be issued only in accordance with the terms of the Code of Conduct. The purpose of the Code of Conduct is to ensure that:

- the powers are applied consistently and fairly
- duplicate notices are not issued
- issuing a notice does not conflict with proceedings proposed or being taken by the Local Authority under section 444 of the Education Act 1996
- suitable arrangements are in place for the administration of the penalty notice scheme.

The Law

Section 23 of the Anti-Social Behaviour Act 2003 added sections 444A and 444B to section 444 of the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for that offence by paying a penalty. The Education (Penalty Notices) (England) Regulations 2007 set out the framework for the operation of the scheme.

All those defined as a parent under section 576 of the Education Act 1996 are considered to be parents for the purpose of these provisions.

As with prosecutions under section 444 of the Education Act 1996 a penalty notice may be issued to each parent liable for the offence in respect of each child.

Penalty notices apply to parents of children of compulsory school age who are registered pupils at maintained schools, academies, Pupil Referral Units (Education Support Centres), City Technology Colleges, Studio Schools, UTCs and any other alternative education provision arranged under section 19 of The Education Act 1996.

Parents cannot be prosecuted for the offence for which the penalty notice was issued until after the final deadline for payment has passed and the penalty remains unpaid. © Hertfordshire County Council 3 Parents cannot be convicted of that offence if the penalty is paid in accordance with the notice.

The Local Authority will retain any revenue from penalty notices to cover the administration of the scheme and any legal actions arising from it.

Rationale Regular and punctual attendance is a legal requirement for pupils registered at schools, academies or other maintained or alternative provision.

A penalty notice may be a suitable intervention in circumstances of unauthorised absence where the school considers a parent is capable of securing their child's regular attendance. It may be particularly effective at an early stage before attendance problems become entrenched.

Circumstances in which a penalty notice may be issued

- Penalty notices may only be issued in cases of unauthorised absence
- The pupil must have at least 15 sessions (half days) unauthorised absence in the current and/or previous term
- The school must have sent a formal warning letter to each parent separately, dated, addressed and on school headed paper. This must be sent by first class post.
- The purpose of the warning letter is to give a parent the opportunity to prevent further unauthorised absence, so should be sent as soon as unauthorised absence occurs.
- The formal warning letter must have been sent in the same term that the application for Penalty Notice is made.
- The school/academy/police or Local Authority Attendance Officer considers that issuing a penalty notice could avoid further absence
- Issuing a penalty notice does not conflict with any other legal action being taken
- Separate notices are issued to each parent in respect of each child.
- A maximum of two separate penalty notices will be issued to a parent within any twelve month period
- Penalty notices will be issued for pupils of compulsory school age, up to the end of the autumn term of year 11 – this is in order to ensure sufficient time to prosecute unpaid Notices
- A penalty notice will not be issued in respect of a pupil who is looked after by the Local Authority without the prior agreement of the AttendanceTeam Manager on behalf of the County Lead for Attendance
- Government guidance is clear that a Penalty Notice should not be issued unless the Local Authority is prepared to prosecute if it remains unpaid. The information contained in the application will form part of the evidence in any subsequent prosecution and therefore must be fully completed. If it is not, the Local Authority may decide not to issue the Notice.

Responsibilities of the Local Authority for issuing penalty notices

Primary responsibility for issuing penalty notices rests with the Local Authority and may not be delegated. Schools, academies and the police may issue penalty notices if they wish to do so but any notices issued by them must comply with the Local Authority Code of Conduct and a copy of any penalty notice issued must be provided to the Local Authority.

In Hertfordshire all parties agree that the Integrated Service for Learning Attendance Teams administer the scheme and issue penalty notices on behalf of police, schools, academies and other settings to ensure fairness and consistency and in the event that subsequent legal action may need to be taken.

The Local Authority receives applications to issue penalty notices from schools, academies and the police. Penalty notices will be issued provided that:

- the circumstances of the absence meet the requirements of the Code of Conduct
 - the information is provided in the specified manner
 - the request is received not more than 10 school days after the final absence cited
- The Local Authority retains revenue from the scheme to cover the costs of issuing and enforcing notices and prosecuting recipients who do not pay.

Appealing against the issue of penalty notices

There is no statutory right of appeal once a penalty notice has been issued. The Local Authority may withdraw a notice if it has been issued incorrectly. If the penalty notice has been issued in accordance with Hertfordshire's Code of Conduct there is no facility to overturn the decision to issue the notice.

Effect of issuing penalty notices

If the penalty is not paid in full before the expiry of the period for paying it the Local Authority named in the notice shall either institute proceedings against the recipient for the offence or shall withdraw the notice. The School/Academy will be required to provide a witness statement and must be prepared to attend court if required.

Payment of penalty notices

The amount payable is £60 (per parent) if paid within 21 days or £120 (per parent) if paid after 21 days but within 28 days of receipt of the notice.

Separate notices are issued to each parent in respect of each child.

Penalty notices are sent by first class post and are deemed to have been received on the second day after posting. Arrangements for payment are detailed on the penalty notice and payment by cheque, postal order and by debit/credit card is accepted.

Withdrawal of penalty notices

The Local Authority may withdraw penalty notices in circumstances where it determines that the notice:

- has not been issued in accordance with the Code of Conduct
- ought not to have been issued
- ought not to have been issued to the person named as the recipient
- has not been paid but it is not appropriate to prosecute the recipient for the offence

Prosecution of unpaid penalty notices

If the notice remains unpaid after the expiry of the payment period and the Local Authority has not withdrawn the notice, the Local Authority will prosecute for the offence under section 444 of the Education Act 1996. All decisions to prosecute (or not) rest with the Local Authority.

2. Responsibilities of schools and academies for penalty notices

Before using penalty notices schools and academies must have the agreement of their governing bodies.

Schools and academies should publicise their use of penalty notices, for example through their websites, newsletters and attendance policy (if used) to ensure that parents are aware of the consequences of failing to ensure their child's regular attendance.

Schools and academies must establish who is liable to receive any penalty notice. If it is both parents, then any correspondence should be addressed to each parent separately. This is important because penalty notices will be issued to each parent separately. A formal letter advising each parent separately of their child's unauthorised absence and warning that a penalty notice will be issued if the unauthorised absence reaches 15 sessions in the current and or previous term is sent by the school/academy. The letter must be sent in the same term as the application for Penalty Notice is made.

If the unauthorised absence continues and subsequently reaches 15 sessions within the requisite time period and the school/academy decides to apply to the Local Authority to issue a penalty notice they must do so within 10 school days of the final absence.

Applications for penalty notices must be made using the standard application form. Each section of the application form must be fully completed to include details of work undertaken by the school to address absences. The information contained in the application will form part of the evidence in any subsequent prosecution and must include –

- a copy of the warning letter sent to parents
- a copy of the attendance certificate appendix C signed and dated by the head teacher
- a copy of the registration certificate (from SIMS) for the relevant period.

Applications should be sent to the Attendance Team for the area in which the child goes to school via Herts/Schools FX.

Penalty notices will be issued if they meet the requirements of the Code of Conduct and full information is given.

Schools/academies should be aware that if the penalty remains unpaid and the Local Authority prosecute for the offence they will be required to complete a witness statement for the court and if the parent contests the case will be required to attend court as a prosecution witness.

There is no statutory right of appeal against the issuing of a penalty notice. Therefore it is important that all information is accurate and parents have been warned they are at risk of a penalty notice being issued against them.