

## **St. John's C of E (VA) Primary School** **Attendance and Punctuality Policy**

Date:	Autumn 2019
Frequency of review	Annual
Reviewed by	Curriculum, Quality and Standards Committee

### **Philosophy:**

St. John's is a successful school and every child plays their part in making it so. We expect good attendance and punctuality from all pupils, in order for them to make the most of the opportunities that the school has to offer. We rely on our partnership with parents/carers to ensure that this is achieved.

We work hard to ensure that the school's ethos and environment encourage pupils to want to attend school through providing effective teaching and a relevant and interesting curriculum. For our children to gain the greatest benefit from their education it is vital that they attend regularly and all children should be at school, on time, every day the school is open unless the reason for the absence is unavoidable.

Any lateness/absence affects the pattern of a child's schooling and regular lateness/absence will seriously affect their learning and may leave them vulnerable to falling behind. Any pupil's lateness/absence also disrupts teaching routines and so may affect the learning of others in the same class. It is the legal responsibility of parents/ carers to ensure their child's punctuality and regular attendance at school. Permitting absence from school without a good reason creates an offence in law and may result in prosecution.

### **Aims of the policy:**

This aim of this policy is to

- achieve high attendance for all pupils at St. John's. Good attendance helps children to make good, consistent progress in their school work.
- instil in pupils a commitment to attending regularly, helping them to develop positive habits that will continue to be a pattern for them in their later life, at secondary school, college and work.
- ensure that parents/carers are fully aware, and are regularly reminded, of the importance of good attendance and punctuality

### **Punctuality:**

The school day starts at **8.55am** and we expect all children to be settled in class at that time. Registers are marked shortly after this. Pupils who are not present for registration, but arrive before 9.30 will be marked as late.

At **9.30am** the registers will be closed. In accordance with the regulations, if a child arrives after that time he/she will receive a mark that shows them to be on site, but this will **not** count as a present mark and it will mean they have an unauthorised absence.

If a child has a persistent late record parents/ carers will be asked to meet with the Head Teacher to resolve the problem. Parents/ carers can also approach school at any time if they are having problems getting their child to school on time.

Poor punctuality is not acceptable. If a child misses the start of the day, he/she can miss work and not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons and whole school collective worship; this can be embarrassing for the child and can also encourage absence.

### **Absence:**

Parents/carers should contact the school by notifying all absences on the first day and all subsequent days of an absence. Any absence which is known in advance, for example, hospital appointments, should be notified to the school in writing beforehand, with the appointment letter or card from the hospital.

Every half- day absence has to be classified by the school (not the parents), as either AUTHORISED or UNAUTHORISED. All schools are required to show the difference between authorised and unauthorised absence. This is why information about the cause of any absence is always required, preferably in writing.

**Authorised absences** are mornings or afternoons away from school for a good reason and **can include:**

- Sickness;
- Unavoidable medical or dental appointments which cannot be arranged outside school hours;
- Emergencies;
- Days of religious observance;
- Leave of absence agreed in advance by the Head Teacher in exceptional circumstances (see below for procedures);
- Leave to sit exams or school entrance tests.

**Unauthorised absences are those which the school does not consider reasonable and for which no authorisation has been given. These include:**

- Parents/carers keeping children off school unnecessarily; ○ Truancy during the school day;
- Any absence which the school has not been informed about, either by letter or telephone;
- Shopping or birthdays; ○ Children arriving at school too late to receive a register mark; ○ Absences which have never been properly explained; ○ General family holidays
- Any absence which the Head Teacher has not authorised;

Local Authorities and all schools have legal powers to use parenting contracts, parenting orders and penalty notices to address poor attendance. Unauthorised absences could lead to the Local Authority (LA) or the school using sanctions and/or legal proceedings.

### **Absence Procedures**

Parents are responsible for making sure that their children of compulsory school age receive suitable full-time education. If a child is absent **parents/carers must** contact the school office as soon as possible on the first day of absence;

If a child is absent the school will:

- Telephone or text parents/carers on the first day of absence and every subsequent day if we have not heard from them;
- Invite parents/ carers in to discuss the situation with the Head Teacher if absences persist;
- Refer the matter to the Attendance Welfare Officer if attendance moves below 90%.

There are a number of reasons (including absence) for which we need to contact parents/ carers. Therefore, we need to have up to date contact numbers at all times. Parents/carers should please make sure they inform school when any of their contact details change.

### **Promoting good attendance and punctuality:**

Parents/carers should always contact the school at an early stage to resolve any difficulties they may be having with respect to their child's attendance. Whilst any child may be off school because they are ill, sometimes they can be reluctant to attend school. If a child is reluctant to attend, it is never better to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and usually make things worse. Any problems with regular attendance are best addressed between the school, the parents/carers and the child. If attendance difficulties are related to bullying or cyber bullying, it is important to contact school staff immediately. Early intervention is important and school staff will be able to support parents/ carers and their child with attendance issues.

To support good attendance and punctuality, the school will provide:

- Regular articles in newsletters encouraging parents/carers to ensure that their children attend regularly and on time.
- Termly reports to parents showing attendance and punctuality
- Certificates rewarding pupils who have 100% attendance each term.
- Feedback to the governing body on attendance rates and unauthorised absences.
- Opportunities for class teachers to discuss attendance at termly Pupil Progress Meetings.

The home/school agreement stresses the importance of regular and punctual attendance. There is an expectation that parents/carers sign this when their child first joins the school and agrees to the contract.

### **Monitoring attendance:**

- Registers are regularly checked and a record kept of absences and lateness.
- The average termly percentage attendance for the whole school will be noted in the Head Teacher's report to Governors.
- Pupils whose attendance drops below 95% will be investigated and parents/carers contacted. This may include making a visit to the home if parents/carers cannot be contacted by phone or email.
- Once school procedures have been exhausted a referral may be made to the Attendance Welfare Service.

The School Receptionist will be responsible for this monitoring, in close liaison with the Head Teacher.

### **Applications for Leave of Absence during term time.**

Permission should be granted from the Head Teacher for any leave of absence (including appointments) during term time and requests should be made on the Application for Pupil Leave of Absence form (appendix A).

Taking leave during term time will affect a child's schooling as much as any other absence and we expect parents/carers to help us by not taking children away on holiday in school time. The Law states that the Head Teacher can only grant leave during term time in "exceptional circumstances"

Parents/carers should consider the impact that an absence may have on their child's progress and attainment. They should remember that any monetary savings they think they may make by taking leave in school time are offset by the cost to their child's education. There is **no** automatic entitlement in law to take time off in school time to go on holiday.

All applications for leave must be made in advance. In making a decision the school will consider each application individually. Holiday leave during term time will not be authorised unless there are exceptional circumstances preventing parents/carers from taking their leave during school holidays. A letter from an employer must be submitted if an employer is being inflexible about holiday leave. Requests for leave must be made to the Head Teacher on the Application for Pupil Leave of Absence form (Appendix A). When considering the request the Head Teacher will take into account:

- The nature of the absence (only extraordinary circumstances will be authorised)
- The child's current attendance record, including punctuality
- The age of the child (children aged 5 to 16 years are legally required to attend school)
- If previous requests have been made within the same school year for leave

### **Persistent Absenteeism (PA)**

A pupil becomes a 'persistent absentee' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level causes considerable damage to any child's educational prospects and we need parents'/carers' fullest support and co-operation to tackle this.

In real terms, a child who has 31 or more sessions of absence at the end of half term 5 (September to May) will be defined as a PA. In order to help track children who are on track to become PA and to ensure interventions are put in place to avoid them becoming a long term PA, the following table can be used. The table identifies how many cumulative sessions of absence it takes for a child to become PA at the end of each half term.

<b>Half Term</b>	<b>Number of sessions missed since September</b>
<b>1</b>	<b>7</b>
<b>1 to 2</b>	<b>14</b>
<b>1 to 3</b>	<b>20</b>
<b>1 to 4</b>	<b>25</b>
<b>1 to 5</b>	<b>31</b>
<b>1 to 6</b>	<b>38</b>

We monitor all absence thoroughly. Any case that is seen to have reached the PA mark or is at risk of moving towards that mark is given priority and you will be informed of this immediately.

PA pupils are tracked and monitored carefully through our pastoral system and we also combine this with mentoring where absence affects attainment.

### **The Attendance Welfare Officer (AWO)**

Parents/carers are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Attendance Welfare Officer from the Local Authority. He/she will also try to resolve the situation by agreement but, if other ways of trying to improve the child's attendance have failed and unauthorised absences persist, these Officers can use sanctions such as Penalty Notices or prosecutions in the Magistrates Court. Full details of the options open to enforce attendance at school are available from the school or the Local Authority.

Alternatively, parents/carers or children may wish to contact the AWO themselves to ask for help or information. The AWO is independent of the school and will give impartial advice. Their telephone number is available from the school office or by contacting the Local Authority.

### **Fixed penalty fines and prosecution**

Pupils with unauthorised absence may be referred to the Attendance Welfare Service, who may consider:

- Issuing parents/carers with a fixed penalty The issuing of a fixed penalty notice for unauthorised holidays.
- The use of a Parenting Contract
- Prosecuting parents/carers under Section 444.1 or 444.1A of the Education Act 1996 for non-school attendance (in extreme cases)

### **Prosecutions by local authorities**

If a child of compulsory school age fails to attend regularly at a school at which they are registered, or at a place where alternative provision is provided for them, the parents may be guilty of an offence and can be prosecuted by the local authority.

#### **School Attendance Orders**

If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, then they must begin procedures for issuing a School Attendance Order. The order will require the child's parents to register their child at a named school. If they fail to comply with the order the parent can be prosecuted.

### **Education Supervision Orders**

The local authority must consider applying for an Education Supervision Order (ESO) before prosecuting parents. A local authority may apply for an ESO instead of

or as well as prosecuting parents. The order is placed on the child and the local authority is appointed by the court to supervise that child's education, either at a school, or at home for a specified period of time.

## **Parenting Contracts**

A parenting contract is a formal written signed agreement between parents and either the local authority or the governing body of a school and should contain:

A requirement for parents to attend counselling or guidance sessions (e.g. parenting education or parenting support classes) where they will receive help and support to enable them to improve their child's behaviour. This is the core of the parenting order and lasts for up to 3 months; and,

- A requirement for parents to comply with such requirements as is specified in the order. This element can last up to 12 months.

Parenting contracts can be used in cases of misbehaviour, irregular attendance at school or alternative provision. Parenting contracts are voluntary but any noncompliance should be recorded by the school or local authority as it may be used as evidence in court where an application is made for a behaviour parenting order.

The local authority or governing body should fund any support required to implement a parenting contract (such as referral to parenting classes) and provide information to parents about other types of support available, such as details of national and local agencies and helplines.

## **Parenting Orders**

Parenting orders are imposed by the court and the parents' agreement is not required before an order is made.

Parenting orders are available as an 'ancillary order' following a successful prosecution by the local authority for irregular attendance or breach of a school attendance order.

They are also available as a 'free-standing order' by direct application by the governing board of a school, or local authority to the Magistrates' Court, in cases either where exclusion has taken place or where there has been serious misbehaviour. An application for a parenting order for misbehaviour must be made within 40 school days of the date upon which the latest instance of serious misbehaviour occurred or, if applicable, the date on which the exclusion review process ends. If a parent has already entered into a parenting contract, an application can be made within 6 months of the date the contract was signed.

Parenting orders consist of 2 elements:

- A requirement for parents to attend counselling or guidance sessions (e.g. parenting education or parenting support classes) where they will receive help and support to enable them to improve their child's behaviour. This is the core of the parenting order and lasts for up to 3 months; and,
- A requirement for parents to comply with such requirements as is specified in the order. This element can last up to 12 months.

All parenting orders must be supervised by a 'responsible officer' from the school (behaviour orders only) or local authority. They are individually named in the

parenting order. Any breach by parents without a reasonable excuse could lead to a fine of up to £1,000. The police may enforce any breach of an order by a parent. Parents have a right to appeal a parenting order to the Crown Court.

## **Penalty Notices**

Penalty notices are fines are imposed on parents. They may be used by magistrates in court as an alternative to the prosecution of parents for failing to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided.

Penalty notices can be issued to each parent liable for the attendance offence or offences.

Penalty notices can be used where the pupil's absence has not been authorised by the school. Penalty notices may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion. The parents must have been notified by the school at the time of the exclusion of this and the days to which it applies.

In the event that a penalty notice is required, the Headteacher will refer the Parents to the LA's Education Welfare officer, who will authorise and issue the notice after consulting with the school and ensure that all measures have been taken by the school and relevant evidence provided.

The Headteacher can also delegate the authority to make referrals to the Local Authority for Educational Penalty Notices.

## **Payment of Penalty Notice**

The payment must be paid direct to the local authority. The parents can only be prosecuted if 28 days have expired and full payment has not been made.

There is no right of appeal by parents against a penalty notice. If the penalty is not paid in full by the end of the 28 day period, the local authority must decide either to prosecute for the original offence to which the notice applies, or withdraw the notice.

See appendix C for Croydon LA Code of Conduct for Penalty Charge notices for more information.

## **A child leaving the school**

If a child is leaving St. John's we require notice in writing from the parents/carers stating the name and address of the new school the child will be attending and any change of address if the family is moving house. This is so that we can forward academic records to the new school. If we do not have the forwarding details of the new school within two school weeks we would have to register the child as missing in education with the local authority. If a parent/carers is thinking that their child will be leaving the St. John's we ask that parents/carers make an appointment to see the Head Teacher as soon as they know the move may be happening.

**Designated person for attendance:** Mrs Martina Martin (HT)

**Administrative support:** School Receptionist

**School target for attendance 2019-20 97%**

**ST. JOHN'S CE PRIMARY SCHOOL**  
**APPLICATION FOR LEAVE FROM LEARNING**



**NOTE FOR PARENTS AND CARERS: Please read this information carefully before applying.**

**Leave of absence during term time.**

Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Parents / carers should consider the impact that an absence may have on their child's progress and attainment. There is no parental right to take children away on holiday during term.

**Fixed Penalty fines and prosecution.**

Local Authorities have legal powers to use parenting contracts, parenting orders and penalty notices to address poor attendance in school. Pupils with cases of unauthorised absences may be referred to the Educational Welfare Service at the Local Authority. They may then issue a fixed penalty notice.

**Medical Appointments.**

Medical appointments at hospitals / outside agencies will be allowed. A Leave of Absence form should be completed and accompanied by a letter or appointment card from the hospital / agency as soon as possible before the appointment.

**Please sign this form to say that you have read and understood the above before completing side 2.**

Child(ren)'s name:

Class:

Signed

Date:



**APPLICATION FOR LEAVE FROM LEARNING**

Full name of child/ren:

Class/es:

**REASON** for this application:

Date/s for which this application is made (please ensure that you include travelling days):

Signature of parent(s)/carer(s):

Date of application:

**FOR OFFICE USE ONLY**

ATTENDANCE of child/ren during the current academic year:

Illness:

Holiday:

Other: (what reason?)

**OUTCOME:**

Authorised OR Not authorised because

.....

.....

.....

Signed:..... (Head Teacher) Date: .....

<b>OFFICE USE ONLY</b>	<b>INITIALS</b>	<b>DATE</b>
Copy		
Register		
SIMS		
Word		
Appointment Confirmation		

**CONFIDENTIAL**  
**EWS 1**

**Referral of Pupil to  
Attendance Welfare Officer**

St John's CofE primary School  
Spring Park Road  
Shirley  
Croydon  
CR0 5EL

Reason for referral:

- Attendance   
Punctuality   
Other

**DETAILS OF REFERRING SCHOOL/AGENCY**

<b>School Name/Agency</b>			
<b>Telephone No</b>		<b>Contact name</b>	

**PUPIL DETAILS**

<b>Last name:</b>		<b>DofB</b>	
<b>First Name:</b>		<b>Gender M/F</b>	
<b>Address:</b>			<b>Post Code:</b>
<b>Telephone (Home)</b>		<b>Mobile</b>	
<b>SEN Status SA/SA+/Statement</b>	<b>Looked After? Y/N</b>	<b>Child Protection Register Y/N</b>	

**SIBLINGS**

<b>Name</b>	<b>DofB</b>	<b>School</b>	<b>M/F</b>

## DETAILS OF PARENT(S)/CARERS

<b>Last name</b>		<b>First Name</b>	
<b>Address</b>			
<b>Tel No Home</b>		<b>Mobile</b>	
<b>Relationship to child</b>		<b>Parental responsibility Y/N</b>	
<b>Last name</b>		<b>First Name</b>	
<b>Address</b>			
<b>Tel No Home</b>		<b>Mobile</b>	
<b>Relationship to child</b>		<b>Parental responsibility Y/N</b>	

## ANY OTHER ADULTS WITH PARENTAL RESPONSIBILITY

<b>Last name</b>		<b>First Name</b>	
<b>Address</b>			
<b>Tel No Home</b>		<b>Mobile</b>	
<b>Relationship to child</b>			

## ANY PARENT WHO SHOULD NOT BE CONTACTED

<b>Last name</b>		<b>First Name</b>	
<b>Address</b>			
<b>Tel No Home</b>		<b>Mobile</b>	
<b>Relationship to child</b>			

**BRIEF DESCRIPTION OF PROBLEM – please include % attendance and reasons for absence, relevant information re attainment and progress, issues at school or home.**

**ACTION TAKEN BY SCHOOL – please attach copies of letters, minutes of meetings & other documentation and send with hard copy of referral or give to your allocated EWO.**

<b>ACTION</b>	<b>DATE</b>	<b>OUTCOME</b>
<b>Telephone Calls</b>		
<b>Standard Letter</b>		
<b>Personal Letter</b>		
<b>Meetings</b>		
<b>Other</b>		

<b>Are you aware of any Health &amp; Safety issues in relation to home visiting this family?</b>
<b>Other Agencies involved:</b>
<b>Additional Information</b>

**Signed  
Designation**

**Date**

## **CROYDON LOCAL AUTHORITY**

### **DEPARTMENT FOR CHILDREN, FAMILIES & LEARNING**

#### ***EDUCATION WELFARE SERVICE***

### **Penalty Notice Code of Conduct – January 2018**

#### **1. Legal Basis**

- 1.1 **The Anti-social Behaviour Act 2003** contains provision for the issue of **Penalty Notices** for cases of unauthorised absence from school. **Section 23** of that Act empowers designated Local Authority officers, Head Teachers (including Deputy and Assistant Head Teachers nominated by them) and the Police to issue the aforementioned Penalty Notices.

In consultation with and following agreement from schools, the administration of the Penalty Notice Process will be undertaken by the Local Authority (Croydon Council), who will process Penalty Notice requests received from the school.

- 1.2 The Local Authority (LA) has primary responsibility for producing and overseeing the Penalty Notice Code of Conduct (“the Code of Conduct”)and , ensuring consultation takes place with governing bodies, head teachers and the chief officer of police for the area in adopting the code.
- 1.3 The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in Section 576 of the Education Act 1996. This defines ‘parent’ as:

1. All natural parents, whether they are married or not.
2. Any person who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person.
3. Any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

Throughout this document, references to ‘parent’ mean each and every person coming within the definition, whether acting jointly or separately, and should not be taken to mean that provisions only apply to ‘parent’ in the singular.

#### **2. Reasons for Introduction**

- 2.1 Clear evidence exists to support the link between poor attendance at school and low achievement (only 10% of persistent truants achieved 5 or more GCSE’s at grades 4+ compared to 58% of regular attendees). Unemployment,

low take up of further training, crime (66% of young offenders are truants), early age use of drugs and alcohol, poverty, low expectations and subsequently poor parenting skills are additional consequences of poor attendance at school.

- 2.2 There is now additional evidence from research conducted by the Department for Education (DfE) that overall grades achieved by individual schools decline in line with the number of school days missed by pupils during the year. In 2005 89.5% of pupils with less than 7 days absence achieved 5 or more GCSE's at grades 4+. By contrast, only 28% with absence of more than 20 days achieved the same levels.
- 2.3 Regular attendance at school is a legal requirement and **Section 444 (1) and 444 (1A) of the Education Act 1996 and Section 36 of the Children Act 1989** already exist to enforce attendance through the Courts in appropriate circumstances. The legal responsibility for compliance with these Acts rests with the parents and courts have the powers to fine, imprison or impose various orders.
- 2.4 Where difficulties arise with school attendance, schools, together with Attendance and Welfare Officers (where available), are available to assist both family and school to resolve these difficulties. In addition, SEN support, mentoring, parenting support through a raft of voluntary agencies as well as support from Social Care exists to enable adults to parent effectively so that children can achieve to their full potential.
- 2.5 In the small minority of cases where parents are unwilling to ensure their children's regular attendance at school and to engage with support networks, sanctions are necessary. Such sanctions are not intended as punishment but rather as a means of persuading the parents to recognise their responsibilities, comply with the law and ensure their children's access to education.

### **3. Use of Penalty Notices**

- 3.1 Penalty Notices will only be issued for cases of **unauthorised** absence or in the case of pupils who have been **excluded** from school and are found in a public place without good reason. When a Penalty Notice is issued for cases of unauthorised absence, the defences in law against the offence remain the same as for the substantive offence under Section 444 (1) and 444 (1A) of the Education Act 1996. Any defence against conviction on this charge is very limited and the matter is dealt with in a Magistrates' Court.
- 3.2 Penalty notices are more effective with less entrenched cases and will not be used for cases meeting the EWS referral criteria of 80% or less attendance, which often require investigation to ensure complex issues are identified and support offered prior to legal action being considered.
- 3.3 The local authority is required to set out the maximum number of penalty notices which may be issued to each parent in any 12 month period. For these purposes the local authority has set the maximum at one penalty notice for each parent for each individual child (with no restriction on the number of warnings issued), although more than one penalty notice can be issued in a

12 month period in instances relating to multiple leaves of absence (i.e. unauthorised holidays during term time).

Should the issue of a Penalty Notice fail to improve attendance, consideration will be given to a prosecution.

**N.B.** It is not a defence for the parent to say that s/he was unaware of the absences or the pupil being out unsupervised during an exclusion from school. Parents are expected to know where their children are on a daily basis and there is no duty, in law, on the school or the LA to advise them of their child's absence.

### **3.4 Specific Conditions**

**Children Looked After:** Croydon Council does not include Children Looked After in the Penalty Notice process. Where there are concerns over attendance with a child in Croydon Council or other Local Authority care, a review should be held to determine that appropriate provision is in place and whether changes need to be made to better engage the young person with their education.

**Special Education Needs (SEN):** For pupils with an Education Health & Care Plan an early review should be held before considering a Penalty Notice or other legal action. This is to determine that appropriate provision is in place and whether changes need to be made to better engage the young person with their education.

## **4. Key considerations prior to the issue of a Penalty Notice**

- 4.1 In the case of absence from school, a penalty notice should be considered if the parent is judged capable of securing better attendance but is not willing to accept that responsibility and it is considered likely to improve the pupil's attendance.
- 4.2 This judgment is based on the parental response to warnings issued by the LA and the school regarding their child's poor attendance and their engagement with the school and/or the EWS in attempts to improve attendance.
- 4.3 Parents who do not heed warnings or respond to efforts to deal with their child's absences may be adjudged to have failed in their duty and will receive a Penalty Notice for each individual parent and for each child with unauthorised absence.
- 4.4 In order for the Local Code of Conduct to reflect due regard to the Human Rights Act and DfE Regulations and Guidance, the LA 's Code of Conduct has been amended in order to meet its statutory obligations.
- 4.5 LA's, schools and the police must demonstrate regard to the Human Rights Act and ensure they apply their powers fairly and consistently and in the case of penalty notices, the local code of conduct must be seen to fully comply with the Human Rights Act.

- 4.6 The purpose of the local Code of Conduct is to ensure that the powers are applied consistently and fairly and therefore the LA will only issue penalty notices on behalf of schools in the circumstances detailed below.
- 4.7 Under the Education (Pupil Registration) (Amendment) Regulations 2013 Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days a child can be away from school if the leave is granted.
- 4.8 It is for Headteachers to determine if the request is Exceptional. Legislation requires that each request is judged on a case by case basis.**
- 4.9 The DfE expects that head teachers will use their discretion sparingly. Head teachers should not fetter their discretion by applying policies (for example, blanket bans) which might suggest that each application has not been considered on its individual merits.
- 4.10 The LA must have regard to a parents' ability to pay any Penalty Notices issued and, in situations where there is more than one non-attending child and/or parent in a family, the impact of multiple notices must receive careful consideration. However, financial circumstances alone will not prevent the issue of a Notice. **The decision to issue a penalty notice to both parents will take into account the considerations set out in section 6.1 below.**
- 4.11 Before a Penalty Notice is issued it must be evident that the matter is capable of proof in the Magistrates' Court so that in the event of non - payment of the charge the parent/carer can be prosecuted.

**5. Cases where issuing a Penalty Notice may be considered:**

**5.1 Poor School Attendance: (Also see Paragraph 6.1)**

The pupil has had eight or more sessions of unauthorised absence in the six weeks (60 Sessions) initial period.

**and**

Their attendance has not been below 80% (24 sessions of absence) in the last 12 weeks (120 Sessions) prior to a notice being requested.

or

The pupil has been stopped on a School Attendance and Exclusion Sweep (also known as Truancy Patrol) on more than one occasion, with no justified reason for absence. (See Section 6.3)

**5.2 Unauthorised Leave of Absence during term time: (Also see Paragraph 6.2).**

A leave of absence of five consecutive days (10 sessions) or more was taken during term time without the school's consent in the six weeks

prior to a notice being requested.

Where a decision is made by the LA panel not to issue a PN and instead issue a warning letter, this letter will be issued by the LA.

### **5.3 In case of an Excluded Pupil (Also see Paragraph 8.4)**

The pupil is found unsupervised in a public place during school hours during the first 5 days of exclusion without good reason.

Good reason might include attendance at a medical appointment, YOT appointment or other appointment with a statutory or voluntary agency.

### **5.4 In the case of a Non-Court Disposal**

A penalty notice may be issued as an alternative to legal action through the magistrates' court in the following circumstances:

- Evidence of intervention has been supplied by the pupil's school and/or the Local Authority;
- The Local Authority is satisfied that an offence has been committed under Section 444(1) Education Act 1996;
- There are no "aggravating" factors which would suggest that a Fixed Penalty Notice is not appropriate, including the parent having previous school attendance related convictions.
- There is evidence that the child's attendance has improved, but that unauthorised absence is still occurring "infrequently" (Less than eight sessions in the last six weeks).

## **6. To assist Head teachers in applying their powers fairly and consistently the LA expect the following check list be applied**

### **6.1 Poor attendance**

Although the LA does not condone any unauthorised absence, the criteria for issuing a penalty notice have been set to take into account the level of unauthorised absence such that the LA can confidently institute Magistrate Court proceedings in the event that the Penalty Notice remains unpaid.

#### **Consider**

- Has the parent been regularly contacted by the school to establish the reasons for absence or is there established parental non-engagement in response to phone calls, letters or invitations to school based meetings.
- Could there be underlying issues which need to be explored with the parents at a school based meeting to identify if any support is required.
- When parents are separated and do not live at the same address, establish how much involvement each parent has in caring for the child/ren. If one parent has little involvement, consider whether it is in the public or family's interest to issue a fine to both parents.

- **Parents who live at the same address will be equally responsible for their child/ren's attendance and will each receive a penalty notice for each child.**

## 6.2 Leave of Absence

### *Consider*

The family's circumstances and the likely benefits to the child and family, taking into account social, emotional and cultural reasons;

The likely detrimental impact on the child's social, emotional and intellectual development, attainment level and any SEN.

Meeting parents to explore exceptional circumstances such as bereavement, funerals abroad, unavoidable cause (illness/flight delays) to determine the reasonableness of delay to return and allow parents the opportunity to provide appropriate evidence. This is to reduce the need for subsequent Local Authority Penalty Notice withdrawals based on retrospective evidence;

Siblings in other Croydon schools. Liaise with other schools in individual cases to agree a consistent approach in considering term-time holiday request and penalty notice;

The child's previous attendance record;

Consider exceptional circumstances put forward by the parent, explicitly setting out considerations taken by the school in a letter to the parent confirming when requests are unauthorised.

The Local Authority advises schools that no leave of absence should be authorised for children with attendance below 95% (Ofsted's recommended level good attendance); unless exceptional circumstances exist.

**Notices can be issued without warning where schools can show that a leave of absence was taken during term time without the consent of the Head Teacher and the parent was made aware in writing of the possible consequences, including the issuing of a fixed penalty notice.**

## 6.3 For pupils stopped during a School Exclusion and Attendance Sweep (Truancy Patrol)

### *Consider*

- Ensuring that there are no genuine reasons for the absence and any underlying issues which may need school based support.
- Arranging a parent meeting on the first occurrence of established unauthorised absence and warn of the risk of receiving a penalty notice. Penalty notices for pupils stopped twice during a sweep will act as a trigger to consider a penalty notice.

## **Non-Court Disposal**

### **6.4**

A penalty notice may be used in circumstances where it is it may be more appropriate to make use of a non-court disposal than to seek legal proceedings via the magistrates court,

In such instances, the expectation is that a request for legal action, together with supporting evidence, would have been submitted to the Local Authority in order to establish that an offence has been committed.

No warning letter will be issued in this circumstance, as the parent would have already have been informed that may be committing an offence, and that legal action may be sought.

## **7. School action prior to referring to the EWS for the issuing of a Penalty Notice**

### **7.1** It is expected that:

The School's Governing Body has endorsed the operation of the penalty notice scheme;

The School's Attendance Policy clearly explains the criteria and process for addressing poor attendance;

The School has fully considered any extenuating circumstances and has established there are no justified causes for the absences;

A written notice has been sent to parents informing them of the consideration to refer to the Local Authority to issue a penalty notice;

### **7.2** While the Head teacher can delegate the authority to a member of staff to make penalty notice referrals on their behalf, all referrals must be signed (or sent if via e-mail to [EducPenaltyNotices@croydon.gov.uk](mailto:EducPenaltyNotices@croydon.gov.uk)) by a member of the Senior Leadership Team to confirm authorisation to ensure that referrals are made in line with the protocol.

### **7.3** It is good practice to ensure that parents are reminded on an annual basis of the school's policy on attendance, including the existence of Penalty Notices.

## **8. Procedure for the issuing of Penalty Notices by the Local Authority**

### **8.1** Schools considering referring cases to the Local Authority for Penalty Notices to be issued for unauthorised absences will need to follow the process below.

### **8.2** Required documentation

#### **If Penalty Notice is in relation to unauthorised absence:**

- A fully completed penalty notice request form;
- A Certificate of Attendance/Registration Certificate.

- A copy of the school's warning letter to the parent, warning that a referral may be made to the local authority to issue a penalty notice.

### **8.3 If Penalty Notice is in relation to an unauthorised leave of absence:**

- A fully completed penalty notice request form;
- A Certificate of Attendance;
- A holiday request form or letter from the child's parent;
- Record of discussion with the parent if extenuating circumstances are raised for an unauthorised term-time holiday;
- A refusal of leave letter from the school should be sent outlining:
  - a. the exceptional circumstances the school has considered;
  - b. setting out the reasons for refusal;
  - c. Including a statement regarding the consequences of taking an unauthorised holiday, including the issuing of a penalty notice if a pupil continues to be absent during this period.

#### **OR**

1. If the parent has not applied for a leave of absence, but the school ascertains after a period of absence that this should have been unauthorised, a refusal of leave letter explaining how the school would have come to this decision together with the points a) to c) listed above.

### **8.4 If a Penalty Notice is in relation to an Excluded Pupil found unsupervised in a public place during school hours in the first 5 days of exclusion without good reason**

- A fully completed penalty notice request form for excluded pupils;
- Copy of exclusion letter highlighting the local authority's ability to issue a penalty notice;
- Confirmation that the parent has had the opportunity to provide evidence for any legitimate reasons for being found in a public place;

If a penalty notice remains unpaid, a witness statement **must** be provided by either a member of the Education Welfare Service and/or a Police Officer/Community Support Officer who stopped the excluded pupil in a public place during school hours.

- 8.5 The above will be used as evidence in court should the penalty fine remain unpaid. The parent(s) will be then be prosecuted for an offence under Section 103(3) Education and Inspections Act 2006 (excluded pupil stopped in public place).

### **8.6 Local Authority action on receipt of referral – Poor Attendance**

The LA will check the referral to confirm that it meets the criteria whereby a Penalty Notice can be issued and the consequences for failure to pay within the required time scale.

- 8.7 On referral, the LA will check that parents of pupils, have had eight or more unauthorised absences over the six week period, and as a consequence then

been issued a warning letter by the school monitoring for 30 Sessions (15 School days), and the number of unauthorised absences during this monitoring period is four or more sessions (i.e. two days).

- 8.8 The decision whether to issue a Penalty Notice will be authorised by the Attendance & Exclusions Manager or an authorised person in their absence following consultation with the school.
- 8.9 An offence is committed by an individual parent for each individual child's unauthorised absence. To ensure each parent is aware of their legal duty, each parent will be written to individually and will receive a separate Warning Letter and Penalty Notice for each child they are responsible for.
- 8.10 Where a Penalty Notice is issued, it will be sent by the Education Welfare Service (EWS) via **First Class** post to the parent's last known address. The database will be checked before the issue of the Notice in order to avoid duplication.

**8.11 Local Authority action on receipt of referral - Unauthorised Leave of Absence**

Penalty Notices for unauthorised leave of absence during term-time will be issued without a Warning Letter. The school's letter confirming the refusal of the request will have acted as a warning and raised parental awareness of the unauthorised holiday and the risk of receiving a penalty notice.

If the criteria for a Penalty Notice for a leave of absence is not met, or the Local Authority Panel deem it more suitable, a Warning Letter may be issued by the Local Authority (If the absences meet the criteria for poor attendance) rather than a Penalty Notice.

In these cases they will be treated as poor attendance for the purpose of issuing the Penalty Notice, but maybe taken into account on any future applications for Unauthorised leave of absence.

- 8.12 Where a Penalty Notice is issued, it will be sent by the EWS within 10 working days of the referral being received via **First Class** post to the parent's last known address. The database will be checked before the issue of the Notice in order to avoid duplication.
- 8.13 Penalty Notices will be issued to the parents of pupils registered at Croydon schools, irrespective of their actual home address. This also means that follow-up prosecutions where parents fail to pay the Notice or to improve their children's attendance will extend to families resident outside the Borough. Croydon EWS will notify the 'home' authority of all pupils resident outside of Croydon if a prosecution is undertaken. Penalty Notices will not be issued to parents whose children are not on roll of a Croydon school.
- 8.14 In the event of non-payment of a Penalty Notice the LA will send a letter to the Parent of a Child, warning of the possible consequences of being considered for prosecution, as well as an opportunity to produce any evidence that would support the unauthorised absence.

## **9. Withdrawal of a Penalty Notice**

- 9.1 The LA will withdraw any Notice issued if one or more of these conditions exist:
- (a) that authority determines that—
    - (i) it ought not to have been issued; or
    - (ii) it ought not to have been issued to the person named as the recipient; or
  - (b) it appears to the authority that the notice contains material errors
  - (c) New evidence or information has come to light after the initial application that warrants the withdrawal of the Penalty Notice

Where any of the above occurs, written notice of the withdrawal shall be given to the recipient and any monies paid over shall be fully refunded.

## **9.2 The Decision to Prosecute**

The decision to bring a prosecution will be made in line with the Council's policies and procedures for bringing a prosecution.

- 9.3 When a Notice is withdrawn, no proceedings under Section 444 of the Education Act 1996 shall be instituted against the recipient in respect of the period covered by the original Penalty Notice.

## **10. Payment**

- 10.1 Arrangements for payment will be detailed on the Penalty Notice.
- 10.2 A Penalty Notice shall be for the sum of **£60** if paid within 21 days rising to **£120** thereafter until the final deadline of 28 days.
- 10.3 Part Payments or Payment plans are not acceptable and fines must be paid in full within 21/28 days.
- 10.4 Payment in full of the Penalty Notice discharges the parent's legal responsibility for the period of unauthorised absence outlined in the Notice and the parent cannot be subsequently prosecuted for that period.
- 10.5 Any revenue arising from the issue of Penalty Notices will be retained by the LA to offset the costs involved in their issue.
- 10.6 Payment after the deadline may be accepted in exceptional circumstances. In this situation the higher amount of £120 is payable and part payment or payment plans continue to not be acceptable.

## **11. Non Payment**

- 11.1 The offence detailed in the Penalty Notice must be capable of proof in the Magistrates' Court so that in the event of non-payment of the charge the parent/carer can be prosecuted. Non-payment of Penalty Notices within the prescribed time limits will result in the initiation of a criminal investigation and

possible prosecution under Section 444(1) of the Education Act 1996 for the original offence detailed in the penalty notice.

**For more information and guidance consult the DfE Guidance available for download from:**

**<https://www.gov.uk/government/publications/parental-responsibility-measures-for-behaviour-and-attendance>**

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