

# A St. Michael's CE (VA) Junior School Policy



## ATTENDANCE & PUNCTUALITY POLICY (In conjunction with Galleywood Infant School)

<i>Reviewed by Headteachers at Galleywood Infants &amp; St. Michaels Junior:</i>	Summer Term 2019
Ratified by Full Governing Body:	Summer Term 2019
To be reviewed:	Summer Term 2020





**St Michael's CE VA Junior School  
and  
Galleywood Infant School**



**Attendance & Punctuality Policy**

## **Rationale**

***St Michael's Junior School (SM):*** We believe that regular school attendance and punctuality is essential to maximise children's academic achievement as well as their overall development, physically, mentally, spiritually, emotionally and socially. We aim to encourage maximum attendance by creating a strong Christian community which is welcoming, caring and nurturing that provides a stimulating learning environment where children can thrive. The parent handbook reminds parents that there is a legal requirement to ensure that their child attends school.

***Galleywood Infant School (GIS):*** Galleywood Infant School is committed to providing a full and successful education for every child so that they achieve very well, establish good and lasting relationships with their peers and are well prepared for Key Stage 2. Regular and punctual attendance is crucial and the school works closely with all parents and families to establish the strong home school links and communication systems to underpin these.

This policy is written with the above statement in mind and underpins our school 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 unless the reason for the absence is unavoidable. **It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the *headteacher/principal*, not the parent, 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 so may affect 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.

This policy has been developed in consultation with school governors, teachers, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the schools commitment to 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.

### **Promoting Regular Attendance**

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/carers details on attendance in our newsletters
- Report to parents/carers annually on their child's attendance with the annual school report.
- Contact parents/carers should their child's attendance fall below the school's target for attendance.

### **Why regular attendance is so important.**

#### **Safeguarding**

Your child may be at risk of harm if they do not attend school regularly. Safeguarding the interests of each child is everyone's responsibility and within the context of this school, promoting the welfare and life opportunities for your child encompasses:-

Attendance  
Behaviour Management  
Health and Safety  
Access to the curriculum  
Anti-bullying

**Failing to attend this school on a regular basis, will be considered a serious safeguarding matter.**

#### **Learning**

As absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence disrupts teaching routines so may affect the learning of others in the same class. Ensuring your child's regular attendance at school is a parent's legal responsibility and permitting absence from school, without a good reason, creates an offence in law and may result in prosecution.

### **Understanding Types of Absence**

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

**Authorised absences** are mornings or afternoons away from school for a good reason like illness (although you may be asked to provide medical evidence for your child before this can be authorised), 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. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings. Unauthorised absence includes:

- parents/carers 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 properly explained
- children who arrive at school too late to get a mark on the attendance register
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave- 5 days 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**

Under the 1996 Education Act, parents and carers are responsible for ensuring their children attend school regularly and punctually. Failure to do so could result in legal action being taken against them by the Local Authority.

The register is a legal document and schools must, under the Education (Pupils Registration) Regulations 2006, take a Register at the start of the morning session, and again during the afternoon session. Since September 2006, schools have been required to use the statutory registration codes (see Appendix).

Under the Education (Pupil Registration) Regulations 2006, only the school, and not parents/carers, can authorise an absence. Where the reason for a pupil's absence cannot be established at the time the register is taken, that absence shall be recorded as unauthorised. If a reason for the absence is provided by the parent/carer, the school may decide to grant leave of absence which must be recorded as authorised using the appropriate national code.

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 such a request and 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 may be requested by this school. Family holidays and extended leave have been removed. The amendments specify that headteachers 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.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise.

**At St. Michael's, '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. The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

**We will not agree leave during term time:**

- **at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.**
- **during assessment and test periods 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.**

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 root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Officers or Child and Family Support Worker.

**School Absence Procedures**

Both schools give a high priority to conveying to parents and pupils the importance of regular and punctual attendance. We recognise that parents have a vital role to play and that there is a need to establish strong home school links and communication systems that can be utilised whenever there are concerns about attendance.

If there are problems, which affect a pupil's attendance, we investigate, identify and strive in partnership with parents and pupils to resolve those problems as quickly and efficiently as possible.

In June 2015 OFSTED inspectors reported national findings of inconsistent practices for recording and reporting cases where children are removed from schools. This raised serious concerns about safeguarding issues with children potentially exposed to the risk of harm, exploitation or radicalisation. Her Majesty's Chief Inspector, therefore, recommended that the Government strengthen regulations to ensure that schools provide regular and accurate information to their Local Authority about children as they are added to, or removed from school admissions registers.

During spring 2016 the DfE consulted on Improving Information in Identifying Children Missing Education, which set out to improve communication and co-ordination between schools, including independent schools, and Local Authorities.

The outcome of the consultation lead to amendments to the Education (Pupil Registration) (England) Regulations 2006 being made on 22nd July 2016 which came into effect on 1<sup>st</sup> September 2016. Under Regulation 12 schools are now legally required to notify their Local Authority of every new entry to the admission register and every deletion from the school register. Notifications must be received by the Local Authority, **within five days**. To enable schools to fulfil this new statutory duty, an online form has been devised for completion. This can be accessed via the link below (Statutory Notification of Admission/Deletion to/from Essex School Roll). The Education (Pupil Registration) (England) Regulations 2006 provide the original regulations, including regulation 8 which stipulates the grounds under which a school may remove a pupil from roll.

## **1. School Day at St. Michael's**

- 8:30 – School gates open (children have unsupervised access to the school playground)
- 8:40 – School opens (children have access to their classrooms for early work)
- 8:55 – School starts
- 3:20 – School finishes and classes are dismissed from the front playground

## **2. Notification of Absence**

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

- Parents are requested to telephone the School Office on the first day of any absence by **9.00am (SM)**. The school has an answer phone available to leave a message if nobody is available to talk your call, or call into school personally and speak to the office staff.
- Contact the school on every further day of absence, before 9:00 am.
- Ensure that your child returns to school as soon as possible.

## **3. If your child is absent we will:**

- Telephone or text you on the first day of absence if we have not heard from you
- If contact is not made, 2 members of staff will visit the child's home.
- If contact still cannot be made, other agencies may be contacted for example social care, MECES (Missing Education and Child Employment Services) or the police.
- Write to you if your child's attendance is below 95%
- Invite you in to school to discuss the situation with our Pastoral Care Manager and/or the Headteacher if absences persist
- Refer the matter to the Local Authority to request a formal School Attendance Meeting if attendance deteriorates following the above actions
- Office staff pass daily lists of any children considered to be within a vulnerable group, or those who are persistent absentees to the Headteacher (**GIS**) or Pastoral Care Manager and Headteacher (**SM**) to follow up immediately.

## **The Missing Education and Child Employment Service**

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. 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), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

It may be necessary for the school or Children Missing Education and Employment Service (MECES) to ask the parent/carer to provide the school with written evidence of the reason for absence e.g. appointment cards/letters, Medical Certificate, letter from GP.

If there is an extensive period of absence due to medical reasons, the school or an Investigation Officer from MECES may ask for the permission of the parent/carer to contact the child's GP to confirm that the medical condition prevents the child from attending school and to establish a possible return date for the child.

On some occasions, if the school is concerned over the level of attendance, a referral may be made to MECES for support for the family in improving their child's attendance.

## Appeals

A parent/carer can appeal to the Chair of Governors in writing should they feel their request for absence has been unfairly dealt with. Appeals should be submitted in writing c/o the school office. The Chair of Governors will reply in writing. Only in exceptional circumstances will the leave be authorised.

## **4. Children Leaving School during the Day**

Where a parent collects a child during the school day for whatever reason, the child is signed out in the 'Off-Site' book by the parent, giving the reason. When a child returns to school during the day, they should be 'signed in' by the parent, noting the time. Where a child goes home due to illness, the Headteacher is responsible for authorising the absence, but delegates this responsibility to Office Staff. Children who go home to dinner are also 'signed out' and 'signed in' again by their parent.

## **5. Lateness**

Poor punctuality is not acceptable. If a child misses the start of the day they can 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 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 Manage Lateness**

The school day starts at **8.40 am** when children can begin to come into school. Registers are taken at **8.55 am** and your child will receive a late mark if they are not in by that time. Children arriving after **8.55 am** are required to come in to school via the school office. If accompanied by a parent or carer, the parent/carer will sign them into our 'Late Book' and provide a reason for their lateness which is recorded. If the child is unaccompanied the school office will record the lateness in the 'Late Book'.

At **9.30am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site, but this will **not** count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the Pastoral Care Manager and/or Headteacher, but 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 to our children and celebrate good class and individual punctuality.

If the reason can clearly be authorised e.g. doctor's appointment/illness, the Headteacher will authorise the absence. The child will then go to class and the teacher will check that the child has reported to the Office. There is no requirement for a parents' note when the child is signed in late by a parent. A note or telephone call is, however required if a child arrives late at school on their own.

## **6. Monitoring Attendance**

A member of the Office Staff, under the direction of the Headteacher, monitors attendance and contacts any parents where notification of absence has not been received. If attendance falls below 90%, or if a pattern of intermittent absence appears to be emerging (e.g. Mondays), parents may be contacted by the Pastoral Care Manager and may be invited to a meeting to discuss ways to improve attendance. Concerns are followed up initially by the school, but if they remain unresolved, the Investigating Officer from MECES will become involved.

We recognise and value the support and guidance of the Investigating Officer, both in helping families deal with absence and punctuality issues as well as implementing the law with regard to attendance.

### Long Term Absences

If a child is absent for a long period of time, for example, due to illness, the class teacher may arrange for work to be sent home. Children returning to school after long periods of absence, are supported and assisted with their reintegration into school.

### Persistent Absenteeism (PA)

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

We monitor all absence, and the reasons that are given, thoroughly. 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/carer. 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 to agree a plan to improve absence.

### **Promoting attendance/punctuality**

Both schools work hard to provide a curriculum which is lively, engaging and meets the needs of all learners.

At GIS, stickers are awarded for those pupils achieving 100% attendance during each term and Certificates for 100% attendance over the academic year. The registration group with the highest % attendance over a week is awarded the School Attendance trophy for the week.

At SM, children are awarded a certificate and gift for 100% attendance over the academic year. Attendance will be shared weekly and celebrated during our Achievers' Assembly with parents.

Attendance statistics are collected and used to inform pastoral and curriculum practices. Expectations are made clear to parents with regard to attendance and punctuality in the Home School Agreement, School Prospectus and School Profile (**GIS**) and Pupil Handbook (**SM**). Opportunities to maintain awareness of attendance and what constitutes authorised and unauthorised absence, through newsletters, parents' evenings and pupil reports are used.

Pupils with a known attendance problem will be interviewed with the parents and will be set targets for improvement. If attendance does not improve, parents are invited to a school meeting and our Pastoral Support Advisor (**GIS**).

### Deletion from Roll

For any pupil leaving St. Michael's CE VA Junior School, other than at the end of year 6 parents/carers are required to complete a 'Pupils moving from *school*' 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.

### Summary

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



**APPENDIX 2:  
ST MICHAEL'S CE JUNIOR SCHOOL  
APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME**

Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school. As from 1<sup>st</sup> September 2013, the Education (Pupil Registration) (England) (Amendment) Regulations 2013 amended Regulation 7 to prohibit the proprietor of a maintained school from granting leave of absence to a pupil, except where an advance application has been made by the parent with whom the pupil normally resides, and the proprietor considers that there are exceptional circumstances relating to the application.

The 'proprietor' is the Headteacher and his/her nominated representatives. Appeals can be made to the Chair of Governors.

St Michael's CE Junior School

Taking your child out of school during term time could be detrimental to your child's educational progress. A pupil who takes 10 days absence will only attain 94.7% attendance in the year. 10 days absence also means the pupil will miss 50 hours of education.

There is no entitlement to parents to take their child out of school during term time, however, you may apply to the school for leave of absence if you believe there are exceptional circumstances.

If the absence is not authorised and the holiday is taken, the case will be referred to the Education Welfare Service who may issue a Penalty Notice for £120 (£60 if paid within 21 days) to each parent for each child taken out of school.

Name of Child(ren) \_\_\_\_\_

Date of Birth \_\_\_\_\_

Class: \_\_\_\_\_

Date of First day of Absence \_\_\_\_\_

Date of Return to school \_\_\_\_\_

Number of Days Requested \_\_\_\_\_

**Important: A letter must be attached to this request, outlining the 'exceptional circumstances' for which a leave of absence is being applied for.**

Signed \_\_\_\_\_ (Parent/Carer)      Date \_\_\_\_\_

**School /Office Use Only:**

Attendance percentage preceding 12 weeks:			
Number of sessions absence this academic year:	Authorised	Unauthorised	Total
Absence Authorised/Not Authorised			
Signature _____ Position _____			
Date _____			

## **APPENDIX 1**

### **Authorisation Codes for Registers**

B	Educated off-site (not dual registration)
C	Other approved educational activity (not covered by other codes and descriptions)
D	Dual registered (i.e. present at another school or at a PRU)
E	Excluded but no alternative provision made
F	Agreed extended family holiday
G	Family holiday (not agreed or sessions in excess of agreement)
H	Agreed family holiday
I	Illness
J	Interview
L	Late but arrived before register closed
M	Medical or dental appointment
N	No reason for the absence provided yet
O	Other unauthorised (not covered by other codes or descriptions)
P	Approved sporting activity
R	Day set aside for religious observance
S	Study leave
T	Traveller absence
U	Late and arrived after register closed
V	Educational visit or trip
W	Work experience (not work-based training)
X	Untimetabled sessions for non-compulsory school-age pupils
Y	Partial and forced closure
Z	Pupil not on roll yet
#	School closed to all pupils

## **APPENDIX 3:**

### **Standard Letters to Parents**

#### **UNAUTHORISED ABSENCE**

Dear XXXXX,

I am writing to inform you that there have been four occasions last term when we were not notified of the reasons for XXXX absence from school. It is vital that you do telephone the school office by 9.15am if your child is going to be absent. An answerphone is also available outside office hours.

When we do not have a reason for a child's absence, such absence is marked as unauthorised and the information may be passed onto the Educational Welfare Officer at the Local Authority for further investigation, particularly where we have ongoing cause for concern.

Please do hesitate to contact me if you have any concerns over this matter but in the meantime would be grateful for your co-operation in this matter.

Yours sincerely,

Maria Rumsey  
Headteacher

#### **ATTENDANCE LEVEL (LESS THAN 90%)**

Dear XXXXX

I am writing to you regarding XXXX attendance level since the beginning of the school term. XXX's attendance stands at XX% meaning that she has missed XX sessions of school (a session being a morning or afternoon). A full listing is enclosed for your reference.

For XXXX to meet his/her full potential, it is vitally important that she attends school so that she can gain maximum benefit from all the learning opportunities that are planned for her.

We will continue to monitor XXXX attendance levels on a weekly basis and if necessary will pass the information onto the Educational Welfare Officer at the Local Authority for further investigation if we have ongoing cause for concern.

Please do not hesitate to contact me if you have any concerns or would like to discuss the matter further.

Yours sincerely,

Maria Rumsey  
Headteacher

#### **ATTENDANCE LEVEL (< 90% > 85%)**

Dear XXXX,

It is our policy to inform parents half-termly if their child's attendance falls below 90% as research demonstrates that there is a clear link between children's attendance and their levels of attainment. The government have stated that primary school attendance figures should be in excess of 95%. Obviously, a child may have a long spell of ill health in one term and then have full attendance for the rest of the year and therefore it is any ongoing pattern of lower than expected attendance over more than one term that would merit investigation by the Education Welfare Service. However, to help parents monitor their child's attendance we believe that it is helpful for parents to be informed whenever attendance falls below 90%.

XXX attendance for the first half of the XXXXXXXX Term was XX %

If you wish to discuss the above with me, please do not hesitate to contact me through the School Office.

Yours sincerely,

Maria Rumsey  
Headteacher

## **PUNCTUALITY**

Dear XXXX

It has come to my attention that XXXX is frequently late arriving at school. I enclose the Pupil Attendance Record for your information.

It can be very disruptive to your child's learning if they are not present at the start of the day. In addition it can also cause disruption to the rest of the class as well as the additional administrative burden created.

I therefore look forward to your co-operation in this matter so that a better record of regular and punctual attendance is maintained.

If you would like to discuss this further, please do not hesitate to contact me.

Yours sincerely,

Maria Rumsey  
Headteacher

## **ONGOING PUNCTUALITY CONCERNS**

Dear

I have written to you previously as there have been concerns over XXXX's punctuality. I note from the registration certificate that there has been very little improvement in this and over the last school year and XXXX has been late on XX occasions. I enclose a copy of the registration certificate for your information.

As I have previously mentioned late arrival into class causes much disruption and XXX is frequently missing out on important learning opportunities.

I will be monitoring XXXX's attendance and would ask for your cooperation so that a better record of punctual attendance is maintained.

Should XXXX continue to be late for class I may ask for you to attend a meeting with myself and the Education Welfare Officer in order to discuss this matter further.

If you would like to discuss this issue further please do not hesitate to contact me.

Yours sincerely,

Maria Rumsey  
Headteacher

## **EXAMPLE LETTER FROM HEADTEACHER UNAUTHORISING LEAVE OF ABSENCE**

Dear

I refer to your application for leave of absence for XXXXX to be absent for XXXXX days.

The current law does not give any entitlement to parents to take their child out of school during term time. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 prohibits Headteachers granting leave of absence to a pupil except where an application has been made in advance and the Headteacher considers that there are exceptional circumstances relating to the application. Following due consideration and in line with guidance agreed with the Governing Body, I am unable to agree to your request as the reason provided is not considered exceptional.

You should be advised that if you do take your child out of school for this time, the absences will not be authorised and the Education Welfare Service may issue a penalty notice to each parent of £60 for each child to be paid within 21 days. If the penalty is not paid within the time scale the penalty will increase to £120. If the higher penalty is not paid within 28 days, the Education Welfare Service will then institute legal proceedings against you in the magistrate's court under Section 444 of the Education Act 1996 for failing to ensure your child attends school regularly. The matter will also be recorded on your child's school record.

If you would like to meet with me to discuss this matter, please contact the school office to arrange an appointment.

Yours sincerely,

Maria Rumsey  
Headteacher

## **Annex 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 and that suitable arrangements are in place for the administration of the scheme.

The Government requires Local Authorities to issue a code of conduct

The Essex code has been agreed following consultation with:

- Essex Local Authority – Missing Education & Child Employment Service
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police Service

in accordance with the Education (Penalty Notices) Regulation 2007, Anti Social Behaviour Act 2003) section 23 subsection (1) and Sections 103 to 105 of the Education and Inspections Act 2006; Education (Pupil Registration) (England) (Amendment) Regulations 2013

Anyone issuing a penalty notice to a parent\* of a child of statutory school age on roll at an Essex school, must do so within the terms of this code.

#### **Legislation**

The Anti Social Behaviour Act 2003 inserts into the Education Act 1996 Section 444A and Section 444B enabling authorised personnel to issue penalty notices as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age 'fails to attend regularly' at the school where he is a registered pupil, his parent is guilty of an offence. On the 6th April 2017, in the case of Isle of Wight Council v Platt the Supreme Court judgement ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school'

Section 103 of the Education and Inspections Act 2006 places a duty on parents to ensure that their child is not present during school hours in a public place during the first 5 days of exclusions. Section 105 of the Act enables a penalty notice to be issued under Section 103.

#### **Authorisation to issue penalty notices**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Missing Education & Child Employment Service, 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.

Headteachers (and deputy headteachers and assistant headteachers authorised by the head teacher) and police, and persons accredited by the police 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 will not issue penalty notices to parents of truants, but persons accredited by them may do so. Schools will not generally issue penalty notices but where a Headteacher (or their designated deputy) or accredited person decides that a penalty notice is to be served, they must email ME&CE.legal@essex.gov.uk to ascertain if there is any current legal action. A response will be sent within 24 hours. This will avoid a penalty notice being issued when the Local Authority is instigating legal intervention proceedings for irregular school attendance.

### **Circumstances in which a penalty notice may be issued**

Penalty Notices apply to pupils of statutory school age which finishes in year 11. Essex partners have agreed to use penalty notices for the following circumstances:

- **Penalty notices for irregular school attendance /leave of absence \*\***

Penalty notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous ten school weeks. This includes unauthorised late arrivals, coded U, which count as unauthorised absence for the whole session.

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 leave of absence during the first two weeks of September due to a term-time holiday.

Number of penalty notices which can be issued for truancy/unauthorised 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 Missing Education and Child Employment Service legal intervention process will be used.

- **Pupil 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 Headteacher does not authorise the absence of a pupil stopped by a Local Authority Investigation Officer and Police Officer on a sweep and there has been at least 10 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a warning letter to the parent within 14 days. If there are any further absences that are not authorised by the head teacher, during the next 6 schools weeks the school will complete a request, signed by the Headteacher (or their designated deputy), for issue of a penalty notice and send to the Missing Education and Child Employment Service . The Missing Education and Child Employment Service may then issue a penalty notice.

Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep.

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 Missing Education and Child Employment Service legal intervention process will be used.

- **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 issued notice to 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 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 5 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 Missing Education and Child Employment Service legal intervention process will be used.

**Payment of Penalty Notice**

The penalty for each parent is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice (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.

If the penalty is not paid in full by the end of the 28 day period Essex Missing Education and Child Employment Service 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 444 (1)

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

### **Withdrawal of Penalty Notice**

A penalty notice can be withdrawn in the following circumstances:

- Where 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
- The notice contains material errors
- Where it has been issued to the wrong person or the parent can prove it was delivered to the wrong address

### **Co-ordination between the LOCAL AUTHORITY and its local partners**

The Missing Education and Child Employment Service and its local partners will review this Code of Conduct regularly.

*\* **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.*

Revised July 2017 for implementation from 1st October 2017

Revised November 2017

**\*\* truancy/unauthorised absence is absence from school without permission or good reason and the absence is unauthorised by the school.**