



HEARTS ACADEMY TRUST

# Attendance Policy

Updated	June 2022 – Utilising ECC template and DfE Working together to improve school attendance Sept 2022 v1.1 and December 2022 to incorporate revised timings of the school day
Next Review	June 2025

## **Non-negotiables**

- Every child is expected to attend school every day.
- When pupils' attendance falls below 96% they become a concern for senior leaders. Attendance is monitored weekly henceforward.
- Daily contact is made with the parents of pupils whose attendance is a concern.
- Good attendance is rewarded and celebrated publicly.
- Pupils whose attendance is consistently good are rewarded well.
- Pupils who are persistently absent are monitored daily and parents are contacted daily to celebrate improvements or remind of targets. Records are kept of this contact.
- All parents are informed of attendance expectations at transition into school including pupils who join midyear.
- Reasonable adjustments are made for pupils with medically diagnosed serious illness. Termly meetings are held with parents and medical professionals to update next steps.
- Medical appointments must be held outside of the school day except in exceptional circumstances where school leaders are made aware of the exceptional circumstances.
- Unauthorised leave will lead to penalty notices.

**Appendix A - Essex code of conduct**

**Appendix B - DfE guidance Summary table of responsibilities for school attendance. Sept 2022**

HEARTS Academy Trust is committed to providing a happy, caring and safe learning environment for all within a value led context, where everyone feels valued and grows in confidence and independence.

We promote **HAPPINESS** through a creative, exciting and practical curriculum, which generates a love of, and interest in, learning and a resilience and hope which supports us through challenging times.

Great value is placed on pupils' self **ESTEEM** which is developed through a positive and motivated attitude to learning, a healthy lifestyle, good social skills, self-discipline and a positive self-image.

We promote the highest standards of **ACHIEVEMENT** in all areas of the curriculum and help all pupils to fulfil their potential regardless of gender, race or ability.

We foster **RESPECT and RESPONSIBILITY** for all by establishing good relations between the school, home and community. Pupils are taught respect for themselves, others and the environment. They are also taught to take full responsibility for their own choices and responsibility for themselves and their community.

We encourage **TRUTH** and honesty in all aspects of school life – relationships, work and the curriculum and learn to trust and accept others' individuality and uniqueness.

We develop **SPIRITUALITY and SERVICE** so that calm, quiet, reflective times which support deep thought are part of school life and beauty is appreciated. We promote a service culture that reflects our duty to support and show compassion to all members of the community and not just ourselves.



*Children at the HEART*

## Introduction and Background

HEARTS Academy Trust recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child the best educational experience possible.

This policy is written with the above statement in mind and underpins our trust ethos to:

- promote children's welfare and safeguarding
- ensure every pupil has access to the full-time education to which they are entitled
- ensure that pupils succeed whilst at school
- ensure that pupils have access to the widest possible range of opportunities at school, and when they leave school

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open. **It is a rule of the trust that pupils must attend every day, unless there are exceptional circumstances. The *Head of School, not the parent, is the only person who can authorise the absence.***

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and impacts negatively on the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution. Where parents are separated both parents have equal responsibility in law for their child's attendance at school.

This policy seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed that attendance matters in school. All are committed to the aims of "attendance matters". It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school.

Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

The DfE has produced guidance for maintained schools, academies, independent schools, and local authorities: Working together to improve school attendance. Our Attendance Policy reflects the key principles of that guidance.

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

**It is a rule of the trust that pupils must attend every day, unless there are exceptional circumstances. The *Head of School* is the only person who can authorise the absence.**

### **Promoting Regular Attendance**

At all schools within the HEARTS Academy Trust, we believe in developing good patterns of attendance and set high expectations for the attendance and punctuality for all our pupils from the outset. It is a central part of our school's vision, values, ethos, and day to day life. We recognise the connections between attendance, attainment, safeguarding and wellbeing.

The name and contact details of the Head of School, who is responsible for the strategic approach to attendance can be found on each school website.

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we will:

- Give parents details on attendance in our newsletters
- Report to parents at least three times a year in reports on their child's attendance.
- Contact both parents listed on school admissions forms should their child's attendance fall below the school's target for attendance.
- Celebrate excellent attendance by displaying and reporting individual and class achievements
- Reward individuals and group good or improving attendance
- Refer poor attendance to other agencies including the Essex Attendance compliance team

### **Understanding Types of Absence**

Every half-day absence from school has to be classified by the school (not by the parent), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required. Each half-day is known as a "session".

**Authorised Absences** are mornings or afternoons away from school for a justified reason like illness (although you may be asked to provide medical evidence for your child before this can be authorised), urgent medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

**Unauthorised Absences** are those which the school does not consider reasonable and for which no 'leave' has been given. Unauthorised absences are coded with an O code. This type of absence can lead to the school referring to the Local Authority for penalty notices and/or legal proceedings.

Unauthorised absence includes, however, this is not exhaustive:

- parents keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn;
- absences which have never been adequately explained to school leaders;
- children who arrive at school too late to get a "U" mark on the attendance register to indicate they are in school for safeguarding purposes, however, this is counted as an absence for the session;
- shopping trips;
- family events;

- Problems with the distance travelled to school;
- looking after other children/ family members or children accompanying siblings or parents to medical appointments;
- their own or family birthdays;
- holidays taken during term time without leave - unauthorised absence will lead to a penalty notice being triggered by the Local Authority;
- day trips;
- other leave of absence in term time which has not been agreed.

### **School Attendance and the Law**

By law all children of compulsory school age must receive an appropriate full-time education (Education Act 1996). Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered.

Parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

Unauthorised absence may result in the school referring to the Local Authority for sanctions and/or legal proceedings. This may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

**There is no longer any entitlement in law for pupils to take time off during the term to go on holiday.** In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that the heads of school may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

In HEARTS schools and provisions, leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Head of School, irrespective of the child's overall attendance. Only the Head of School or their designate (not the local authority) may authorise such a request. All applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice will be requested by this school.

The school will respond within 5 working days where the application for leave was received 4 or more weeks ahead of the planned leave. Where less than 4 weeks' notice of the planned leave has been provided, school responses will be sent within 3 working days. This will provide families with adequate time to reconsider the planned leave, and make alternative arrangements, should they wish to avoid Penalty Notice fines.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, however, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two calendar weeks of September due to a term-time holiday

Where pupils are absent due to illness either directly before or directly after an Unauthorised period of leave, the school may request medical evidence. In this instance, if the evidence is not provided it may not be authorised which may result in a Penalty Notice being issued.

**At the HEARTS Academy Trust 'exceptional circumstances' will be interpreted as:**

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time.

**We will not agree leave during term time under any circumstances:**

- at any time in September. This is a crucial transition time for all pupils to settle into their new class at the start of the academic year as quickly as possible
- during assessment and test periods (including internal school tests/ assessments) in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.
- Where a pupil's attendance record falls below 96%

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a parent thinks their child is reluctant to attend school, then we will work with that family to understand the problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, the Essex attendance compliance team or the school's pastoral/counsellor/attendance worker.

If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

**Persistent Absenteeism (PA)**

A pupil is defined by the Government as a '**persistent absentee**' (PA) when they miss 10% or more schooling across the school year for whatever reason; this can be authorised or unauthorised absences. Absence at this level will cause considerable damage to any child's education and we need a parent's fullest support and co-operation to tackle this.

We monitor all absence, and the reasons that are given, rigorously. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent immediately. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents are subject to a school-based meeting and the plan may include: allocation of additional support through the School Nurse, Essex attendance compliance team, Home School Liaison Worker, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

We will write to both parents listed on school admissions forms/ email/ text and set an attendance target of 100% and contact you daily to let you know that the attendance target is or isn't being met. We will do this until your child's attendance falls within acceptable limits.

Where ongoing medical issues prevent good attendance, a meeting will be held with health professionals, parents and the school to determine next steps.

### **Absence Procedures**

**If a child is absent from school the parent must follow the following procedures:**

- Contact the school on the first day of absence before *9am* and each subsequent day of absence before *9am*. The school has an answer phone available to leave a message if nobody is available to take your call. Alternatively, parents can drop into school personally and speak to the office staff. If we do not hear from you we will make a home visit and, if necessary, contact the police or social care
- Contact the school on every further day of absence, again before *9am*.
- Ensure that your child returns to school as soon as possible
- Provide medical evidence if your child's attendance falls below 90%, otherwise it will be marked as "unauthorised" absence and coded "O".

**If your child is absent we will:**

- Telephone or text you on the first day, and every subsequent day of absence if we have not heard from you, we may also visit you on the first day of absence, if we have not heard from you;
- If we are unable to make contact with parents by telephone, we will telephone emergency contact numbers, send letters home and a home visit may be made in the interests of safeguarding;
- Make a home visit to ascertain the safety of the child if we have concerns for their welfare;
- Contact the police at the end of the first day's absence if we do not know of your child's whereabouts;
- Write to both parents listed on school admissions forms if your child's attendance is below 96%;
- Invite you in to school to discuss the situation with our pastoral/attendance worker or Head of School if absences persist;
- Arrange a formal school attendance meeting if attendance deteriorates following the above actions;
- A referral will be made to Local Authority if no contact has been made with parents by the 10th day of absence (or sooner if deemed appropriate), at which point your child will be considered to be "missing from education."

**If absence continues we will:**

- Write to you if your child's attendance is below 95%, or where punctuality is a concern
- Invite you into school to discuss the situation with our School Welfare Officer, Child and Family Support Worker or Headteacher if absences persist
- Create a personalised action/support plan to address any barriers to attendance
- Offer signposting support to other agencies or services if appropriate



- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions

### Local Authority Referrals

Parents are expected to contact school at an early stage and to work with 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 Essex attendance compliance team. Local Authority Officers work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Essex Code of Conduct) or prosecution in the Magistrates Court.

### Children missing in education

Where a child is not attending school, has moved without a forwarding address or school, or cannot be traced, or contact cannot be made with the parent, the school is required to inform the local authority that the child is missing. The school will carry out a home visit and refer the family to social care and the police to ensure any concerns for the child’s welfare have been thoroughly investigated.

Pupils will not be removed from the school roll until notified by the local authority that their enquiries are complete.

A referral will be made to Local Authority if no contact has been made with parents by the 10th day of absence (or sooner if deemed appropriate), at which point your child will be considered to be “missing from education.”

### Punctuality

Poor punctuality is not acceptable and can contribute to further absence. If a child misses the start of the day they miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage further absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world.

### How we will manage lateness and lessons as of 1<sup>st</sup> September 2023:

	Briscoe	Hilltop Infants	Hilltop Juniors	Stambridge	Waterman	Wickford C of E
Early morning work starts at	8.40am	8.35am	8.35am	8.30am	8.30am	8.25am
School starts at	8.50am	8.40am	8.50am	8.45am	8.40am	8.35am
Registration closes	9.20am	9.10am	9.20am	9.15am	9.10am	9.10am
End of Day time	3.20pm	3.15pm	3.20pm	3.15 pm	3.15pm	3.05pm

Registers are taken at the start of the school day as detailed above and children will receive a Late mark if they are not in by the School Start time above. Children arriving after this time are required to come in via the school office where their parent will sign them into the ‘Late Book’ and provide a reason for their lateness, which is recorded. The school will write to those who are consistently late and, if lateness continues, will

arrange a meeting, which the parent will be expected to attend. At this meeting, the reasons and any concerns will be discussed to establish if there is any support that can be put in place.

The registers will be closed at the time stated above in accordance with the Regulations. Children arriving after the register closes are marked using a 'U' code which marks them as present for safeguarding purposes but is counted as an 'Unauthorised Absence'. This means that parents face the possibility of a Penalty Notice if the problem persists.

You can approach us at any time if you are having problems getting your child to school on time.

We expect parents and staff to encourage good punctuality by being good role models for children.

We celebrate and reward good class and individual punctuality.

If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are however advised to use the class homework grid/dojo, read with their children and encourage them to write a diary while they are not attending.

### **Understanding Barriers to Attendance**

We can use outside agencies to help with this, such as the School Nurse, Mental Health and Emotional Wellbeing support services, a Child and Family Support Worker or the relevant Local Authority team/s. Where outside agencies are supporting the family, you may be invited to attend a Team Around the Family meeting (TAF) to consider what is working well and what needs to improve. An individualised early help plan will be agreed and subsequently reviewed.

Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long-term medical conditions or who have special educational needs and disabilities, or other vulnerabilities. High expectations of attendance remain however, we will work with families and pupils to support improved attendance whilst being mindful of the additional barriers faced. We can discuss reasonable adjustments and additional support from external partners where appropriate.

**The name and contact details of the school staff member pupils and parents should contact for more detailed support on attendance can be located on each school website.**

### **Deletion from Roll**

For any pupil leaving, *other than at the end of year 6* parents are required to complete a 'Leavers' Form' which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils, even those who leave us. Pupils cannot be deleted from the school roll without this information and will be classed as absent until we have confirmation they are safe and attending another school.

It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

Under Pupil Regulations 2006, all schools are now **legally required** to notify their Local Authority of **every new entry** to the admission register **within five days** of the pupil being enrolled. In addition to this, **every deletion** from the school register must also be notified to the Local Authority, as soon as the ground for deletion has

been met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register. This duty does not apply when a pupil's name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school.

### **Absence Data**

We use data to monitor, identify and support individual pupils or groups of pupils when their attendance needs to improve. Persistently absent pupils are tracked and monitored carefully. We also combine this with academic tracking as increased absence affects attainment.

We share information and work collaboratively with other schools in the area, local authorities, and other partners when absence is at risk of becoming persistent or severe.

### **Suspensions / Exclusions**

HEARTS Academy Trust will report all suspensions/ exclusions to the Local Authority (LA), with copies of all correspondence shared with the LA. Please see the Behaviour, Antibullying, Suspension & Exclusion Policy for further details

### **Summary**

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

HEARTS Academy Trust will continually review this policy and update accordingly to include changes in the law and guidance on good practice.

*All school staff, local advisory boards and trustees are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.*

## Appendix A

### ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent<sup>1</sup> must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

#### LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

#### Education Act 1996

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA 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 under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

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<sup>1</sup> All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and 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. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

On 6 April 2017, in the case of Isle of Wight Council v Platt [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

### [Anti-social Behaviour Act 2003](#)

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

### [Children Act 1989](#)

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

### [Crime and Disorder Act 1998](#)

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

### [Education and Inspections Act 2006](#)

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

### [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(Amended 2013\)](#)

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

## **AUTHORISATION TO ISSUE PENALTY NOTICES**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme<sup>2</sup> are authorised to do so.

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<sup>2</sup> Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

## CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5<sup>th</sup> birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email [attendancecompliance@essex.gov.uk](mailto:attendancecompliance@essex.gov.uk). A response will be sent within 3 working days. Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter. Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

### [Penalty notices for unauthorised leave of absence \(ULA\)<sup>3</sup>](#)

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence. In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

### [Penalty Notices for Irregular School Attendance \(ISA\)](#)

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

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<sup>3</sup> Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

[https://schools.essex.gov.uk/pupils/Attendance\\_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx](https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx) .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

*N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.*

#### [Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence](#)

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

#### [Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep](#)

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

## Excluded children

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

## Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

## Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

## **PAYMENT OF PENALTY NOTICE**

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

## **WITHDRAWAL OF PENALTY NOTICE**

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.



## CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

## VERSIONS

Original Code of Conduct was introduced in September 2004.

Most recent revision - November 2017

Revised March 2019 for implementation from April 2019

## Appendix B

# DfE guidance Summary table of responsibilities for school attendance. Sept 2022

### All pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Ensure their child attends every day the school is open except when a statutory reason applies.</p> <p>Notify the school as soon as possible when their child has to be unexpectedly absent (e.g. sickness).</p> <p>Only request leave of absence in exceptional circumstances and do so in advance.</p> <p>Book any medical appointments around the school day where possible.</p>	<p>Have a clear school attendance policy on the school website which all staff, pupils and parents understand.</p> <p>Develop and maintain a whole school culture that promotes the benefits of good attendance.</p> <p>Accurately complete admission and attendance registers.</p> <p>Have robust daily processes to follow up absence.</p> <p>Have a dedicated senior leader with overall responsibility for championing and improving attendance.</p>	<p>Take an active role in attendance improvement, support their school(s) to prioritise attendance, and work together with leaders to set whole school cultures.</p> <p>Ensure school leaders fulfil expectations and statutory duties.</p> <p>Ensure school staff receive training on attendance.</p>	<p>Have a strategic approach to improving attendance for the whole area and make it a key focus of all frontline council services.</p> <p>Have a School Attendance Support Team that works with all schools in their area to remove area-wide barriers to attendance.</p> <p>Provide each school with a named point of contact in the School Attendance Support Team who can support with queries and advice.</p> <p>Offer opportunities for all schools in the area to share effective practice.</p>

### Pupils at risk of becoming persistently absent

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered to prevent the need for more formal support.</p>	<p>Proactively use data to identify pupils at risk of poor attendance.</p> <p>Work with each identified pupil and their parents to understand and address the reasons for absence, including any in-school barriers to attendance.</p> <p>Where out of school barriers are identified, signpost and support access to any required services in the first instance.</p> <p>If the issue persists, take an active part in the multi-agency effort with the local authority and other partners. Act as the lead practitioner where all partners agree that the school is the best placed lead service. Where the lead practitioner is outside of the school, continue to work with the local authority and partners.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Hold a termly conversation with every school to identify, discuss and signpost or provide access to services for pupils who are persistently or severely absent or at risk of becoming so.</p> <p>Where there are out of school barriers, provide each identified pupil and their family with access to services they need in the first instance.</p> <p>If the issue persists, facilitate a voluntary early help assessment where appropriate. Take an active part in the multi-agency effort with the school and other partners. Provide the lead practitioner where all partners agree that a local authority service is best placed to lead. Where the lead practitioner is outside of the local authority, continue to work with the school and partners.</p>

## Persistently absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continued support as for pupils at risk of becoming persistently absent and:</p> <p>Where absence becomes persistent, put additional targeted support in place to remove any barriers. Where necessary this includes working with partners.</p> <p>Where there is a lack of engagement, hold more formal conversations with parents and be clear about the potential need for legal intervention in future.</p> <p>Where support is not working, being engaged with or appropriate, work with the local authority on legal intervention.</p> <p>Where there are safeguarding concerns, intensify support through statutory children's social care.</p> <p>Work with other schools in the local area, such as schools previously attended and the schools of any siblings.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continued support as for pupils at risk of becoming persistently absent and:</p> <p>Work jointly with the school to provide formal support options including parenting contracts and education supervision orders.</p> <p>Where there are safeguarding concerns, ensure joint working between the school, children's social care services and other statutory safeguarding partners.</p> <p>Where support is not working, being engaged with or appropriate, enforce attendance through legal intervention (including prosecution as a last resort).</p>

## Severely absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>Agree a joint approach for all severely absent pupils with the local authority.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>All services should make this group the top priority for support. This may include a whole family plan, consideration for an education, health and care plan, or alternative form of educational provision.</p> <p>Be especially conscious of any potential safeguarding issues, ensuring joint working between the school, children's social care services and other statutory safeguarding partners. Where appropriate, this could include conducting a full children's social care assessment and building attendance into children in need and child protection plans.</p>

## Support for pupils with medical conditions or SEND with poor attendance

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Maintain the same ambition for attendance and work with pupils and parents to maximise attendance.</p> <p>Ensure join up with pastoral support and where required, put in place additional support and adjustments, such as an individual healthcare plan and if applicable, ensuring the provision outlined in the pupil's EHCP is accessed.</p> <p>Consider additional support from wider services and external partners, making timely referrals.</p> <p>Regularly monitor data for such groups, including at board and governing body meetings and with local authorities.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Work closely with relevant services and partners, for example special educational needs, educational psychologists, and mental health services, to ensure joined up support for families.</p> <p>Ensure suitable education, such as alternative provision, is arranged for children of compulsory school age who because of health reasons would not otherwise receive a suitable education.</p>

## Support for pupils with a social worker

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Inform the pupil's social worker if there are any unexplained absences and if their name is to be deleted from the register.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Regularly monitor the attendance of children with a social worker in their area.</p> <p>Put in place personal education plans for looked-after children.</p> <p>Secure regular attendance of looked-after children as their corporate parent and provide advice and guidance about the importance of attendance to those services supporting pupils previously looked after.</p>

The Atrium's Attendance Policy has been completed following guidance from the Local Authority, and can be found by clicking [here](#)