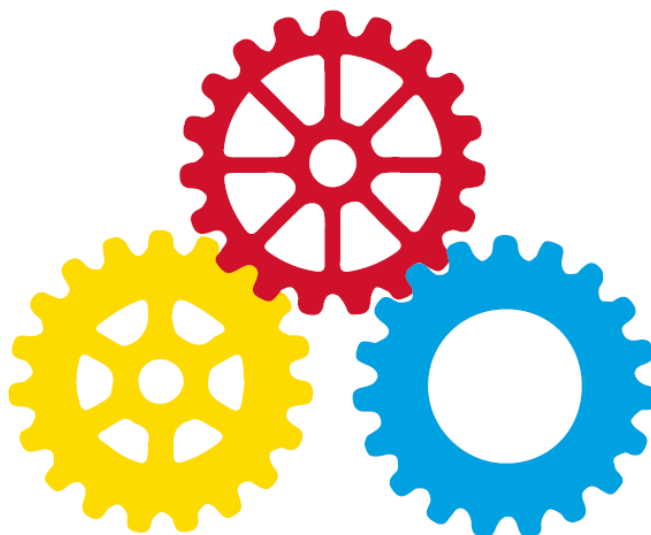


Attendance and Absence Policy



North Scarle Primary School 'Choosing to be Successful'

Approved by:	Full Governing Body	Date: October 2024
Last reviewed:	September 2024	
Next review due by:	September 2025	

Our School Vision

As an **inclusive** primary school, we work towards unlocking the potential of ALL our children, regardless of their starting points and perceived limits, so they can be happy and become the most **successful** version of themselves.

We aim to achieve this by providing a safe, nurturing and **inspiring** learning environment that supports our children both physically and emotionally.

Our successes are built on shared values and high expectations, provided by an aspirational and **enriched** curriculum and a supportive community.

"Success is not the key to happiness. Happiness is the key to success. If you love what you are doing, you will be successful." (Herman Cain)

Our School Values



The name and contact details of the Senior Attendance Champion – the senior leader responsible for the strategic approach to attendance in our school, is:

Mrs Katie Durant Good (Headteacher)

Please contact via email: enquiries@northscarleprimary.co.uk or call: 01522 778724

The name and contact details of the school staff member pupils and parents should contact about attendance on a day-to-day basis is:

Mrs Abbie Palmer (Office Administrator)

Please contact via email: enquiries@northscarleprimary.co.uk or call: 01522 778724

The name and contact details of the school staff member pupils and parents should contact for more individual support with attendance (Attendance Officer/Pastoral Support Worker/Head of Year etc):

Mrs Katie Durant Good (Headteacher)

Please contact via email: enquiries@northscarleprimary.co.uk or call: 01522 778724

The name of our linked Governor with responsibility for monitoring attendance is:

Rev Andrew Vaughan

Please contact via email: clerk@northscarleprimary.co.uk or call: 01522 778724

How does our Vision impact on Attendance at North Scarle?

Inclusive & Aspirational - We ensure that all children have a right to full time education and the school is open to ensure that all succeed. All children are treated equally and we work with every family to ensure that our systems and procedures around attendance are fair and supportive but help everyone to reach their full potential. We celebrate attendance and children coming to school in a variety of ways that help empower and motivate everyone to succeed. We also celebrate where improvements have been made to attendance figures when these have fallen into areas of concern and ensure that there are clear/achievable plans for improvement.

Enrichment - Attendance data will be scrutinised across the year and patterns/trends will be analysed to ensure that all children are supported to be in school and attend regularly unless there is a specific reason not to do so. We will hold exploratory conversations with all who need to be involved to ensure that each child attends school and has access to a high-quality education and experiences that enrich and develop character both socially and emotionally. Having constant access to school will ensure that they are continuously witnessing the deep levels of respect on offer throughout the school environment and they will establish effective relationships that continue to round them both personally and academically.

Inspired - Our Secrets to Success are central to the work that we undertake around Attendance and we hope to inspire and support our children's love of learning through these. Children will better understand that they can succeed in life by being present in school which will, in turn, develop their ability to push themselves, try new things and develop themselves in a variety of contexts.

Introduction and Background

North Scarle Primary School recognises that positive behaviour and good attendance are essential in order for pupils to get the most of their school experience, including their attainment, wellbeing and wider life chances.

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, on time. 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 Department for Education (DfE) has produced statutory guidance for maintained schools, academies, independent schools, and local authorities. It is called "[Working together to improve school attendance](#)" and it includes a National Framework in relation to absence and the use of legal sanctions. Our School Attendance Policy reflects the requirements and principles of that guidance.

This policy is written with the above guidance 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.

It has been developed in consultation with school governors, teachers, 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 school's commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

In addition, all schools follow the DfE's statutory safeguarding guidance, Keeping Children Safe in Education, which emphasises the importance of understanding the potential vulnerabilities of children who are missing or absent from education.

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

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 and maintaining a whole school awareness of the importance of good attendance and punctuality;

- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

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*, not the parent, who can authorise the absence.**

Promoting Regular Attendance

At North Scarle Primary School, 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 strong connections between attendance, attainment, safeguarding and wellbeing.

The name and contact details of the Senior Attendance Champion (the senior leader responsible for the strategic approach to attendance in our school) is:

Mrs Katie Durant Good

Email: enquiries@northscarleprimary.co.uk Call: 01522 778724

The governor with responsibility for monitoring attendance is Rev Andrew Vaughan.

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:

- Submit a daily attendance return to the Department of Education, in line with the legal expectations placed on all schools;
- Build strong relationships and work jointly with families;
- Give parents/carers details on attendance in our newsletters;
- Promote the benefits of high attendance;
- Accurately complete admission and, with the exception of schools where all pupils are boarders, attendance registers and have effective day to day processes in place to follow-up absence as required by law;
- Celebrate excellent attendance by displaying and reporting individual and class achievements;
- Reward good or improving attendance;
- Report to parents/carers regularly on their child's attendance and the impact on their progress;
- Contact parents/carers should their child's attendance fall below the school's target for attendance.

Understanding Types of Absence

Any absence affects the routine of a child's schooling and regular absence will seriously affect their learning journey and ability to progress. 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 allowing absence from school, without a good reason, creates an offence in law and may result in prosecution.

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 morning or afternoon sessions away from school for a genuine reason such as 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 granted. 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 list is not exhaustive):

- 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 after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes, however is counted as an absence for the session;
- 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, not deemed 'for exceptional purposes' by the headteacher, including any arranged by other family members or friends;
- day trips;
- other leave of absence in term time which has not been agreed.

Persistent Absenteeism (PA) and Severe Absenteeism (SA)

A pupil is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for any reason; this can be authorised or unauthorised absence. Absence at this level will cause considerable damage to any pupil's education and we need the full support and co-operation of parents to resolve this. All pupils who have attendance levels of 90% or below are considered to be a persistent absentee.

A pupil who has missed 50% or more schooling is defined by the Government as '**severely absent**'. Pupils within this cohort may find it more difficult to be in school or face bigger barriers to their regular attendance and, as such, are likely to need more intensive support.

Absence Procedures

The name and contact details of the school staff member pupils and parents should contact about attendance on a day to day basis is:

Mrs Abbie Palmer (School Office Administrator)

Email: enquiries@northscarleprimary.co.uk Call: 01522 778724

We monitor and review all pupils' absence, and the reasons that are given, thoroughly.

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

- Contact the school on the first day of absence before *9.15 am, when our register closes*;
- The school has an answer phone available to leave a message if nobody is available to take your call, or you may call into school personally and speak to the office staff. Please be aware that, if you leave a voicemail to report your child's absence, you may receive a call from the school so that we may discuss the absence before making a decision as to whether the absence is to be recorded as authorised;
- Contact the school on every further day of absence, again before *9.15 am*;
- Ensure that your child returns to school as soon as possible and you provide any medical evidence, if requested, to support the absence. Medical evidence may be requested where your child is having multiple periods of absence which are reported as being due to medical reasons. When determining whether a child is too ill to attend school, both parents and school staff can consider the advice contained within the NHS Guidance on School Absence and Childhood Illness (appendix D).

If your child is absent we will:

- Telephone or text you on the first, and every subsequent day of absence, if we have not heard from you. However, it is your responsibility to contact us;
- 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;
- A referral will be made to Local Authority if no contact has been made with parents by the 5th day of absence 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% / causing concern, and/or where punctuality is a concern;
- Arrange a meeting so that you may discuss the situation with our Senior Attendance Champion
- Create a personalised action/support plan, such as an attendance contract, to address any barriers to attendance and make clear each person's role in improving the attendance patterns of your child;
- Offer signposting support to other agencies or services, if appropriate;
- Refer the matter to the Local Authority for relevant legal sanctions, if attendance deteriorates following the above actions.

Lateness

Poor punctuality is not acceptable and can sometimes lead to irregular school attendance patterns. Good time-keeping is a vital life skill which will help children as they progress through their school life and out into the wider world.

Pupils who arrive late disrupt lessons and, if a child misses the start of the day, they can feel unsettled and embarrassed and risk missing vital work and important messages from their class teacher.

The times of the start and close of the school day for all pupils at North Scarle Primary School are:

Gates open: **8.40am**

Registration starts: **8.45am**

Registration closes: **9.15am**

End of the school day: **3.15pm**

How we manage lateness:

The school day starts at **8.40am** when children can begin to come into school;

- Registers are taken at **8.55am**;
- Children arriving after **8.55am** are required to come into school via the school office. **If accompanied by a parent/carer they must sign them into our 'Late Book' and provide a reason for their lateness, which is recorded;**
- At **9.15am** 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 – 'U', but this will **not** count as a present mark and it will mean that they have an unauthorised absence;
- The school may contact parents/carers regarding punctuality concerns;

Unauthorised lateness could result in the school referring to the Local Authority for sanctions and/or legal proceedings. If your child has a persistent lateness record, you may be asked to meet with Mrs Durant Good (Headteacher), but you can approach us at any time if you are having difficulties 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, as a school, we celebrate good class and individual punctuality.

Understanding barriers to attendance

Whilst any child may occasionally have time off school because they are too unwell to attend, sometimes they can be reluctant to attend school. Any barriers preventing regular attendance are best resolved 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, Mental Health, an Early Help 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 Child meeting (TAC) to consider what is working well and what needs to improve. An individual support 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 in place for these

pupils, 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.

Under the DfE's statutory guidance, schools are required to submit a sickness return to the Local Authority for all pupils who have missed/are likely to miss 15 or more school days (consecutive or cumulative) due to medical reasons/illness.

See **Annex A** for summary tables of responsibilities for school attendance.

School Attendance and the Law

New legislation was passed, The School Attendance (Pupil Registration) (England) Regulations 2024 which introduced a National Framework in England. 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.

National Framework for Penalty Notices

There is now a single consistent national threshold for when a penalty notice must be considered by all schools in England, of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. The 10 sessions of absence do not have to be consecutive and can be made up of a combination of any type of unauthorised absence (G, O and/or U coded within the school's registers). The 10 school week period can span different terms, school years or education settings.

Sanctions may include issuing each parent (for each child) with a Penalty Notice for £160, reduced to £80 if paid within 21 days (for the first offence). A second Penalty Notice issued within a three year period will result in a fine of £160 per parent, per child. If a third offence is committed the matter may be referred to the local authority for consideration of prosecution via the Magistrates Court. If prosecution is instigated for irregular school attendance, each parent may receive a fine of 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.

See **Annex B** for the Lincolnshire Code of Conduct.

There is no entitlement in law for pupils to take time off during the term to go on holiday or other absence for the purpose of leisure or recreation, or to take part in protest activity in school hours. 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 School Attendance (Pupil Registration) (England) Regulations 2024 set out the statutory requirements for schools. All references to 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 do not have any 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 such a request and all applications for a leave of absence must be made in writing, in advance, on the prescribed form provided by the school. The school will usually consider that the parent who has made the application is therefore allowing the leave of absence, and also that all parents who are on the holiday are allowing the leave. Where a parent removes a child after their application for leave was refused or where no application was made to the school, the absence will be recorded as unauthorised. It is likely that penalty notices will be requested, in line with the National Framework and Lincolnshire Code of Conduct, in respect of each parent believed to have allowed the absence.

At North Scarle Primary School '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 (as determined by the headteacher). 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, outside of school term time, regardless of who has planned or paid for the holiday or absence (including grandparents or other family or friends).

The headteacher/school may discuss the leave of absence request with other education settings and/or the Local Authority to determine any exceptional circumstances.

If leave of absence is authorised, the school will not provide work for children to do during their absence.

Deletion from Roll

For any pupil leaving *North Scarle Primary 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 the whereabouts and may appropriately safeguard all of our pupils, even those who leave us.

It is crucial that parents keep school updated with current addresses and contact details for the pupil and 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, and schools are required to submit pupil attendance data to the Department for Education on a daily basis Education (Information about Individual Pupils) (England) (Amendment) Regulations 2024. Persistently and severely 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.

Annex A: DfE guidance Summary table of responsibilities for school attendance. From 19th August 2024

https://assets.publishing.service.gov.uk/media/65e8ae343649a2001aed63aa/Summary_table_of_responsibilities_for_school_attendance_applies_from_19_August_2024.pdf

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>Regularly monitor data to identify patterns and trends and understand which pupils and pupil cohorts to focus on.</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>Use data to understand patterns of attendance, compare with other local schools, identify areas of progress and where greater focus is needed.</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 persistent absence.</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 and act as lead practitioner if attendance is the only issue and/or the local threshold for formal early help is not met.</p> <p>If the issue persists, take an active part in the multi-agency effort with the local authority and other partners. If a case meets the local threshold for formal early help/family support, this includes conducting the early help assessment and acting 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 regular 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, and there are multiple needs consider whether the threshold for early help is met and facilitate access where it is. Regardless, take an active part in the multi-agency effort with the school and other partners. Provide the lead practitioner in cases where threshold is met and 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>Continue 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 a referral to 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>Continue support as for pupils at risk of becoming persistently absent and:</p> <p>Work jointly with the school to provide formal support options including attendance 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>Continue 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>Continue 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 cohorts of pupils with lower attendance than their peers

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Not applicable.	<p>Proactively use data to identify cohorts with, or at risk of, low attendance and develop strategies to support them.</p> <p>Work with other schools in the local area and the local authority to share effective practice where there are common barriers to attendance.</p>	Regularly review attendance data and help school leaders focus support on the pupils who need it.	Track local attendance data to prioritise support and unblock area wide attendance barriers where they impact numerous schools.

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>	Regularly review attendance data and help school leaders focus support on the pupils who need it.	<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>Know who the pupils who have, or who have had, a social worker are.</p> <p>Understand how the welfare, safeguarding, and child protection issues that they are experiencing, or have experienced, can have an impact on attendance – whilst maintaining a culture of high aspiration for the cohort.</p> <p>Provide additional academic support and make reasonable adjustments to help them, recognising that even when statutory social care intervention has ended, there can be a lasting impact on children's educational outcomes.</p> <p>Work in partnership with the local authority at a strategic and individual level, sharing data on attendance including, at an individual level, informing the pupil's social worker if there are any unexplained absences and if their name is to be deleted from the register.</p>	Regularly review attendance data and help school leaders focus support on the pupils who need it.	<p>Ensure that all Children's Social Care practitioners, understand the importance of good attendance for pupil's educational progress, for their welfare and their wider development – and understand their role in improving it.</p> <p>Through the work of Virtual School Heads, they should:</p> <ul style="list-style-type: none"> Undertake systemic monitoring and data sharing of the attendance of children with a social worker in their area: developing and implementing targeted cohort level interventions to improve attendance. Provide advice, challenge and training to schools on how to promote and secure good attendance for children with a social worker. Develop whole system approaches, with social care, to support the attendance of children in need.

Looked after and previously looked after children

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 the child's barriers to attendance – including the development of Personal Education Plans.</p> <p>Proactively engage with the support offered.</p>	<p>Have high expectations for the cohort – with expert support and leadership provided by the designated teacher for looked-after and previously looked-after pupils.</p> <p>Work in partnership with the local authority Virtual School Head to develop and deliver high quality Personal Education Plans for looked-after children that support good attendance.</p> <p>Work directly with parents to develop good home-school links that support good attendance. For previously looked-after pupils this could include discussion on use of the Pupil Premium Plus funding managed by the school.</p>	<p>Designate a member of staff to have responsibility for the promotion of the educational achievement of looked-after and previously looked-after pupils.</p> <p>Monitor and review attendance of the cohort and consider how school policies, including behaviour policies, are sensitive to their needs and support good attendance.</p>	<p>Promote the educational achievement of looked-after and previously looked-after children – doing everything possible to minimise disruption to education when a pupil enters care.</p> <p>(LA that looks after the child:) Appoint an expert Virtual School Head (VSH) – will:</p> <ul style="list-style-type: none"> • Monitor, report on, and evaluate the education outcomes of looked after children, including their attendance, as if they attended a single school- whenever they live or are educated. • Ensure schools know when they have a pupil looked after by the authority on their role and that information is shared with the school on issues that may impact on their attendance. • Ensure that all looked-after pupils have high quality, up to date, effective Personal Education Plans developed in partnership with schools, social workers and carers – including, where necessary, clear interventions and use of pupil premium plus funding to support good attendance. • Provide expert advice and information on the education of previously looked-after pupils to schools and parents – including their attendance.

Monitoring

Parents:	Schools:	Academy trustees and governing bodies:	Local authorities:
<p>Schools regularly update parents on their child's attendance.</p> <p>(If parents feel the school and or local authority have not delivered what they are expected to they should discuss the case with the school and/or local authority's attendance support team.)</p>	<p>The school's Senior Attendance Champion will ensure all school based staff complete their attendance responsibilities in line with the school's policies and procedures.</p> <p>The governing board or academy trust will hold the headteacher or executive leadership to account for their delegated responsibilities and for compliance with regulatory and statutory requirements. They will review progress and provide challenge when required. The board will help school leaders focus improvement efforts on the individual pupils or cohorts who need it most and ensure that school staff receive adequate training on attendance.</p> <p>Ofsted will expect schools to do all they reasonably can to achieve the highest possible attendance as part of the behaviour and attitudes judgement. This includes, where attendance is not consistently at or above what could reasonably be expected, that schools have a strong understanding of the causes of absence (particularly for persistent and severe absence) and a clear strategy in place that takes account of those causes to improve attendance for all pupils.</p> <p>Ultimately, in cases where a school has not met expectations or statutory duties the Secretary of State can consider a complaint.</p>	<p>DfE Regions Group considers multi academy trusts' efforts on attendance as part of decision making.</p> <p>Ofsted considers governing bodies' efforts as part of inspections.</p>	<p>DfE Regions Group monitors local authority efforts as part of regular interaction.</p> <p>Ofsted may consider the local area partnership's approach to improving attendance of children and young people with SEND as part of the SEND Area Inspection, and the local authority's approach to improving attendance for children with a social worker through inspecting local authority children's services.</p> <p>Ultimately, in cases where a local authority has not met expectations or statutory duties the Local Government and Social Care Ombudsman or the Secretary of State can consider a complaint.</p>

Annex B

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

Table of contents

Introduction

The Law

Excluded Pupils

Penalty Notices

Non-Attendance

Action by the Police

Procedure for issuing Penalty Notices

Effect of a Penalty Notice Being Served

Appeal against the Penalty Notice

Non-payment of the Penalty Notice

Administration of Penalty Notices

Summary

Introduction

This Code of Conduct is issued by the Local Authority (LA) in accordance with the requirement of regulation 14 of The Education (Penalty Notice) (England) Regulations 2007. This follows consultation with the police and schools in Lincolnshire as required by the Regulations.

The purpose of the code is to promote regular and punctual attendance at school or any alternative provision as this is essential for children to realise their educational potential. It is a legal requirement for all children of compulsory school age. Schools have a multitude of tools available to ensure regular school attendance. Such strategies will be sufficient for most families where attendance is an issue. However, Penalty Notices must only be used as an option where support to secure regular school attendance has been provided and has not worked or been engaged with by the parents, or would not be appropriate in the offence (e.g. unauthorised holiday in term time). The Regulations allow the LA, schools and police (or PCSOs with delegated authority) to issue Penalty Notices. This code is drafted with reference to the process that the LA and Police will adopt. If schools wish to issue Penalty Notices, rather than instruct the LA to do so, they must comply with the principles established in this code.

Schools that intend to issue their own Notices should provide the LA with a named contact. This ensures provision can be made to establish that any Notices are issued in a fair, consistent and lawful manner. Schools should remember that if they elect to issue Notices, payment will still be to the LA.

The Law

School attendance

- to ensure consistency in approach to the issuing of Penalty Notices throughout Lincolnshire and
- to provide a clear, consistent and transparent approach to the use of the Penalty system for
 - o all school types.
 - o the police
 - o parents in Lincolnshire

Under Section 7 of the Education Act 1996 the parent of every child of compulsory school age has a duty to ensure that the child receives efficient full-time education suitable to the child's age, ability and any special educational needs they may have. This duty can be met by:

- child regularly attending a school or alternative educational provision made by the LA or the school, or
- by the parent providing other suitable educational provision

The parent may be guilty of an offence under Section 444 of the Education Act 1996 if they fail to ensure:

- their child's regular attendance at a school at which they are a registered pupil, or
- other educational provision is made for their child.

Where a child has not attended regularly at school, the LA have the options of:

- issuing a Penalty Notice in respect of the parents of the child.
- bringing proceedings before the family courts for an Education Supervision Order or
- prosecuting the parents under Section 444 before the Magistrates Court

Non-school attendance includes any day when a child should be in attendance at school, and they are absent without the authorisation of the school. This includes:

- unauthorised holidays during term time
- persistent late arrival at school beyond the registration period

Penalty Notices can be issued for persistent lateness where the child arrives after the closure of registration. This is coded U in the register.

Excluded Pupils

Section 103 of the Education and Inspections Act 2006 makes it a duty for parents in relation to pupils subject to a period or permanent exclusion, to ensure that their child is not present in a public place during school hours, without reasonable justification, during the first five days of any such exclusion. If a child is present in a public place during the first five days of an exclusion during school hours the parent may be guilty of an offence for which they can be prosecuted by the LA before a magistrates' court.

Alternatively, the school or LA can deal with the matter by issuing a Penalty Notice.

Note: To proceed with a Penalty Notice and, or prosecution, under section 103 of the Education and Inspection Act 2006 the head teacher at the school or the LA must have issued the relevant letter to the parent(s) under Section 104 of the Act. This letter should inform the parent of their liability and set out the dates on which this liability arises. (This should be included in the standard exclusions letter). This can be included in the letter sent to the parent providing other information about the exclusion. It can be served by first class post, but where the opportunity arises to hand it to the parent(s) this is the preferred method.

Where an excluded pupil is of compulsory school age, the head teacher must also notify parents without delay, and by the end of the afternoon session. For the purpose of the letter above, the letter should include:

“that for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public

place during school hours without reasonable justification, and that parents may be given a Penalty Notice or prosecuted if they fail to do so. This will therefore apply to you from (Insert first date of exclusion) to the end of the school day on (insert fifth date of exclusion).”

This type of Penalty Notice is not included in the National Framework and therefore not subject to the same considerations about support being provided or count towards the limit as part of the escalation process in the case of repeat offences for non-attendance which is discussed in more detail below.

Penalty Notices

The Education (Penalty Notices) (England) Regulations 2007 as amended set out the framework for the operation of the Penalty Notice scheme.

Parent

For the purposes of education law and this code of conduct a “parent” means all natural parents, whether they are married or not. It includes any person having parental responsibility for a child (a person under 18 years of age) who, although not the child’s natural parent, has care of that child. Having care of a child means an adult with whom the child lives and who looks after the child on a day-to-day basis. Any reference to a “parent” in this code of conduct is a reference to anyone having care of a child as set out above.

Use of Penalty Notices

Lincolnshire County Council’s Attendance team are responsible for delivering this function. Penalty Notices will only be issued within this Code of Conduct.

Penalties are one of the tools available to the LA to tackle poor school attendance. Where thought appropriate alternative approaches such as Education Supervision Orders and prosecution may be utilised at the discretion of the LA.

Penalty Notices are intended to prevent the need for court action and should only be used where it is likely to change parental behaviour and support to secure regular school attendance has been provided and has not worked or been engaged with, or would not have been appropriate in the offence (e.g. unauthorised holiday in term time).

The following considerations will be made before issuing (or requesting that another authorised officer issues) a Penalty Notice to ensure consistency of approach:

In cases where support **is not appropriate** (for example, for holidays in term time)

- Is a Penalty Notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?

- Is issuing a Penalty Notice in this case appropriate after considering any obligations under the Equality Act 2010?
- (For local authorities only) Is it in the public interest to issue a Penalty Notice in this case given the local authority would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment?

In cases where support is **appropriate**, consider on a case-by-case basis:

- Has sufficient support already been provided? As detailed in the Notice to Improve
- Is a Penalty Notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- Is issuing a Penalty Notice in this case appropriate after considering any obligations under the Equality Act 2010?
- (For local authorities only) Is it in the public interest to issue a Penalty Notice in this case given the local authority would be responsible for any resulting prosecution for the original offence in cases of non-payment?

If the answer to the above questions is 'yes', then a Penalty Notice (or a Notice to Improve in cases where support is appropriate) will usually be issued.

Use of Penalty Notices will be restricted to two per parent, per child in a three-year rolling period. In situations where a parent meets the criteria for more than one Penalty Notice to be issued because there is more than one child with irregular school attendance, multiple issues may occur. Where a child resides with two parents a separate Penalty Notice may be issued to each parent. A Penalty Notice should only be issued to the parent who has allowed the absence.

Threshold

The threshold for prosecution is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. A session is a morning or afternoon registration session, meaning two sessions in an ordinary school day.

The threshold 'A school week' means any week in which there is at least one school session. This can be met with any combination of unauthorised absence (e.g. 4 sessions of holiday taken in term time plus 6 sessions of arriving late after the register closes all within 10 school weeks). These sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence taken in 1 week and 1 per week for the next 4 weeks). The period of 10 school weeks can also span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term)

All state funded schools **must** consider whether a Penalty Notice is appropriate in each individual case where one of their pupils reaches the national threshold for considering a Penalty Notice. Schools should not have a blanket position of issuing or not issuing Penalty Notices and should make judgements on each individual case. Evidence of this consideration may be requested by the LA.

A Penalty Notice from being used in other cases where the threshold of 10% absence in a 10-week period has not been met but where an offence has been committed. Before doing so authorised officers will make the same considerations regarding the likely impact of such action. If in an individual case the local authority (or other authorised officer) believes a Penalty Notice would be appropriate.

Notice to Improve

A Notice to Improve is a final opportunity for a parent to engage in support and improve attendance before a Penalty Notice is issued. Parents must always be forewarned of the possible issue of a Penalty Notice by the school through this letter. This letter will be sent to the parents directly by the school, and a copy sent to the local authority through the appropriate form (add link).

A Notice to Improve letter can also be issued by the school in cases where a Penalty may not be suitable as the threshold has not been met but a period of unauthorised absence has occurred. This would show consistent practice in relation to application for absence during term time.

The Notice to Improve is expected to include:

- Details of the pupil's attendance record and details of the offences. •
- The benefits of regular attendance and parents' duty under section 7 of the Education Act 1996.
- Details of the support provided so far.
- Opportunities for further support and the option to access previously provided support that was not engaged with.
- A clear warning that a Penalty Notice may be issued, or prosecution considered if attendance improvement is not secured within the improvement period.
- A clear timeframe for the improvement period of between 3 and 6 weeks.
- Details of what sufficient improvement within that timeframe will look like.
- The grounds on which a Penalty Notice may be issued before the end of the improvement period.

What sufficient improvement looks like can be decided on a case by case basis taking the individual family's circumstances into account. For some families, no further unauthorised absences will be appropriate, for others some absence may be tolerable if considerable improvement is seen. Details of what sufficient improvement for each case should be made clear in the Notice to Improve.

Where it is clear that improvement is not being made, it may be appropriate to issue a Penalty Notice before the improvement period has ended. The parent must be informed in writing before a Penalty Notice is issued if it is before the end of the improvement period.

There is no restriction on the number of times a parent may receive a Notice to Improve letter of the possible issue of a Penalty Notice.

Non-attendance

It must be remembered that to count as non-attendance at school the absence must be unauthorised. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 have removed the reference to holidays during term time. It now provides that a leave of absence during term time will only be granted where an application is made in advance to the school and the school consider that the leave of absence should be granted due to exceptional circumstances relating to that application.

What amounts to "exceptional circumstances" is a matter for the discretion of the head teacher. It should be judged on a case-by-case basis. It is unlikely to amount to an exceptional circumstance if it is merely claimed that:

- a holiday abroad can only be afforded in term time or
- that a parent is unable to take leave during school holidays. (This is a matter between the parent and their employer).

Head teachers should also consider asking for evidence of the circumstances that has arisen where appropriate.

Action by the police

Before issuing a Penalty Notice as a school or approaching the LA to issue the same it is important to ensure that evidence is available to support the Notice. This will often require the school and the police sharing information and working together.

Where a pupil is found in a public place when they should be in school or during a period of exclusion, enquiries should be made to ensure in terms of a Penalty Notice for failure to attend regularly at school under section 444(A) EA 1996 that:

- the pupil's absence on the day they are found in public by the police taken with other absences over a ten-week period gives an unauthorised absence rate of 10% or above.
- the school do not already have actions in place aimed at addressing the non-school attendance of the pupil where the issue of a Penalty Notice would be counterproductive or inappropriate. This could be for example if the matter is already being referred to the LA for prosecution.

If a child is in a public place during a period of exclusion it will need to be verified with the school:

- that the child was found in a public place during school hours in the first five days of that exclusion and
- that the appropriate letter was served on the parents at the time the exclusion was imposed

Consideration should also be given to calling at the pupil's home address to ascertain whether a parent is at home in a supervisory capacity and to make them aware that the child has been found in public when either the child should have been in school or during the first five days of an exclusion.

Procedure for issuing Penalty Notices

Penalty Notices will only be issued within the terms of the Code of Conduct.

The Attendance Team of the LA are responsible for the administration and issue of Penalty Notices in Lincolnshire, but they can also be issued by schools. To avoid duplication, any school considering such action must first check with the LA that action has not already been taken by emailing PenaltyNotices@lincolnshire.gov.uk.

The LA will ensure that Penalty Notices are properly issued. They will only be issued for offences where it is satisfied that the matter meets the threshold for a prosecution. To request a Penalty Notice schools must use the online system.

The school will receive an acknowledgement that the request for a Penalty Notice has been received, authorised and paid. The school will be notified once the period of 28 days has passed if the fine has not been paid. Requests for the issue of Penalty Notices will be accepted from:

- schools in Lincolnshire
- Lincolnshire Police
- the LA

They must include:

- the name and address of all the parent(s)
- the name and address of the child concerned and their date of birth.
- details of the offence in terms of documentary evidence. Where the matter relates to an unauthorised absence from school, this should include a signed copy (by head teacher or those with delegated authority within the school) of a pupil absence record (PAR) form showing the period of unauthorised absence.
- confirmation of the date or dates over which the offence was committed.
- details of any other absence in the same 10-week period
- details of any other offences within the past 3 years.

Applications should be made as soon after the date(s) of the alleged offence as possible. Late submission of a request for a Penalty Notice may result in the application being rejected if the time that has elapsed since the alleged offence is such that court proceedings would no longer be viable if the option of a Penalty Notice is not taken up by the parent. (There is a six-month time limit on issuing legal proceedings).

The Court expects action to be taken without undue delay in order to address non-attendance issues. Any unreasonable delay could result in a prosecution case being weakened. More importantly, the education opportunities for the child are being missed.

On receipt of an application for a Penalty Notice to be issued the LA will assess whether the application:

- is a proper matter upon which a Penalty Notice should be issued and
- meets the criteria provided for either a formal warning or a Penalty Notice

The LA will communicate its decision in writing to the school.

Where a referral for a Penalty Notice is accepted, the LA will notify parents writing to the parent(s) concerned. Where there is more than one parent a separate written notification will be sent to each parent for each child that the Notice relates to. The Notice will be sent to the parent by first class post and by email if an email address is provided by the school.

Effect of Penalty Notice being issued.

The Penalty Notice is presumed to be served on the parent to whom it is sent on the second working day after it was posted.

For a first offence, if a parent pays the Penalty Notice within 21 days from the date it is served the sum due from the parent to discharge the Penalty Notice is £80.

The parent can still pay the Notice after 21 days, but the payment increases to £160. This must be paid before 28 days have passed from the date of service.

If a parent pays the amount due within the times set out above, then no further action will be taken against that parent for the offence on the date(s) set out in the Penalty Notice.

For a further offence within a three-year rolling period, the payment will be £160. There is no discretion permitted for early payment.

Once a Penalty Notice has been issued, no prosecution for the non-attendance detailed in the Penalty Notice can be brought against the parent until the payment period of 28 days has passed and the Penalty has not been paid.

All payments must be made to the LA.

A third Penalty Notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, alternative action should be taken instead. This will often include considering prosecution but may include other tools such as one of the other attendance legal interventions.

For the purpose of the escalation process, previous Penalty Notices include those not paid (including where prosecution was taken forward and the parent pleaded or was found guilty) but not those which were withdrawn. Schools will be responsible for checking if previous PN's have been issued when requesting the LA progress a new PN. If data cannot be obtained, it is to be assumed that this is a first offence.

If a Penalty Notice is issued, whether paid or not, it may be used in evidence in subsequent criminal proceedings in relation to either:

- non-school attendance or
- being in a public place during school hours whilst excluded from school.

This includes regular patterns of term time absence such as unauthorised annual holidays.

Appeal against the Penalty Notice

There is no right of appeal against a Penalty Notice. A parent can either:

- accept and pay the fine or
- decline payment subject to them being aware that further action as set out below may be taken by the LA if the Penalty Notice remains unpaid.

The LA has the discretion to withdraw the Notice if the LA is satisfied that:

- the Penalty Notice has been sent to the wrong person.
- it contains a material error (in these circumstances a fresh amended Penalty Notice could still be issued)
- for any other reason the LA are of the opinion that it should not have been issued

Non-payment of the Penalty Notice

Non-payment of a Penalty Notice is not in itself an offence. The Penalty Notice is issued as an alternative to bringing a prosecution in the magistrates' court for the offence set out in the Formal Warning letter. However, if the offer of dealing with the offence as a Penalty matter is not taken up by payment of the sum due within the 28-day period then consideration will be given to issuing criminal proceedings against the parent in the magistrates' court for the non-attendance of their child.

If a Penalty Notice has not been paid after 28 days from the day, it is taken to be served then the LA will contact the school or police officer who made the application for the Penalty Notice to be issued. They will discuss with them the available evidence to bring proceedings in the magistrates' court for the alleged offence under Section 444 of the Education Act 1996 or Section 103 of the Education and Inspection Act 2006.

If the LA believes that prosecution is a viable option, then a request will be made that the school or police officer concerned submits a report to the Local Authority's Legal Panel. This will enable a formal decision to be taken as to whether to proceed with the matter by issuing criminal proceedings before the magistrates' court.

Prosecution of offences is a matter within the discretion of the local authority. A decision will be taken in line with the LA prosecution policy for these matters. Proceedings, where commenced, will be issued by the LA.

If a prosecution is brought and the parent is found guilty or pleads guilty then a conviction for an offence under the following both carry a fine of up to a maximum of £1000:

- Section 444(1) of the Education Act
- Section 103 of the Education and inspection Act 2006 •

In addition, the LA will seek to recover costs in respect of bringing the proceedings. Further, a successful prosecution will result in a parent having a criminal record. This could be disclosed should

they apply for a position where a DBS check (formerly known as a CRB Criminal Records Bureau Check) is required.

Administration of Penalty Notices

All administrative functions in respect of the issue of Penalty Notices and the collection of payments for the same will be undertaken by the LA. This is unless schools or academies choose to issue their own, although non-payment of fines will still be monitored by the LA.

The LA will keep central records in respect of the issue of such Notices within Lincolnshire. This must include:

- a copy of each Notice issued.
- a record of all payments made and the date of payment.
- whether the Notice was withdrawn and on what grounds
- whether the parent(s) following non-payment of the same was subsequently prosecuted for:
 - o the offence set out in the Notice or
 - o offence arising out of the same circumstances.

Schools will make enquiries directly to other LAs for details of previous Penalty Notices and include this information on their submissions to the LA.

If you wish to make these enquires regarding previous PN's for a child who has moved into Lincolnshire from another county, please contact us at crossborder.PenaltyNotice@lincolnshire.gov.uk.

Summary

All schools should ensure their attendance policy:

- is up to date.
- displayed on their website.
- includes all relevant guidance, legislation and any templates.

Schools and academies are required to be proactive in sharing these documents with parents. This includes the relevant legislation relating to the issuing of PNs for unauthorised absences.

When promoting good attendance, schools should refer to their attendance policy when communicating with parents or carers. This includes via their website, parent hub or school app communications. This will:

- ensure that parents are kept up to date with any changes to legislation.
- provide a new method of prior warning to parents, without the need to re-issue formal Notices to Improve

Emails are accepted when applying for PNs relating to holidays taken during term-time, as are other forms of communication, such as parent hub or school app messages sent as a direct or generic message to all parents.

Notice to Improve letters will still be required when applying for an PN for persistent absence.

Please see below for each relevant scenario.

PN: term-time holiday - parental holiday request received.

Where there is a request for a term-time holiday (leave of absence) that the school refuses because it does not meet the criteria for 'exceptional circumstances', the school must issue a letter or email in response to parent. The letter or email should:

- give their reasons for refusal to authorise.
- include the LCC template Notice to Improve
- confirm to the parent that if the child is not in school on the days requested the absence will be recorded as unauthorised absence. (The school will presume they have gone away on their intended holiday).

Schools should then advise the parent that they will request us to issue a PN for a holiday taken during term-time.

PN: term-time holiday – no parental holiday request received.

For cases where:

- evidence suggests the absence was a term-time holiday.
- no application or request for leave is received from parents in advance of a holiday.
- there may be other factors which imply to the school that the family were away on a holiday.

The school can apply for a PN retrospectively. Schools can now request a PN from the LA, without formally issuing parents with a Notice to Improve, providing that this information was available for parents, such as through school updates or reminders of the school attendance expectations to all parents. This relates only to holidays during term-time.

It is, however, best practice to write to families, referencing:

- their attendance policy
- any recent communications regarding their stance on holidays taken during term-time.

Over the last two to three years, the use of PNs for term-time holidays has grown. It is now established nationally as a method to discourage absence during term-time.

Schools who have regularly communicated with their parents regarding the use of PNs, can now request these, specifically in the case of holidays, without issuing a formal written warning prior to the holiday.

Schools will be able to demonstrate to us how they have communicated to parents. This could be via them.

- emails
- school publications.
- parenthub or apps. photos of their website publications

PN: persistent absence and, or unauthorised absence

When requesting an PN from the LA for persistent absence, schools will be required to share copies of all recent and relevant communications with parents. This demonstrates they have provided guidance to all parents on the use of PNs for unauthorised absences.

Schools wanting to request that the LA issue a PN for persistent absence should first discuss this with the LA attendance team.

Schools have a designated attendance and safeguarding education welfare officer. They should consult with them prior to requesting a PN for persistent absence. PNs for persistent absence are only successful if issued within the first term of poor attendance. This should be taken into account when considering issuing a Penalty Notice.

The attendance team may agree to a PN as a next action if all other support has already been provided. In this circumstance, schools will issue parents with a PN Notice to Improve letter. The letter must be sent to each individual parent. It must inform them that if the child's school attendance does not improve, the school will request a PN. If the PN fine remains unpaid, The LA could choose to prosecute the parents, for failure to ensure regular school attendance.

The LA will not discuss parental complaints, appeals or queries regarding PNs issued but will instead advise parents to liaise with their schools. A fine will only be withdrawn or re-issue a fine upon request of the school.

Annex C

Helping parents to understand the changes to fines for term time holidays

With the introduction of the new National Framework for Penalty Notices, the following changes will come into force for Penalty Notice Fines issued for unauthorised holidays recorded by schools after 19th August 2024.

<p>Who may be fined?</p> <p>Penalty Notice Fines are issued to each parent who allows their child to be absent from school.</p> <p><u>For example:</u> 3 siblings absent for term time leave, would result in each parent who allowed the holiday receiving 3 separate fines.</p>	<p>National Threshold</p> <p>There will be a single consistent national threshold for when a penalty notice must be considered by all schools in England of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period.</p> <p>These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence, including the U code (late after registers have closed).</p> <p>For example: a 5 day holiday would meet the national threshold.</p> <p>The 10-school week period can span different terms or school years.</p>
<p>First Offence</p> <p>The first time a Penalty Notice is issued for an unauthorised term time holiday the fine amount will be:</p> <p>£80 per parent, per child if paid within 21 days.</p> <p>Increasing to £160 if paid between days 22-28.</p>	<p>Second Offence (within 3 years)</p> <p>The Second time a Penalty Notice is issued for unauthorised absence the amount will be:</p> <p>£160 per parent (who allowed the holiday), per child, payable within 28 days.</p>
<p>Third Offence and Any Further Offences (within 3 years)</p> <p>The third time an offence is committed a Penalty Notice will not be issued and local authorities will need to consider other available measures to address the absence concerns. This may mean that cases are presented before a Magistrate's Court. Prosecution can result in criminal records and fines of up to £2,500.</p> <p>Cases found guilty in the Magistrates' Court can show on the parent's future DBS certificate due to 'failure to safeguard a child's education'.</p>	

Annex D – Illness Absence Guidance

https://assets.publishing.service.gov.uk/media/626669cb8fa8f523b7221b98/UK_HSA-should-I-keep-my_child_off_school_guidance-A3-poster.pdf

[DfE external document template \(childrenscommissioner.gov.uk\)](https://www.childrenscommissioner.gov.uk/external-document-template/)