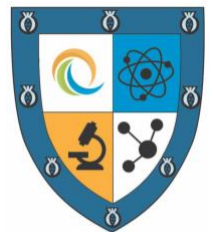




ATTENDANCE POLICY
FOR SCHOOLS WITHIN QUEST

St. Peter's C. of E. Primary School, Hindley
Hindley Green Community Primary School
St. John's C. of E. Primary School, Hindley Green
St. John's C. of E. Primary School, Abram
University Collegiate School, Bolton



Spring 2023
Review date Spring 2025

ATTENDANCE POLICY

The Attendance Policy for schools within QUEST, was written in consultation with all staff in line with National and Local legislation and was revised during the Summer Term 2021.

Introduction

This document is a statement of the importance the schools place on regular, punctual attendance and the partnership of parents/carers, children and staff, which is needed to ensure this. It also addresses ways of helping to ensure good punctual attendance.

Aims

- to convey a clear message to parents/carers and pupils that regular attendance is vital to ensure that each child has the maximum opportunity to progress effectively with their learning.
- establish and sustain effective links with parents/carers to ensure that this is the case.
- To have clear systems and procedures in place to ensure that absences are checked on the first day of non attendance and further or continued absence will be monitored and authorised.
- To have clear systems and procedures to monitor and remedy unauthorised absences. This will be done in co-operation with the Attendance service.

School Systems

The leadership team will overview, through the Pastoral Lead/Learning Mentors and office staff, the analysis and accuracy of attendance and ensure the following:

- Ensure all staff keep accurate registers and are aware of the procedures for reporting/recording absence (See appendix 1)
- Monitor daily the attendance of all children
- Ensure Pastoral Lead/Learning Mentors report attendance to parents/carers on annual reports and termly RAG letters – Green 97% and above; Amber 90-96.9%; Red – below 90%
- Ensure First Day Absence Calls take place daily and comments noted on the MIS system
- Ensure all absences are authorised or coded appropriately
- Monitor attendance weekly for any patterns, declining frequency and patterns of lateness
- Take structured steps to address any of the above and if appropriate follow the guidance notes for schools issued by the Local Authority on the use of education penalty notices and the monitoring of persistent and frequent absence (90% or below at any given point in the year) – see Appendix 2 for Wigan Council's EPN guidance and Appendix 2b for Bolton Council's EPN guidance for the UCS.
- Ensure the Education Penalty Notice Warning letter (Appendix 2a) is issued to parents/carers at the beginning of an academic year and subsequently each term, via the school newsletter.
- Reward and praise children for prompt arrival and good attendance
- Schools may present the attendance trophy and/or certificates each week/month in celebration time to the class with the highest attendance and shared on Newsletters.
- Ensure any child with good attendance receives a certificate to reflect this achievement. At Primary schools within QUEST children with 100% attendance

receive a gift voucher which may be sponsored by the Parents' & Friends' Associations

- Ensure that regular meetings with the Attendance service have accurate information with regard to attendance and punctuality and address issues immediately they arise.

Parents/Carers role:

- Ensure that school is informed by a responsible adult on first day of absence.
- Send written communication on return to school.
- Ensure holidays are taken in school holiday time.
- Only apply for leave in term-time in **exceptional** circumstances as the Trustees have agreed that only in **exceptional** circumstances will leave be authorised in term time. If absences are requested in term time, the documents in appendix 6 should be used.
- Be willing to escort their child to school if necessary.
- Ensure their child is punctual.

The Directors role:

- Attendance will be reported to Local Governing Bodies and Trustees on a termly basis.

The system in place to address non attendance is as follows:

- When a child is absent without explanation, the Office Staff, Pastoral Lead/Learning Mentor or Headteacher will contact the parents/carers on the first day of absence
- If no contact has been possible with the family and the child has been absent for three days without an explanation, the office staff will send a standard letter home (See Appendix 3 attached). This will be recorded in the register with the date of despatch or posting.
- If a child returns to school without an explanation for absence, a reminder will be sent to parents/carers (See Appendix 4 attached).
- Should attendance fall below 90%, the letter notifying the parents/carers of the child's poor attendance will be sent to the family. (See appendix 5 attached)
- Any notes, records of telephone calls and medical certificates will be dated and initialled by the office staff/Pastoral Lead/Learning Mentor. All such items will be treated with appropriate confidentiality.
- In cases of regular non-attendance, the child's parents/carers should be invited into school, in conjunction with the Attendance service, to discuss any difficulties which may be preventing regular attendance. Early Help meetings are carried out when attendance is flagged as below 90%.
- Continued absence will then result in the implementation of the statutory systems for Persistent absence and frequent absence. This process will be supported by the Local Authority Attendance service and the use of Education Penalty Notices may be applied. See Wigan Council Education Penalty Notice Code of Conduct and guidance notes at Appendix 2 and Bolton Council's at Appendix 2b.
- Each pupil's absence will be input onto the MIS Attendance module daily so that calculated absences can be seen at a glance and followed up consistently by the schools.
- Should parents/carers request absence in writing for religious events, sporting activities, modelling assignments etc, the letter at appendix 7 should be used if the absence is to be authorised.

- Punctuality is equally important and will be monitored daily. Should a child be late arriving at school on three or more occasions during a week, the letter attached at appendix 8 will be sent to the child's parents/carers.

This policy has been reviewed with due regard to the Equality Act 2010 and Trustees are aware of its contents.

Signed by:

C. Pailing

Chair of Trustees

Date: May 2023

QUEST

PROCEDURES FOR SIMS IN THE CLASSROOM IN PRIMARY SCHOOLS

Teaching Staff (or Cover staff in the absence of the teacher):

- SIMS in the Classroom allows teaching staff to record whether a child is present or not at the start of the morning and afternoon sessions.
- Registers must only be saved when the classroom door is closed at 8.55 am. This will ensure that all children are marked present/absent accurately.
- Teaching Staff are responsible for inputting reasons for absence if they are notified by parent/carer in person, by telephone, in writing or via class DOJO.
- A Generic log-on will be provided for Supply teachers or Cover Staff to access SIMS in the Classroom.
- A laminated class list will be situated on the rear of each classroom door. This will be used to record pupil absences should the ICT system not be available and, in the event of no ICT system, will be photocopied by office staff after morning and afternoon registration. This list can also be used on school trips and will be used as a fire register, taken outside and used by the class teacher in the event of fire evacuation. The daily total of children present will be recorded on this list.
- Teaching staff must update this total if children arrive late and leave before the end of the day.

Office Staff:

- Office Staff will record Lates/Minutes late/Medical appointments/Comments/ First day absence information etc in the notes section on SIMS.
- Lates (L) are marked until 9.30 am unauthorised Lates (U) are marked after 9.31 am and minutes lates and the reason is recorded on SIMS.
- If a child attends a medical appointment and arrives late but before 9.30 am he/she should be signed in on Inentry and/or marked on the register with a (L) and the reason input. If a child attends a medical appointment and arrives after 9.31 am he/she should be marked as (M) for medical appointment.
- If a child leaves school to attend a medical appointment, or for any other reason, at any other time during the day, a record of this, and the time of leaving, should be noted in the signing out book and recorded in the comment column on SIMS attendance module. If applicable, the child should be signed out on Inentry.

QUEST

PROCEDURES FOR SIMS IN THE CLASSROOM IN THE UCS

Teaching Staff (or Cover staff in the absence of the teacher):

- SIMS in the Classroom allows teaching staff to record whether a child is present or not at the start of the lesson.
- Registers must be taken and saved within the first ten minutes of each lesson. This will ensure that all children are marked present/absent accurately. If registers are not taken a message will be given via SIMS from ALO.
- Teaching Staff are responsible for informing ALO of reasons for absence if they are notified by parent/carer in person, by telephone, in writing or via email. ALO will then update the daily absence list and registers
- A Generic log-on will be provided for Supply teachers or Cover Staff to access SIMS in the Classroom. Paper based registers will be used for cover staff, these should be returned to reception by a trusted student.

Office Staff:

- A file of form lists is present at reception, this is used as a daily log for numbers of students present in KS3 and KS4 (completed at 10am) and will be used alongside the Inventory app. The app will show KS5 students who are currently signed in, KS3 and KS4 students who signed in late, staff, DBS checked personnel and visitors; students who have signed out early will also be identified via the app. In the event of IT systems being unavailable, am and pm marks will be recorded on photocopies of this file, absence calls will be made for non-attenders via work mobile phones (pre populated with mobile numbers from SIMS). Paper registers for other lessons will be used and cross referenced with am and pm marks. This list can also be used on school trips.
- Admin staff on Reception will update the system if children arrive late and leave before the end of the day. Admin staff will also ensure the daily totals for registration groups are updated and these numbers can be used in the event of a fire evacuation. Late comers are monitored via the Inventory app, first day absence calls will be completed by 10am on the day of the absence, and Inventory marks are automatically updated on our school management system. ALO will update the daily fire log front sheet by 10am each day to reflect the day's current attendance on SIMS.

Appendix 2



Education Penalty Notice Code of Conduct

August 2018

Rationale

Regular and punctual attendance at school is a legal requirement under Section 444 of the Education Act 1996. It is essential that parents maximise the educational opportunities available for their children and provide the best possible start in life.

Under previous legislation, parents of a registered pupil whose child failed to attend school regularly and whose absence was unauthorised committed an offence for which prosecution was the only available sanction. With the Education Penalty Notices Regulations 2007 penalty notices were introduced as an early intervention strategy as an alternative to the previous sanction by allowing parents an opportunity to discharge potential liability for conviction for the offence. From 1st September 2013 the fine is £60 to be paid within 21 days and increased to £120 to be paid within 28 days. If the penalty remains unpaid by the end of 28 days, the Local Authority must consider the commencement of proceedings for the offence to which the notice relates. The prosecution is not for the non-payment of the notice but is for failure to ensure regular attendance at school.

Education Penalty Notices should be used as an early deterrent to prevent patterns of unauthorised absence developing and to supplement rather than replace the use of the wider powers already available. As with current legislative action they are to be used for the enforcement of attendance and not for use as a punishment for absence.

Schools have the first responsibility to take effective action to improve attendance. Where there is clear evidence of underlying problems within the family that require more intensive support an Early Help assessment would be advised. This could support the family to make changes that will improve school attendance and other outcomes.

Penalty notices should be used where a parent is capable of securing an improvement in their child's school attendance but is unwilling to do so. They can only be used for periods of unauthorised absence and the defences in law replicate those already in place for enforcement actions under the provisions of Section 444 of the Education Act 1996.

A separate penalty notice will be issued to each parent for every child who is not attending school. For each child there should be an Education Penalty Notice warning letter issued to each parent during an academic year.

Excluded pupils

Section 105 (1) of the Education and Inspections Act 2006 empowers designated Local Authority Officers, Headteachers (and Deputy and Assistant Headteachers authorised by them) and the Police to issue penalty notices in cases where an excluded pupil is in a public place during school hours at any time during the first five days of any period of exclusion from school without justifiable cause.

If the pupil was subsequently to be found out in a public place again either during the same period of exclusion or during a further exclusion within the same academic year then a penalty notice may be issued.

Non-payment of a penalty notice issued where a parent allows an excluded pupil during the first five days of any period of exclusion to be present in a public place without justifiable cause may result in a prosecution under Section 103 (3) of the Education and Inspections Act 2006.

Legislation

Section 23 of the Anti-Social Behaviour Act 2003 introduced new powers for designated Local Officers, Principals and the Police to issue penalty notices for unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2004 came into force on 27th February 2004. These were updated by the Education (Penalty Notices) (England) Regulations 2007 (as amended).

Penalty Notices must be issued in a manner that conforms to all requirements of the Human Rights Act and all Equal Opportunities legislation.

For the purposes of the protocol, the legal definitions of 'parent' are:

- Any natural parent, whether married or not.
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person.
- Any person who, although not a natural parent, has care of a child or young person

If a Penalty Notice remains unpaid:

Prosecutors must take into account the '**Code for Crown Prosecutors**' that sets out a two-stage test that prosecutors should follow when they make decisions on case:

Is there enough evidence against the defendant?

When deciding whether there is enough evidence to charge, prosecutors must consider whether evidence can be used in court and is reliable. Prosecutors must be satisfied there is enough evidence to provide a 'realistic prospect of conviction' against each defendant.

Is it in the public interest for the CPS to bring the case to court?

A prosecution will usually take place unless the prosecutor is sure that the public interest factors tending against prosecution outweigh those tending in favour.

Issuing of Penalty Notices

For an Education Penalty Notice to be considered the school is responsible for issuing an **Education Penalty Notice warning letter to each parent at the beginning of the academic year and then subsequently each term (Appendix 2a). For any mid-year admissions to the school all parents will receive the Education Penalty Notice warning letter as part of their intake meeting.**

Prior to requesting an Education Penalty Notice schools should take all reasonable steps to ensure good attendance. In cases where a school has concerns about a pupil's attendance, the school must ensure contact has been made to parent(s) to try and resolve any issues and difficulties to prevent potential prosecution. An Education Penalty Notice should be used as a last resort.

An Education Penalty Notice may be issued following an Education Penalty Notice warning (Appendix 2a) being sent.

School would complete Education Penalty Notice request form if a child falls within one or more of these categories within a 12 week period;

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- persistently arrives late for school after the close of registration

The Local Authority will consider issuing a Penalty Notice to each responsible parent. The use of Penalty Notices shall be restricted to one per pupil, per parent in any single academic year.

Wigan Local Authority will consider requests to issue Penalty Notice only if;

- An Education Penalty Notice request form is completed with all necessary information and the supporting relevant documentation is provided.
- The period of absence is not being considered for proceedings according to Section 444 (1) or (1A) of the Education Act 1996.
- The issue of an Education Penalty Notice does not conflict with other intervention strategies in place by the Local Authority or by other agencies where the circumstances are known to the Local Authority.

To ensure consistent delivery of Education Penalty Notices the request form will require completion by the school and the following documentation provided:

- A copy of the pupil's up to date attendance certificate showing a minimum of ten sessions (5days) with below 90% attendance
- A chronology of intervention; i.e details of meetings, letters, phone calls with the parent(s) and has parent(s) been informed that criteria has been met
- Evidence of the Education Penalty Notice warning being issued to the parent(s)
- Clear agreement and consent from Headteacher

The Local Authority will consider each request and may deem it appropriate to take one of the following actions;

- Advise schools to refer to supporting agencies
- Issue an Education Penalty Notice
- Advise the school to refer to the Attendance Service

Payment of Penalty Notices

The payment of an Education Penalty Notice will be £60 if paid within 21 days, increasing to £120 to be paid within 28 days.

Non-payment of Education Penalty Notices

If payment is not received within 28 days, the Local Authority will consider prosecution for the unauthorised absence to which the Education Penalty Notice relates.

Non-payment of an Education Penalty Notice may result in legal action being taken by the Local Authority. These actions will be considered where a significant improvement of school attendance is not apparent.

The instigation of legal proceedings for unauthorised absence from school under Section 444 (1) of the Education Act 1996 may also be considered where it is deemed to be appropriate. In these circumstances, the school is required to provide the Local Authority with a signed school attendance record of the pupil.

Procedure for withdrawal

Once an Education Penalty Notice has been issued it can only be withdrawn in the following circumstances:

- It has been established that the notice was issued in error.
- The notice had been issued to the wrong person.
- The circumstances of the absence do not comply with the conditions of Wigan Council Local Authority's code of conduct and the Education (Penalty Notices) (England) Regulations 2007.
- The parent/carer provides evidence that would constitute a statutory defence.

School and Local Authority policy documents

All schools should include clear reference to the Local Authority School Attendance Code of Conduct in their attendance policies and this should be brought to the attention of all parents through prospectus material. In addition, the Education Penalty Notice warning is issued to parents at the beginning of the academic year and subsequently each term.

Where early patterns of unauthorised absence are occurring the sending of advisory letters is an action that schools should normally undertake, alongside having conversations regarding absence with parents and reinforcing the potential implications.

Monitoring and review

The Local Authority will monitor and evaluate the outcomes of Education Penalty Notices in terms of improvement in school attendance, payment and any subsequent legal action. The use of the notices will be reviewed at regular intervals and the enforcement strategy of the Local Authority may be amended accordingly.

Service reports include data on the deployment and outcomes of their use.

Dear Parent/Carers,

Education Penalty Notice Warning for Non-School attendance

Under the Education Act 1996, parents and carers have a duty to make sure their children regularly attend school. If parents or carers fail to do this, they can be prosecuted.

Working within a Code of Conduct the Local Authority can issue a penalty notice to parents or carers if a child has missed a number of sessions without permission from the school.

If your child falls within one or more of these categories within a 12 week period

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- persistently arrives late for school after the close of registration

you could receive a Penalty Notice of £60 which will increase to £120 if not paid within 21 days. The Penalty Notice will need to be paid in full before 28 days of the notice being served. Failure to pay a penalty notice may result in prosecution (a separate penalty notice may be issued to each parent for each child).

In law, an offence is committed if a parent fails to secure a child's regular attendance at school. **The Local Authority** Attendance Service, in conjunction with schools, will use these powers as an early deterrent to prevent patterns of unauthorised absence developing.

You may also receive a Penalty Notice for the offence of failing to secure regular school attendance under the following circumstances:

- Your child is stopped on a truancy sweep
- You fail to ensure that your child is not in a public place during the first 5 days of a fixed term or permanent exclusion.

The Local Authority and schools are committed to providing the best possible future for your child. If you have concerns about your child's attendance at school or if you are experiencing any difficulties please contact school and ask for support.

Yours sincerely,

Principal



Education Penalty Notice Guidance Notes for Schools

August 2018

These guidance notes have been produced to assist schools and Wigan Council officers with the process of requesting an Education Penalty Notice for unauthorised absences, and should be read in conjunction with Code of Conduct for Education Penalty Notices.

Education Penalty Notices for unauthorised absence can only be requested in accordance with the Education Penalty Code of Conduct, using the request form available.

An Education Penalty Notice request must be authorised by the Principal.

Schools expected attendance level

As stated in the school's attendance policy and in correspondence to the parent if the child's attendance is above the schools expected level of attendance an Education Penalty Notice cannot be requested. Following the Supreme's Court decision on 6th April 2017, a child attends regularly if she/he attends as prescribed by the school rules.

Early Help, Children's Social Care & other agency involvement

In most cases, Education Penalty Notices are not always an appropriate measure if a child concerned currently requires interventions from another service. However, there are exceptional circumstances in which legal measures may be used as part of a multi-agency intervention to achieve outcomes. In these circumstances, a request for an Education Penalty Notice must be agreed by the professional who is working with the family or at multi-agency meetings. Written evidence of such an agreement or decision should be presented with the Education Penalty Notice request form in order for this to be issued.

Completion of an Education Penalty request form

The Principal must authorise this request.

Education Penalty Notice details

Please note that you cannot request an Education Penalty Notice if the child has had less than 10 sessions unauthorised absence. Please use other information box to provide any background information about the child or family e.g parents have poor literacy or have language barriers, child is subject to an Education Health Care Plan (EHCP), Encompass reports etc.

School information

Please provide the school's details.

Referrer information

Please provide the details of the person that should be contacted in the case of queries and notifications, including an email address.

Pupil information

Please provide pupil's legal name in full (include details of any other surname they are known by), date of birth and year group. If you have not had confirmation from the parent(s) within the last 3 months of the pupil's address then please check this before submitting the Education Penalty Notice request form. ***If the school is aware that the child's address has changed and do not give the correct address on the EPN request the Education Penalty Notice will be withdrawn.***

Siblings

Where a school is aware that there are siblings they should answer Yes. Where the schools are not sure they should endeavour to find out and answer Yes or No accordingly. Where a sibling attends the same school advise Yes or No as to whether an EPN has been requested for each sibling.

Where the sibling attends another educational establishment the requesting school should liaise with that establishment to discover if an EPN will also be requested for the sibling (s) before submitting their EPN request.

Parent/Carer information

Please include anyone who has day to day care of the child (see S576 Education Act 1996 for full definition). Full details of all parents are required e.g Mother, Father, Step-parent, carers. If the parents are separated please include details of both parents and their whereabouts. If the schools has no knowledge of an additional parent/carers please note this on the EPN request.

If you have not had a data collection form returned confirming parents address/es in the last 3 months then to check their address before submitting the EPN request.

Registration certificates

Please attach an up to date attendance certificate showing evidence of 10 or more unauthorised sessions with below 90% attendance.

The absence should clearly be 'O' and/or 'U'. For unauthorised holiday use code 'G' Please make sure there are no missing marks or code 'N' recorded on the registration certification you submit. This document must be sent with the EPN request.

Other documents required

Education Penalty Notice request to be fully completed.

Evidence of actions taken i.e letters, notes of meeting(s), conversations with parent/carers to address the concerns around the pupil's attendance, school strategies, multi-agency meetings. Please ensure the school has acted in accordance with their own Attendance Policy.

A copy of the Education Penalty Notice warning that was sent to parent(s) informing them of potential consequence. This letter should be sent to all parent(s) at the beginning of term & subsequent terms informing them of this.

Written confirmation to be obtained from the Lead Professional involved stating that there are exceptional circumstances in which legal measures may be used, as part of a multi-agency intervention to achieve outcomes.

Education Penalty Notice Request – Version 2

The Education (Penalty Notice) (England) Regulation 2004

The information on this form will be used in the consideration of issuing a Penalty Notice for unauthorised absence in term time under the above Act relating to unauthorised absence of a registered pupil at the school.

To the best of my knowledge the information submitted on this form is accurate and correct in line with Education Penalty Notice & GDPR Guidance.

Name of pupil:		DOB:		Year Group:	
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School:		Att %:	
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Absences cannot overlap school terms. Please state within the relevant box the number of UA absences taken (must be 10 or more sessions to meet criteria)

Sept-Dec (term 1)	
Jan-April (Term 2)	
April-July (Term 3)	

Parents/Carers details

Parent Full Name:			
Address:		Contact No & email:	

Parents/Carers details

Parent Full Name:			
Address:		Contact No & email:	

Sibling details

Full Names:		DOB:	
Schools:		Att:	

Main reason for EPN request:	HITT:		UA absence		UA Lates:
<p>Please provide background information relating to the child's absences. If you do not provide enough evidence of the interventions by school we may not be able to pursue a fine:</p> <p>eg Home visits/ meetings/ dates/ outcomes /Early Help/ Child In Need/ Child Protection/ Mental health issues/ Anti-social behaviour/SEN/Encompass reports?</p>					

Questions/evidence required	Yes/No
1. Has the attendance been discussed with parents? Please provide evidence of these interventions.	Y/N
2. Is the parents first language English? If no what language do they speak?	Y/N
3. Has school sent Education Penalty Notice Warning Letter to all parents/carers	Y/N
4. Has the child been spoken to by the school?	Y/N
5. Has parent been informed of the request to issue a fine?	Y/N
6. Would the school be prepared to support the prosecution if the penalty notice is not paid	Y/N
7. Has LP/SW agreed to the request for an EPN fine?	Y/N
<p><u>PLEASE SUBMIT THIS FORM ALONG WITH AN UP TO DATE REGISTRATION CERTIFICATE AND COPIES OF ANY LETTERS SENT FROM THE PARENT OR BY THE SCHOOL, PLEASE KEEP THIS TO A MINIMUM AND ENSURE IT IS RELEVANT.</u></p>	

Declaration:

I hereby certify that the information given in this form is true to the best of my knowledge. The information has been extracted from the schools register of attendance – copy of register attached. All personal data provided is up to date and has been checked within the last 3 months via data collection.

<u>Date:</u>	
<u>Name:</u>	
<u>Contact Number:</u>	
<u>Email address:</u>	
<u>Job Title:</u>	
<u>School DfE No:</u>	
<u>GDPR contact in school:</u>	

Please be advised that should there be any personal data changes, following submission of this request, then please contact the Attendance Service as soon as possible on 01942 487139. This is to prevent potential data incidents or breaches.

The Council holds personal data in accordance with the General Data Protection Regulations (GDPR). We hold your personal data as set out in our Data Primary Privacy Notice and Attendance Service (statutory) privacy notice, which can be viewed on the Council's website www.wigan.gov.uk. If you would like any guidance please contact GDPRQueries@wigan.gov.uk



Code of Conduct

Issuing Penalty Notices for unauthorised absence from school.

Education Act 1996 (as amended by)

Anti-Social Behaviour Act 2003

Update September 2018

1

Legislation

Section 7 of the Education Act 1996 places a duty on parents to ensure that their children of compulsory school age receive a suitable full time education.

Once a child is registered at a school, the parent is responsible for ensuring that the child attends regularly and punctually. If a parent fails to ensure the child attends school regularly and the absence is not approved by the Headteacher, they may be guilty of an offence under section 444 of the Education Act 1996.

Section 444 has two separate but linked offences.

- **Section 444 (1) where a parent fails to secure the child's regular attendance:** A person found guilty of such an offence is liable on summary conviction to a fine of up to £1000.
- **Section 444 (1A) where a parent knows that the child is failing to attend regularly at the school and fails without reasonable justification to cause them to do so.** A person found guilty of such an offence is liable on summary conviction to a fine of up to £2,500 and / or up to three months imprisonment

Section 23 of the Anti-Social Behaviour Act 2003 introduced new powers for the designated Local Education Officers, Headteachers (and Deputy or Assistant Headteachers authorised by them) and the police to issue penalty notices for unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2004 came into force on 27th February 2004. These were updated with The Education (Penalty Notices) (England) Regulations 2007.

Under previous legislation, parents of a registered pupil whose child failed to attend school regularly and whose absence was unauthorised committed an offence for which prosecution was the only available sanction. With the Education (Penalty Notices) Regulations 2007, Penalty Notices were introduced as an early intervention strategy and as an alternative to the previous sanction by allowing parents an opportunity to discharge potential liability for conviction for the offence.

The Education (Penalty Notices) (England) (Amendment) Regulations 2013 (statutory Instrument No 757) explains a Penalty Notice is a fine of £60 if paid within 21 days and increased to £120 if paid after this but within 28 days.

If the fine remains unpaid after 28 days, the Local Authority must consider the commencement of legal proceedings for the offence to which the notice relates. The prosecution is not for the non-payment of the penalty notice but is for failure to ensure regular attendance at school.

The Local Authority can also prosecute parents for irregular attendance without issuing a Fixed Penalty Notice.

The instigation of legal proceedings for unauthorised absence from school under Section 444 (1) or Section 444 (1A) of the Education Act 1996 may be considered where it is deemed to be appropriate. In these circumstances, the school would be required to provide the Local Authority with a signed school attendance record and in some circumstances a witness statement to be used as evidence in the prosecution.

For the purposes of the protocol, the legal definitions of ‘parent’ are:

- Any natural parent, whether married or not
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person
- Any person who, although not a natural parent, has care of a child or young person

Rationale

Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.

Schools are expected to monitor the attendance of all pupils on their roll and act early to address patterns of absence.

Penalty notices should be used as an early deterrent to prevent patterns of unauthorised absence developing. They should be used where a parent is capable of securing an improvement in their child's school attendance but where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.

Penalty notices supplement existing sanctions currently available under Sec 444 of the Education Act 1996.

They can only be used for periods of unauthorised absence and the defences in law replicate those already in place for enforcement actions under the provisions of Section 444 of the Education Act 1996.

Circumstances where a penalty notice may be issued

A Penalty Notice can only be issued where a pupil of compulsory school age has been absent (or late after the register has closed) for 10 half day sessions or more over any two consecutive half terms and the absence has not been authorised by the school.

The issuing of a Penalty Notice is considered appropriate in the following circumstances:

- Truancy from school, with or without parents knowledge (including pupils caught on truancy sweeps)
- Parentally-condoned absences
- Leave of absence in term-time without approval
- Delayed return from a period of leave of absence which has been approved by the school
- Unexplained absence i.e. no reason given for absence
- Persistent late arrival at school (after the Register has closed)
- Excluded pupil present in a public place during the school hours of the school where the pupil is on roll

Warning letters to parents

Other than in the circumstances '*family holiday NOT agreed*' the liable parent will receive a formal warning letter from the school.

This warning letter will be sent after a minimum of five sessions of unauthorised absence have occurred over the period of two consecutive half terms.

This will advise parents of the unauthorised absence and inform them that further absences may result in a penalty notice being issued. A warning letter will be sent to each parent.

If a further five sessions of unauthorised absence occurs following the warning, a penalty notice request may be submitted to the local authority.

No formal warning is given in the case of unauthorised leave of absence (family holiday)

Prior to requesting a penalty notice, the school should:

- consider the attendance record of any other siblings, including siblings from other schools of statutory school age children and whether co-ordination of warning letters or penalty notices is required
- consider whether the process conflicts with other intervention strategies in place by the Local Authority or other agencies
- ensure the Headteacher / schools attendance leader has given approval.

It is important that any school actions are accurately recorded on the pupils file. This will aid completion of the penalty notice request form and may be used to provide evidence to the courts at a later date.

Persistent late arrival at school

When a pupil persistently arrives late, schools should investigate the reason for this and offer support where appropriate to rectify the situation. Where the arrival time is after the close of registration period the late mark, code U, an unauthorised absence should be recorded. If a pupil is persistently late after registration has closed (i.e. 10 or more times over two consecutive half terms) and serious efforts

have been made by the school to resolve the situation to no avail, then a penalty notice may be considered.

The same process applies when requesting and issuing a penalty notice and a formal warning letter should be sent to the parents notifying them of the absence and possible statutory action.

Family holidays in term time

In 2013 amendments were made to The Education (Pupil Registration) (England) Regulations 2006. These amendments removed references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that 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. Schools need to consider each request individually, making allowances for exceptional circumstances.

A penalty notice may be issued where a Headteacher has refused to authorise a family holiday/leave of absence and the number of sessions absent reaches the minimum evidential requirement of 10 sessions (5 school days).

In these instances a formal letter of warning is not required by the school prior to requesting a penalty notice, however if a request for leave of absence has been submitted then school should inform the parents in writing that the request has been refused and the possibility of statutory action being taken.

Repeated absence due to unauthorised family holiday (either within the same academic year or over different academic years) may result in legal action being taken in the Courts for an offence under Section 444 of the Education Act 1996, rather than further Penalty Notices being issued.

Excluded pupils

Section 105 (1) of the Education and Inspections Act 2006 empowers designated Local Authority Officers, Headteachers (and Deputy and Assistant Headteachers authorised by them) and the Police to issue penalty notices in cases where an excluded pupil is in a public place during school hours at any time during the first five days of any period of exclusion from school without justifiable cause.

In cases where an excluded pupil is found to be out in a public place during the first five days of an exclusion from school, the Local Authority would issue a warning notice to the pupil's parents/carers. If the pupil was subsequently to be found out in

a public place again either during the same period of exclusion or during a further exclusion within the same academic year then a penalty notice may be issued.

Non-payment of a penalty notice issued where a parent allows an excluded pupil during the first five days of any period of exclusion to be present in a public place without justifiable cause may result in a prosecution under Section 103 (3) of the Education and Inspections Act 2006.

Issuing penalty notices

Before a penalty notice can be considered, there must be a minimum evidential requirement of 10 sessions of unauthorised absence over any two consecutive half terms.

The Local Authority may receive requests to issue penalty notices from Bolton schools, Greater Manchester Police and schools in neighbouring Local Authorities only if:

- A penalty notice request form is completed with all necessary information and supporting relevant documentation
- The period of absence is not being considered for proceedings according to Section 444 (1) or (1A) of the Education Act 1996
- The issue of a penalty notice does not conflict with other interventions strategies in place by the Local Authority or by other agencies where the circumstances are known to the Local Authority.

Requesting a penalty notice

Schools should complete the Local Authority penalty notice request form and return it, along with the required documentation to the Child Employment and Enforcement Officer.

The request should not be sent to the Local Authority until 10 sessions or more of unauthorised absence have been reached (over two consecutive half terms) or until the pupil **returns** from unauthorised leave of absence.

Considering penalty notice requests

The Local Authority will consider each request and may deem it appropriate to take one of the following actions:

- Advise schools to refer to supporting agencies
- Advise schools to monitor for a further period
- Issue a penalty notice
- Instigate legal proceedings for an offence under sec 444 of the Education Act 1996.

Issuing a penalty notice

The Local Authority will issue penalty notices in line with the code of conduct where absence from school meets the minimum evidential requirement and it is deemed appropriate.

In Bolton, penalty notices for non-attendance will be issued by the Early Intervention Service. The Service will ensure that the issuing of penalty notices is closely monitored with recipients paying the relevant fine. In cases where the penalty is not paid within the appropriate period, the Local Authority will consider instigating action through the court as required by legislation.

The Local Authority will issue the notice and notify schools of the outcome in relation to payment and any legal action taken.

A separate penalty notice will be issued to each parent for every child who is not attending school.

All penalty notices will be issued by first class post.

Payment of penalty notices

Payment of a penalty notice is £60 if paid within 21 days from the date of issue, rising to £120 if paid after this but within 28 days.

The arrangements for the paying of penalties will be detailed on the penalty notice

Payment of the penalty in full enables parents to discharge potential liability for conviction for the period the penalty notice was issued. Prosecution might be considered for further periods of unauthorised absence from school.

Payment of the penalty notice in part or by instalments is not an option.

Non-payment of penalty notices

If the penalty remains unpaid by the end of 28 days, the Local Authority will consider the commencement of proceedings for the offence to which the notice relates. The prosecution is not for the non-payment of the penalty notice but is for failure to ensure regular attendance at school.

It is anticipated that prosecutions following failure to pay a penalty notice could involve the Early Intervention Service in a large amount of work. It follows therefore that before a penalty notice is issued in the first place, the procedures contained in this document must have been followed and that all the appropriate evidence is in place to support a successful prosecution.

Procedure for withdrawal of penalty notices

Once a penalty notice has been issued it may only be withdrawn in the following circumstances:

- If it ought not to have been issued, in other words the absence has been subsequently authorised by the school or
- It ought not to have been issued to the person named as the recipient or
- It contains "material errors" or
- If after the expiry of 28 days the penalty notice remains unpaid and the local authority decided not to prosecute the parent.

Where a penalty notice has been withdrawn in accordance with the above, notice of the withdrawal shall be given to the recipient and any amount paid by way of penalty in the 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 circumstance.

For more information about penalty notices for poor school attendance contact the Child Employment and Enforcement Officer on 01204 338173.



School Attendance and Penalty Notices

Information for parents and carers

Your child's education is really important. Regular attendance at school increases your child's chance of getting good qualifications and a good job.

Children need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in primary and secondary school.

The Law

You are responsible for:

- Ensuring your children receive full time education
- Their regular and punctual attendance at school

As the parent you are committing an offence if you fail to make sure that your child attends school regularly and the absence is unauthorised by the Headteacher, even if they are missing school without your knowledge.

If you fail to ensure your child's regular attendance at school the Local Authority may issue a penalty notice or instigate legal proceedings for an offence under section 444 of the Education Act 1996.

What is regular attendance?

In April 2017, the Supreme Court held that attending school "*regularly*" means attendance in accordance with the rules prescribed by the school and not "*sufficiently frequent attendance*". This means that a child must attend school on every day that the school requires him or her to do so and failure to do this may lead to the commission of an offence.

What counts as unauthorised absence?

- Any absence from school that the school has not given permission for
- Truancy from school, with or without parent's knowledge
- Parentally-condoned absence (i.e. you know your child is absent from school and you do nothing about it)
- Delayed return from a period of leave of absence
- Arriving late at school after the register has closed

Can I take my child out of school for a holiday during term time?

You should not expect your child's school to agree to an absence for a holiday in term time.

In 2013 amendments to the Pupil registration regulations removed all reference to family holidays and made clear that Headteachers should not approve any absence unless in exceptional circumstances.



The fundamental principles for defining 'exceptional' are rare, significant, unavoidable and short.

If you feel there are exceptional circumstances why your child needs to be absent from school, you should apply in advance, by writing to the Headteacher explaining clearly the dates and reasons you are requesting leave of absence.

It is at the discretion of the Headteacher whether or not to authorise the absence. If the school refuses a request for leave of absence and the child is still taken out of school this will be recorded as unauthorised absence.

What is a Penalty Notice?

A Penalty Notice is an alternative to prosecution and can be issued when there has been 10 sessions of unauthorised absence (equivalent of 5 days consecutive or otherwise) over two consecutive half terms. A separate Penalty Notice can be issued for each parent per child.

You have to pay a fine but you do not have to appear in Court. You also have to make sure that your child's attendance at school improves.

Payment of a Penalty Notice enables parents to discharge potential liability for conviction.

Is a warning given?

The school will send you a formal letter of warning telling you that a Penalty Notice may be issued. This warning letter will also include details of your child's absences. If you receive a warning letter this is an opportunity for you to work with the school to improve your child's attendance and avoid the need to issue a Penalty Notice.

Your child must have no further unauthorised absences from school from the date of the letter. If your child's unauthorised absence continues and reaches 10 sessions (5 school days) or more, a Penalty Notice will be issued.

There is no limit to the number of times a formal warning may be issued. This depends on each individual case. **However, the school is not required to send a warning letter where the absence is due to an unauthorised holiday during term time.**

What are the costs?

£60 if you pay within 21 days of receipt of a Penalty Notice or £120 if you pay after this but within 28 days. (Per parent, per child).

Is there an appeal process?

There is no right of appeal by parents against a Penalty Notice.

What happens if I don't pay?

If you don't pay in full within 28 days, Bolton Council is required to commence proceedings in the Magistrates' Court under Section 444 of the Education Act 1996 for the original offence of failing to ensure the regular attendance of your child.



If proven this can attract a range of fines up to £1,000 and/or a range of disposals such as Parenting Orders or Community Sentences depending on individual circumstances.

Can I be prosecuted if I pay the Penalty Notice but my child is still missing school?

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. A prosecution might be considered for further periods of poor attendance not covered by the Penalty Notice, depending on your circumstances.

The Local Authority can also prosecute parents for non-attendance without issuing a Fixed Penalty Notice

If the poor school attendance persists the Local Authority may also consider prosecution under Section 444 (1A) of the Education Act 1996, which can carry a fine of up to £2500 and/or up to three months imprisonment.

What can I do?

Ensure your child attends school regularly and arrives on time. Lateness can be very disruptive for the class and for your child.

Make sure your child understands that you do not approve of them missing school. If you suspect your child is not happy in school you should contact the school as soon as possible.

Take an interest in your child's education, ask about their day, praise and encourage achievements at school.

Can I get help if my child is not attending regularly?

If you are experiencing problems with your child's attendance at school, it is really important that you work closely with school to resolve the matter. Alternatively, for further guidance and support you can contact:

**Child Employment and Enforcement Officer
Early Intervention Service
2nd Floor, BASE
Marsden Road
Bolton
BL1 2PF
Tel: 01204 338173**

Every lesson counts. Improving attendance, raising attainment

The legal definitions of 'parent' are:

- Any natural parent, whether married or not
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children's Act (1989)
- Any person who, although not a natural parent, has care of a child or young person

Individual School's Letterhead

Date.....

Dear

Your child has not attended school now for three days.

As we have not received any information relating to this absence, would you please let me know, as soon as possible, the reason why is not in school.

Thank you for your co-operation.

Yours sincerely,

Principal

Individual School's Letterhead

Date.....

Dear

Your child has been absent from school from
..... to

To date we have not received information from you explaining the absence.

In order that our attendance registers are marked in line with Safeguarding and legal requirements, we do need a written explanation.

I would be grateful if you could send this in with tomorrow or email it to <<school email address>>.

Thank you for your co-operation.

Yours sincerely,

Principal

Individual School's Letterhead

Dear «salutation»

Re: Attendance

Following a recent register check, concern has been raised regarding’s attendance.

.....’s attendance has dropped below the 90% mark and is currently%. A child’s attendance at school is extremely important and the responsibility of parents/carers to ensure good attendance.

At this time, I am writing to advise you of the importance of’s full time attendance at school and to inform you that no further absences will be authorised unless medical evidence is provided.

It is important for us to support our families and if you would like to arrange an appointment with myself to discuss any difficulties you may be experiencing, please contact the school office.

Yours sincerely

Principal

**QUEST**

Name of School
Address of School
Telephone number

ABSENCE REQUEST FORM

IMPORTANT

The Education (Pupil Registration) (England) (amendment) Regulations 2013
*Leave of absence during term time will NOT be granted unless the Board of Directors/Principal considers there are **exceptional** circumstances relating to that application.*

EPN Criteria from January 2019:

Any parent taking their child out of school for a holiday in term time will be issued with a £60 fine under the following criteria:

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence

PUPIL/STUDENT DETAILS

Name:

Date of Birth:

Class/Teacher:

Dates of Requested Absence:

Exceptional Reason for absence:

I understand that keeping my child off school for any longer than agreed or if my request is not granted, will result in the absence being recorded as Unauthorised. This may result in action being taken against me for none school attendance.

Parent/Carer Name:

Signature Date of Request

For school office use:

Authorised by: _____ No. of Days Authorised: _____

Date contract sent home: _____

Date returned: _____ Included in Register: _____



QUEST
Name of School
Address of School
Telephone number

Home-School Contract

This contract is an agreement between the parents/carers of and the school.

We have agreed that your child(ren) will be absent from school as agreed on the Absence Request Form.

The granting of this period of leave does not set any precedent for future applications.

It is also understood that if he/she does not return by the agreed date without suitable cause there may no longer be a place for him/her at the school and he/she may possibly be taken off the school register.

Please sign and return this contract to school, so that we can authorise your child's leave in the school register.

Principal's Signature

Date

Parent/Carer Signature

Date

Individual School Letterhead

Date:

Dear

I am unable to grant your request for your child/ren to be absent from school during term time.

I assure you that I have made this decision with the best interests of your child(ren) in mind and, I therefore, will not authorise this absence.

The important of school attendance is such that leave of this kind will only be granted where the circumstances are **exceptional**. This is in line with the Trust and school's agreed Policy on absence during term-time.

The Attendance service are informed of any unauthorised absences from school and will take appropriate action, which may include issuing Fixed Penalty Notices to Parents/Carers, or Court Action.

It is essential at this point for your child(ren) to be in school regularly to benefit fully from their educational opportunity. Continuity of attendance underpins academic achievement as well as social and emotional development. We are sure you would not wish to jeopardise your child's current academic progress by taking them away at this time.

Yours sincerely,

Principal

Individual School Letterhead

Date:

Dear

Your child has now been absent from school for school days.

In our contract about this period of leave in term time, you agreed that your child would return to school on

As this date has now passed without your child returning to school, I need to let you know absences after this date are now classed as unauthorised. The Attendance service are notified of all unauthorised absences.

If your child has not returned to school before (i.e. 10 days after the agreed return date) we may need to take him/her off the school register and refer to the Children Missing Education procedures. **This would mean your child would not have a place at this school.**

Please contact me as soon as possible to discuss this matter.

Yours sincerely,

Principal

Individual School Letterhead

Date:

Dear

It is our understanding that your child is absent from school because of a holiday/period of extended leave in term time.

This absence has not been authorised by the school and no home/school contract has been agreed.

All absences are therefore unauthorised. The Attendance service are notified of all cases of unauthorised absence and consideration may be given to the use of sanctions, including Penalty Notices, in such cases.

In line with our Policy on managing absences of this nature, unless your child has returned to school by (i.e. four school weeks after the date of the first absence) he/she may be taken off the school roll and will no longer have a place at this school. The Children Missing Education procedures will also be actioned.

Please contact me as soon as possible.

Yours sincerely,

Principal

Individual School Letterhead

Date:

Dear

Your child has now been absent from school for weeks.

Following my letter dated and in line with the Policy on managing absences of this nature, I must now inform you that your child has been taken off the roll of this school.

This means that your child no longer has a place at this school.

You need to contact school as quickly as possible to discuss this situation and the future educational arrangements for your child.

Advice is also available from the Local Authority School Placements Team, part of Children and Young People's Services, to whom I am sending a copy of this letter and who can be contacted via the following telephone number – (Wigan) 01942 486036 or (Bolton) 01204

Yours sincerely,

Principal

Individual School Letterhead

Date:

Dear

Thank you for your letter requesting absence for your child to take part in
..... on

The importance of school attendance is such that absence in term-time will only be authorised in exceptional circumstances which is in line with the Trust's Policy.

In this instance I have approved the request for your child to be absent from school as detailed above and this will be marked as an authorised absence in the school register.

Yours sincerely,

Principal

Individual School Letterhead

Dear Parent / Carer

Following a recent register check, we have noticed that «forename» is arriving late for school on a regular basis. Apart from the disruption to your child's learning and that of others in the class, this is not helpful to all legal, safeguarding and safety matters for your child.

In working with you as a parent/carer, and reflective of the home/school contract we have, it is expected that you will ensure your child arrives in time and in a prompt manner to begin their learning for the day. This sets up good habits and expectations for success in the future.

Should this pattern continue, we will, under our safeguarding duties, seek a conversation/meeting with you as to why this is happening on a regular basis, and work with you to change this and prevent further lateness for your child. Our Pastoral Lead/Learning Mentor,, will be in contact following this letter.

A regular routine is very reassuring to a child and it is certainly an aid to successful learning and as such we know that you will want to support your child in giving them the best chance for success.

I thank you, in advance, for your co-operation in ensuring «forename» arrives at school in plenty of time from this point onwards.

Yours sincerely,

Principal
