



EGGLESCLIFFE SCHOOL ATTENDANCE POLICY YEAR 7 TO 13

Policy Reviewed and Adopted by the Board of Trustees

Policy Approved: February 2018

Date of Next Review: September 2020

Responsible Officer: Mark Cowan

Deputy Head Teacher

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1. Policy Aims

- 1.1 This policy aims to safeguard children by ensuring that they attend school regularly and when they do not attend, school is aware of the reason for absence. By law parents/carers are required to ensure that their children of compulsory school age are registered at school and attend regularly. **Absence should only occur when a child is unfit to learn or has a day of religious observance.**
- 1.2 As a Rights Respecting School, the UN Convention Rights of the Child are fundamental to our effective practice. Implementation of this policy supports Article 28: Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.
- 1.3 Children are expected to attend school for the full academic year, unless there is a valid reason for absence. There are two types of absence:
- Authorised (Where the school approves pupil absence)
 - Unauthorised (Where the school does not approve absence)

2. Absence Due To Illness

- 2.1 If a child is absent due to illness, parents/carers should call the school on each day of the absence stating a reason. The school will then decide whether to authorise the absence. If authorisation were to be refused parents would be informed.
- 2.2 If contact explaining the child's absence fails to be made by parents/carers then the school will contact the home by telephone call. **If there is no contact the absence will be deemed unauthorised.** See First Day Response below.

3. First Day Response

- 3.1 If a child is absent from school and the school has not yet received a phone call or other message from the parent/carer, a first day absence call will be made. The school administrator will follow this system:
- Telephone all contact numbers(s) until a response is obtained.
 - Repeat this during the first morning of absence if no response.
 - Speak to the parent/carer face to face or by phone the next day and establish reasons for absence and update contact numbers if required.
 - If there is no response, a home visit must be made.
- 3.2 The parent/carer will be asked to provide a reason as to why the child is not in school. If a legitimate reason for absence has not been made within 2 days of the absence then the absence will be recorded as unauthorised. If a pupil is still absence on day 4, medical evidence must be provided.

3.3 For procedures pertaining to subsequent days of absence, please see flow chart Figure 1.

4. Medical and Dental Appointments

4.1 Parents/Carers are also requested to make any medical appointments outside of school hours wherever possible. If appointments are allocated during school hours, evidence should be provided – this could include an appointment card or letter from the hospital. **If evidence cannot be provided the absence will be classed as unauthorised.**

5. Lateness and Punctuality

5.1 If your child is late to school this can result in them missing work and vital inputs at the start of lessons. Pupils who arrive late also disrupt lessons and it can be embarrassing for the child.

5.2 The school site is open from 8:30 am for pupils. We expect pupils to be on the school site by 8:50 am and in their form class by 8:55 am. If a student is late for unavoidable reasons; parents should send a note or ring the school.

5.3 Persistent lateness will result in after school detention or other appropriate sanction. (E.g. parental meeting, involvement of the Attendance Services...)

5.4 Ten or more sessions of unauthorised absence within a six week period will lead school seeking the support of the Local Authority Attendance Officers. A penalty warning letter will be issued by the Local Authority to parents (appendix 10), who will closely monitor the pupils attendance. If attendance does not improve following the warning letter a fixed penalty notice letter will be issued.

6. Leave of Absence During Term Time

6.1 A pupil's absence during term time can seriously disrupt their learning. Not only do they miss the teaching provided on the days they are absent, they are also less prepared for the subsequent lessons on their return to school. There is a consequent risk of underachievement, which the school and parents/carers must seek to avoid. (Appendix 1)

6.2 The Department for Education have made amendments to regulations with regard to school attendance. From 1st September 2013 regulations specify that Head Teachers may not grant any leave of absence to pupils during term time unless there are exceptional circumstances. Therefore we will not grant any leave of absence for pupils during term time unless there are **exceptional circumstances** (see below). **Requests for** a leave of absence should be made in writing to the Head Teacher using the appropriate request form (Appendix 2) stating the reason for and the length of the request. Submission of the request does not guarantee authorisation.

6.3 The Head Teacher may now only grant leave in term time where the circumstances are exceptional. Before deciding whether to authorise leave of absence the Head Teacher will also consider:

- The impact for the students' academic progress
- The pupil's attendance over the academic year.

6.3.1 Examples of circumstances **NOT** considered as exceptional (but not exhaustive) include:

- *Holidays taken in term time due to parental work commitments or costs*
- *Holidays for the purpose of visiting a sick relative, excepting where the person is seriously ill (medical evidence may be required)*
- *Pilgrimages by parents*

6.4 Family emergencies require careful consideration. It is not always in the best interest of the child, nor appropriate, to miss school for family emergencies that are being dealt with by adult family members. Being at school, friendships and support from staff can provide children with stability and care at difficult times. The routine of school can provide a safe and familiar background at times of uncertainty.

6.5 Following receipt of a written request for leave in term time the Head Teacher will then make a decision on whether the leave can be lawfully authorised and will do so only if there is genuine, exceptional and urgent reasons for a child to be absent during term time.

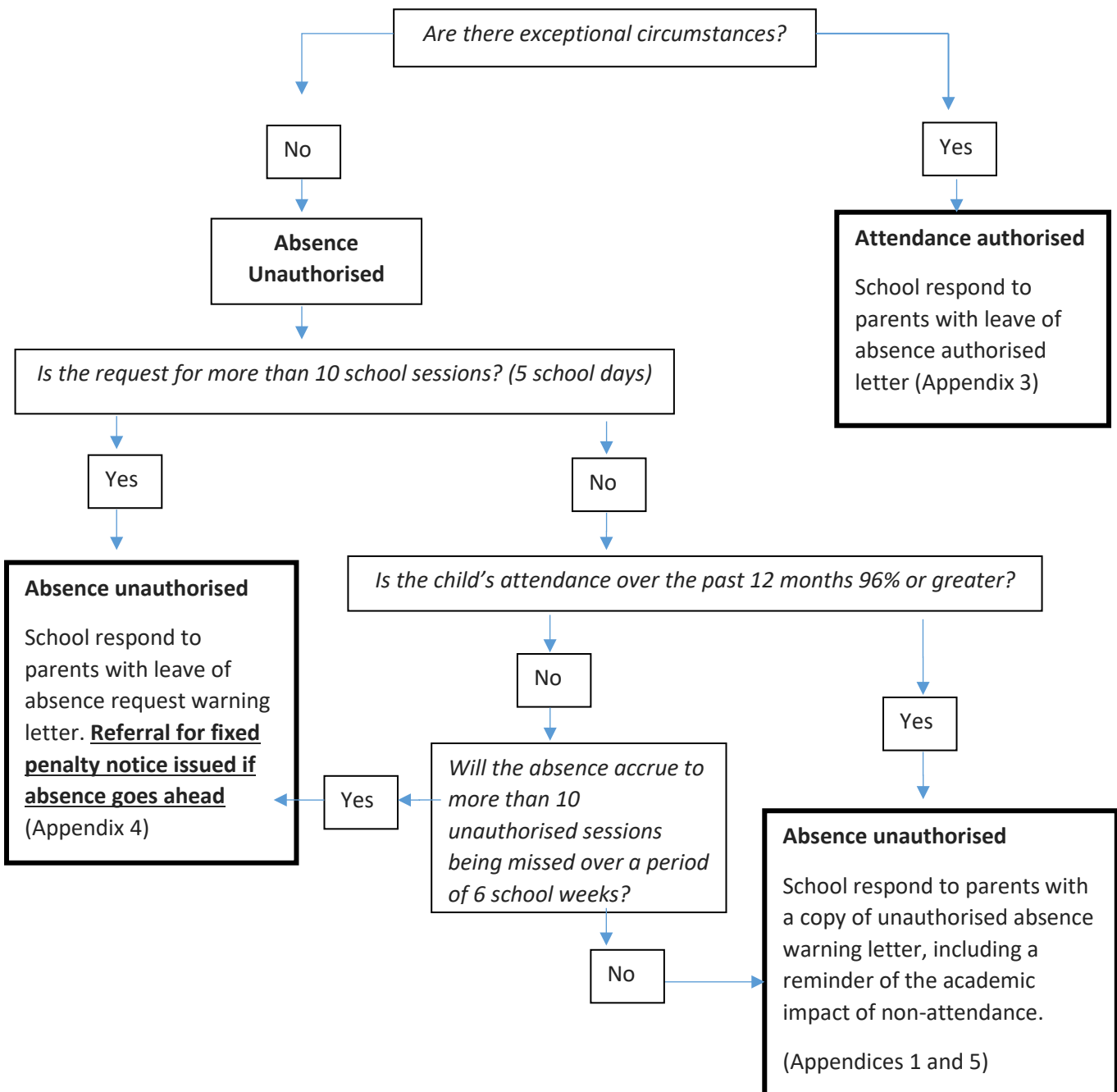
7. Dealing With Absence Requests:

7.1 Requested absence may be:

- Authorised
- Unauthorised (no fixed penalty referral)
- Unauthorised (fixed penalty referral)

7.2 The following flowchart will determine the school response to leave of absence requests.

Flowchart Demonstrating the Procedure for Dealing with Leave of Absence Requests.



The school will respond in writing to leave of absence requests (see flowchart) to all adults with parental responsibility for the child(ren) named in the request.

8. Persistent Absence

- 8.1 A pupil is defined as persistently absent if their attendance falls below 90% **for whatever reason**. School monitors attendance on a regular basis and is supported through termly register checks from the Local Authority Attendance Officer. When attendance falls below 92% school will contact parents via letter to highlight the absence is becoming a concern (appendix 6). Should attendance not improve in the following term parents will be invited to attend a panel meeting to discuss their child's attendance (appendix 7). The panel meetings will be chaired by a senior member of school staff supported by the Local Authority Attendance Officer and a School Governor. The meetings are designed to offer support and advice to help raise attendance.
- 8.2 The above measures should improve attendance. If attendance is increased in the term following persistent absence, parents will be informed by letter (*appendix 8*).
- 8.3 If attendance does not improve following the panel meeting school will seek support from the local authority and may consider parenting orders, and parenting contracts and penalty notice procedures.
- 8.4 When attendance falls below 90% all further absence due to illness will be treated as unauthorised unless supported by medical evidence.
- 8.5 Ten or more sessions of unauthorised absence within a six week period will lead school seeking the support of the Local Authority Attendance Officers. A penalty warning letter will be issued by the Local Authority to parents (appendix 9), who will closely monitor the pupils attendance, if attendance does not improve following the warning letter a fixed penalty notice letter will be issued.

9. Penalty Notice Procedures

- 9.1 To be read alongside Stockton on Tees, Penalty Notice Procedures for Attendance and Exclusion, June 2017 (*Appendix 10*).
- 9.2 The Local Authority can issue a Penalty Notice for several different criteria:
- In cases of unauthorised leave of absence for the purpose of a family holiday for at least 10 school sessions (5 school days)
 - In cases of parents condoning absence identified through a truancy patrol
 - A minimum absence of 10 sessions (5 school days) which are classed as unauthorised during a period of 6 school weeks
- 9.3 Penalty notices will be issued by the Local Authority working in partnership with the school. Penalty notices will not be issued without fair notice, good reason and evidence taken from the school registers.

9.4 Failure to ensure your child's attendance is an offence under Section 444 of the Education Act 1996.

If the reasons given for a child's absence from school are not satisfactory then the Local Authority may take legal proceedings against parents for your failure to comply with the law. This may result in:

- A Penalty Notice requiring the payment of a penalty of up to **£120** , failure to pay the penalty due will result in prosecution before Teesside Magistrates Court
- Prosecution under Section 444 (1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under Section 444 (1a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

This policy will be reviewed as specified on the cover (or as legal requirements change)

10. The school will:

- Reward good attendance and punctuality (good attendance is considered to be **ABOVE 96%**)
- Intervene when poor attendance/punctuality becomes a problem and before it becomes a habit. This will be at an attendance panel meeting.
- Deal sympathetically with any problem a student may have which is causing attendance/punctuality to decline and always stay in regular contact with parents.
- Recognise the needs of individual students when reintegrating them into school after a significant period of absence
- Automatically involve Attendance Services when all other intervention has failed. This could lead to penalty notices being issued.
- Automatically involve Attendance Services when parents take their children on unauthorised holidays during school time
- Talk to the pupil about the reason for their absence and ensure that they are given the means and encouragement to catch up on missed class work and homework

11. Parents/Carers will:

- Encourage their children to attend school every day and to be punctual and inform the school immediately if their child is absent or unavoidably late
- Inform the school (via phone call or planner) in advance of any hospital appointment unavoidably scheduled during school time. Pupils are expected to return to school immediately after any appointment.
- Parents/carers are expected to take family holidays in the designated school holiday time (The dates can be found on the school website and Stockton on Tees Borough Council website) Note: Egglecliffe School does **NOT** authorise holidays taken during term time.
- Inform the school of any problems which might affect their child's attendance
- Co-operate with the school if their child's attendance/punctuality is unsatisfactory

12. Pupils will:

- Attend **EVERYDAY** school unless prevented by a specified illness or unavoidable circumstances
- Always arrive to school and lessons on time.
- Take responsibility for catching up on work missed including homework

**ATTENDANCE PANEL
INFORMATION
FOR EGGLESCLFFE SCHOOL**

**This pack has been prepared to give guidance on the presentation of Attendance Panels.
This will be used as part of the escalations of interventions to improve school attendance.
The process could lead to legal action being taken against the parent by the local authority**

CONTENTS:

Guidance for Panel

Letters to be used

Agenda

Action Plan form

Flowchart

13. ATTENDANCE PANELS

GUIDANCE FOR PANEL

13.1 Included in this pack:

- Model invitation letter
- Guidance for participants
- Agenda
- Action plan sheet
- Model letter if parents don't attend

13.2 Who should be there?

- Member of Egglecliffe School staff responsible for attendance of the child
- Local Authority Inclusion Officer
- Parent/Carer
- Child

13.3 What is needed at the meeting?

- Agenda
- Attendance record
- Action plan sheet

13.4 What is the purpose of the meeting?

- It is an opportunity to resolve attendance problems and avoid legal proceedings
- Explain the consequences of poor attendance
- Enables the pupil and parent to contribute to a plan to improve the pupils attendance
- The meeting is set up to move the situation forward not to cover old ground.
- Can be used as evidence in the court process
- The intended outcome is for a plan to be agreed that will improve the pupils attendance at school and a review date to be set
- If there is no change in the pupils school attendance the Local Authority will issue legal notices before proceeding to court

14. Who does what?

14.1 Local Authority Officer

- Chairs the attendance panel
- Explain parents legal responsibility and court process at the meeting
- Explains this is an opportunity to make a plan to avoid court
- Keeps the meeting solution focused

14.2 School representative

- Identify families for attendance panels with Local Authority Officer
- Send invitation letters to parents
- Arrange suitable venue in school
- Provide attendance record for the meeting
- Help facilitate reintegration
- Keep notes of discussion and action (for evidence in court)

14.3 What is the process?

- A review date is agreed at the end of the meeting 4 weeks away when the attendance will be reviewed by the Eggescliffe School.
- The Assistant Head teacher will send the parent/carer a copy of the Action Plan which will have the same review date that was agreed at the meeting
- If the parent has failed to attend the meeting the Assistant Head teacher will send a letter to the parents together with a review date
- Following the review date Eggescliffe School will review the progress made since the Attendance Panel and discuss with the Local Authority Officer whether the Court Action letter should be sent
- The Local Authority Officer will make the final decision to proceed to court

Letter I

Dear

ATTENDANCE PANEL MEETING

RE: Child's name DOB * School

(child's name) attendance at Eggescliffe is a cause for concern. I would like to invite you and (Child's Name) to an Attendance Panel meeting to discuss our concerns. It is hoped that an action plan can be produced to help improve (Child's Name) attendance.

This is a formal meeting, if you fail to attend and there is no significant improvement in your child's attendance then it is likely that you will be asked to an attendance case conference. An attendance conference is the initial stages of a legal process.

Please find enclosed (child's name) roll call details for this academic year.

The Attendance Panel meeting will be:

Time:

Date:

Venue:

Yours sincerely

Mr M Cowan
Deputy Head Teacher

Letter 2

ATTENDANCE PANEL MEETING

RE: Child's Name DOB * School

I am sorry that you were unable to attend the arranged meeting on (date).

The meeting was arranged to discuss an action plan with school and the local authority to support your child in improving school attendance.

We will now review (child's name) over the next 4 school weeks. (Child's name) must attend every day. If (child's name) is not able to attend school we will require medical evidence such as a doctor's note or appointment card

Failure to ensure that your child attends school regularly could lead to legal proceedings being taken against you.

If you have any issues you would like to discuss regarding your child's attendance please contact the school.

Yours sincerely

M Cowan
Deputy Head Teacher

Enc: Individual learner roll call

15. ATTENDANCE PANEL MEETING

AGENDA

1. Introductions
2. Explain reasons for meeting (registration certificate)
3. The Law relating to school attendance
4. Working together to avoid legal proceedings
5. The Action Plan
6. Review Date
7. What happens next?

EGGLESCLIFFE SCHOOL - ATTENDANCE PANEL SUMMARY

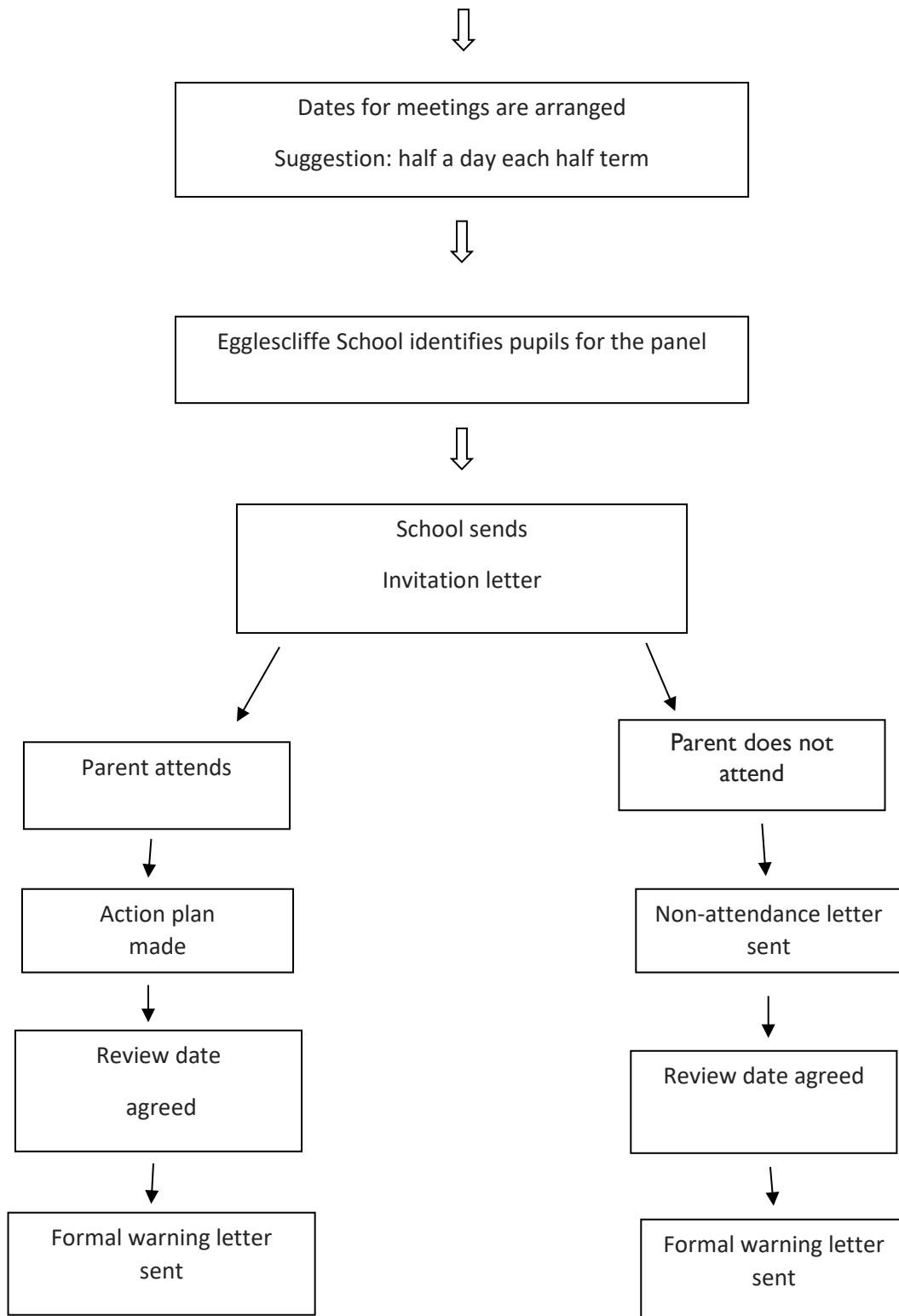
Pupil Name	
Date of panel	
Current attendance %	
Summary of any absence patterns	
Pupil view: Reasons for absence	
Parent view: Reasons for absence	
Specific reasons for absence	

Actions			
	Key point	By whom	By when
1.			
2.			
3			
4.			

Signed School	
Signed Parent	
Signed Pupil	

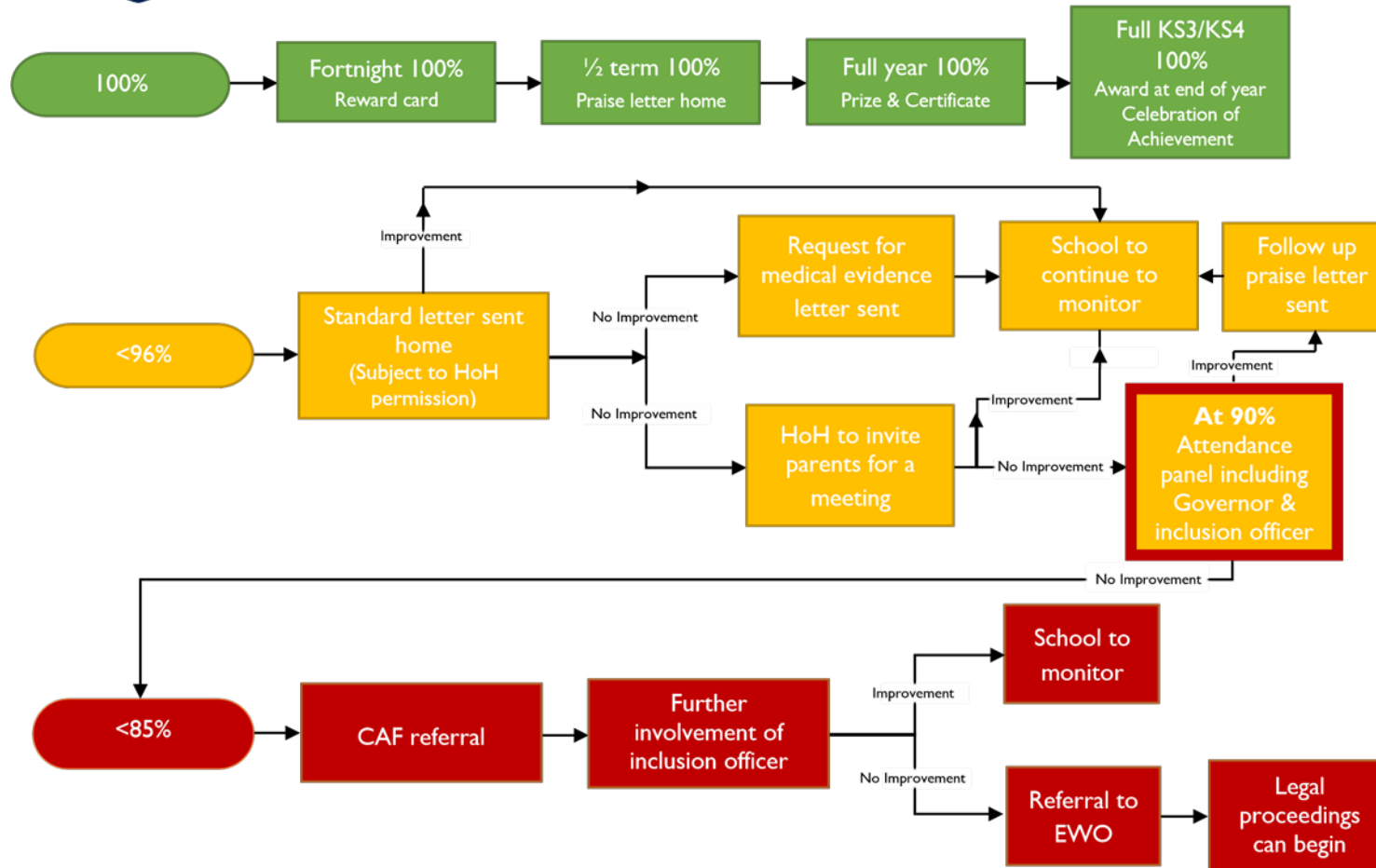
REVIEW DATE	
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FLOWCHART FOR ATTENDANCE PANEL

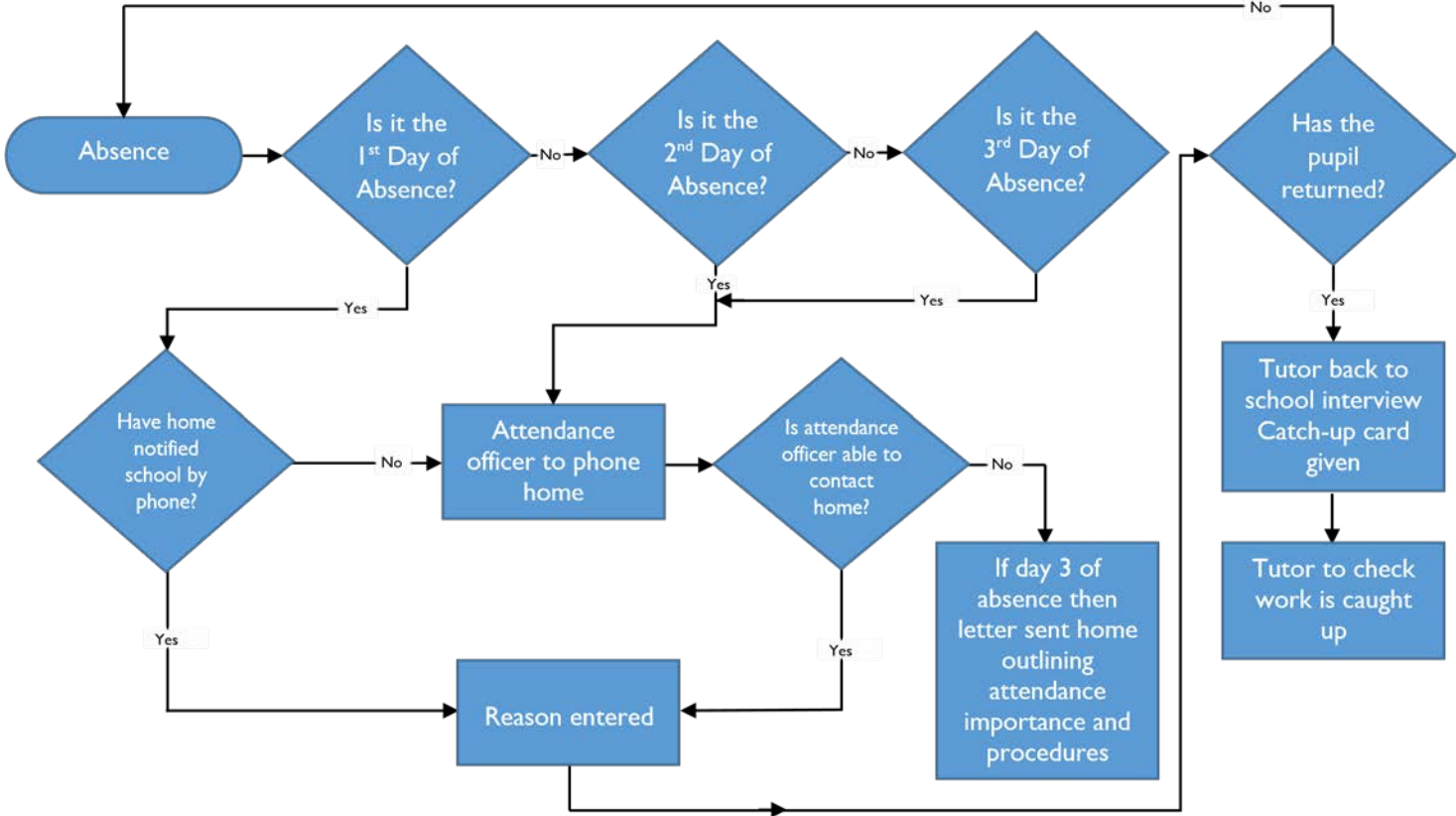




Eggescliffe School Attendance Procedures



Absence Procedure



Appendix I

Attendance and punctuality: why is it so important?

- ✓ It is important that your child attends school **every day**. At Eggescliffe school we want every student to strive for 100% attendance.
- ✓ As the table to the right shows, when a student's attendance falls below 90% they will lose a month of learning. To put this a different way, 90% attendance would mean a student missing 100 hour-long lessons in an academic year.
- ✓ A score of 90% on a test would be a cause for celebration, but in attendance terms less than 90% is defined by the government as **persistent absence**.

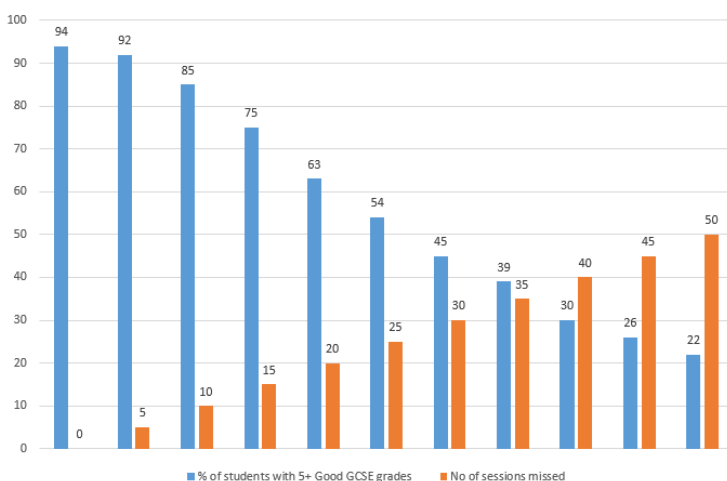
How does attendance affect achievement?

- ✓ Good attendance every year promotes good habits and helps to build the skills and resilience needed in the world beyond school. If a student only attended school 90% of the time between reception and Year 11, in real terms they would have lost more than **one whole year of learning**.
- ✓ Attendance at school is strongly linked to how students perform academically. Extensive national research has concluded that 17 days of lost education in a year is likely to result in a student achieving a grade lower in each of his or her GCSE subjects.

Attendance and punctuality: Where does your child sit on the attendance ladder?



The relationship between GCSE grades and attendance



- ✓ Research by the UK government shows the impact of poor attendance on GCSE performance (see graph), with sessions representing half a day
- ✓ For students who did not miss a day in a school year, 94% of them achieved 5+ 'good' GCSE grades
- ✓ This means that for students who take a two week term time holiday and then have a week off through illness, it could **halve** their chances of being successful at GCSE.

ensure that all of our students are high attenders.

At Eggescliffe School we are determined to ensure that all of our students are high achievers.

More often than not, **high attendance = high achievement**

At Eggescliffe School we are determined to

Appendix 2

Egglecliffe School Telephone: 01642 352570 – General enquiries
Urlay Nook Road Telephone: **01642 352582 – Pupil absence**
Egglecliffe
Stockton-on-Tees
TS16 0LA

APPLICATION FOR LEAVE OF ABSENCE

(Please refer to the Attendance Policy before submitting this request)

Name of child _____ Tutor Group _____

Address _____ Telephone _____

Reason for requested absence

Date from: (First day of requested absence) _____

Date to: (Last day of requested absence) _____

Date of return to school _____

Requested number of school days to be absent _____

Signature of Parent/Carer with parental responsibility _____

Date _____

This form should be completed by the person with parental responsibility to the child before any leave is taken and authorised by the Head Teacher.

Authorisation will not be granted unless there are exceptional circumstances.

✂-----

<i>For office use</i>		
12 month attendance rate:	%	10 sessions unauthorised in last 6 weeks? Yes/No
Leave authorised due to exceptional circumstances	Leave not authorised No fixed Penalty Notice Referral	Referral for Fixed Penalty Notice

EGGLESCLIFFE SCHOOL

Name of Student _____

The school has considered your request for leave of absence from _____

to _____

Following government guidelines this will be recorded as _____ days authorised absence / _____ days unauthorised absence.

Parents/guardians should recognise the importance of completing work missed as a result of this period of absence.

Signed _____ Date _____

SG White (Mr) – Head Teacher

Appendix 3

Egglecliffe School

Urlay Nook Road

Egglecliffe

Stockton-on-Tees

TS16 0LA

Telephone 01642 352570 - General enquiries

01642 352582 - Pupil absence

Date

Dear

Education Act 1996 – School Attendance

I note your request to take your child, (insert name of child), out of school for a leave of absence during term time during the datesto

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that Head teachers may not grant any leave of absence during term time unless;

- an application has been made in advance to the head teacher by a parent with whom the pupil normally lives with; and
- the proprietor (Head teacher) or person authorised by the Head teacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application

After carefully considering your application I have decided **to authorise** your request for a leave of absence as I am satisfied that the exceptional circumstances criteria has been met.

Yours sincerely

Mr S G White
Head Teacher

Appendix 4

Egglecliffe School

Urlay Nook Road

Egglecliffe

Stockton-on-Tees

TS16 0LA

Telephone 01642 352570 - General enquiries
01642 352582 - Pupil absence

Warning Letter – Unauthorised Holiday in term time

DATE

Individual Parent/Carer Name and Address

Dear

Education Act 1996 – School Attendance

I note your request to take your child (insert name of child), (d.o.b.....) out of school during term time during the dates.....to

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that Head teachers may not grant any leave of absence during term time unless;

- an application has been made in advance to the head teacher by a parent with whom the pupil normally lives with; and
- the proprietor (Head teacher) or person authorised by the Head teacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application

After carefully considering your application I have decided **not to authorise** your request as I am not satisfied that the exceptional circumstances criteria has been met.

[Childs name] is expected in school during these dates and any absence will be considered unauthorised absence unless medical evidence is provided to detail otherwise.

I must warn you that failure to ensure your child's attendance is an offence under Section 444 of the Education Act 1996.

If the reasons given for your child's absence from school are not satisfactory then the Local Authority may take legal proceedings against you for your failure to comply with the law. This may result in:

- A Penalty Notice requiring the payment of a penalty of up to **£120** , failure to pay the penalty due will result in prosecution before Teesside Magistrates Court
- Prosecution under Section 444 (1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under Section 444 (1a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

I ask that you work with the school to ensure that your child attends school everyday.

Yours sincerely

Mr S G White
Head Teacher

Appendix 5

Eggescliffe School

Urlay Nook Road
Eggescliffe
Stockton-on-Tees
TS16 0LA

Telephone 01642 352570 - General enquiries
01642 352582 - Pupil absence

Date

Dear

Education Act 1996 – School Attendance

I note your request to take your child, (insert name of child), (out of school for a leave of absence during term time during the datesto

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that Head teachers may not grant any leave of absence during term time unless;

- an application has been made in advance to the head teacher by a parent with whom the pupil normally lives with; and
- the proprietor (Head teacher) or person authorised by the Head teacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application

After carefully considering your application I have decided **not to authorise** your request for a leave of absence as I am not satisfied that the exceptional circumstances criteria has been met.

[Childs name] is expected in school during these dates and any absence will be considered unauthorised absence unless medical evidence is provided to detail otherwise. This absence will equate to [] sessions of unauthorised absence

I must warn you that failure to ensure your child's attendance is an offence under Section 444 of the Education Act 1996.

- A Penalty Notice requiring the payment of a penalty of up to **£120** , failure to pay the penalty due will result in prosecution before Teesside Magistrates Court
- Prosecution under Section 444 (1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under Section 444 (1a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

I ask that you work with the school to ensure that your child attends school everyday.

Yours sincerely

Mr S G White
Head Teacher

Appendix 6

Eggescliffe School

Urlay Nook Road
Eggescliffe
Stockton-on-Tees
TS16 0LA

Telephone 01642 352570 - General enquiries
01642 352582 - Pupil absence

Date

To the Parent/Carer of

This letter is in line with school attendance procedures. As part of whole school attendance procedures there is a termly register check completed by the Local Authority.

Under Government guidelines children who have less than 90% attendance are classed as being **persistently absent**.

In the (date) register check your child's attendance was (%)

It is imperative that whenever possible your child attends school and is on time, arriving before 9am, when morning lessons begin.

All further absence due to illness must be accompanied by medical evidence (such as a GP appointment slip), if such evidence is not provided the absence will be treated as unauthorised. Accrued unauthorised absence can result in fixed penalty notices. Please view this letter as an early notification letter. We appreciate children fall ill, but if the next register check shows that your child is below 90% you may be called to an attendance meeting with school and the Local Authority so that we can discuss ways to work together to improve attendance.

If there is anything we can do as a school to help you to improve your child's attendance then please do let us know.

Yours sincerely

Mr S G White
Head Teacher

Appendix 7

Eggescliffe School

Urlay Nook Road
Eggescliffe
Stockton-on-Tees
TS16 0LA

Telephone 01642 352570 - General enquiries
01642 352582 - Pupil absence

Date

Dear Parent/Carer

This letter is in line with school attendance procedures. As you are aware attendance at school is critical for academic performance and the development of social skills. We closely monitor the attendance of every child in school and are supported by the local authority attendance officer.

Under new Government guidelines, children who have less than 90% attendance are classed as being persistently absent. (name) attendance for the last term was (?%)

In conjunction with the Local Authority we would like to invite you to school to discuss (name) attendance, the meeting should last no longer than 30 minutes. The ethos of the meeting is about support and we will look into ways in which we can improve his attendance.

We would like to invite you to school on (date) at (time)

The meeting is important and we look forward to discussing any possible attendance issues

Yours sincerely

Mr M Cowan
Deputy Head Teacher

Name of child _____

I am able to attend the meeting on (date) to discuss my child's attendance.

I am unable to attend the meeting on (date) to discuss my child's attendance,
I would like to arrange an alternative time.

Signed _____

Appendix 8

Eggescliffe School

Urlay Nook Road

Eggescliffe

Stockton-on-Tees

TS16 0LA

Telephone

01642 352570 - General enquiries

01642 352582 - Pupil absence

Date

To the Parents / Guardian of (name)

This letter is in line with school attendance procedures. As part of whole school attendance procedures there is a termly register check completed by the Local Authority. You are aware of this:

- as you were asked to attend a meeting in (date) this year or
- as you were informed by letter

Delete as appropriate

In the (date) register check your child's attendance was ?%

Currently your child's attendance is ?%

We would like to thank you for working with school and improving (name) attendance. As this figure is above the 90% persistent absence (name) attendance will now be monitored within the normal whole school procedures. We would encourage you to continue to ensure (name) attendance increases.

If there is anything we can do as a school to help you further then please do let us know.

Yours sincerely

Mr S G White
Head Teacher

Appendix 9

Penalty Notice Warning Letter – Unauthorised Absence

Dear.....

Education Act 1996 – School Attendance

It has come to my attention that your childDoB: is not in regular attendance at School and was absent from school during the period [DATE] to [DATE].

Section 7 of the Education Act states:

“The parent of every child of compulsory school age shall cause her to receive efficient full time education suitable-

- (a) to her age, ability and aptitude, and
- (b) to any special educational needs she may have, either by regular attendance at school or otherwise

Section 444 of the Education Act 1996, says:

“If a child of compulsory school age, who is a registered pupil at a school fails to attend regularly at the school, her parent is guilty of an offence”.

If the reasons given for your child’s irregular school attendance are not satisfactory, then the Local Authority may take legal proceedings against you for failure to comply with the Law. This may result in:

- A Penalty Notice payable up to **£120** fine
- Prosecution under Section 444 (1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under Section 444 (1a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

You are hereby given notice that if your child is not returned to school forthwith, you may be liable for a Penalty Notice.

I trust it will not be necessary to take enforcement proceedings in this respect.

Yours sincerely

Attendance Officer/ Attendance Co-Ordinator
On behalf of Stockton-on-Tees Borough Council

PENALTY NOTICE CODE OF CONDUCT AND PROCEDURES FOR ATTENDANCE AND EXCLUSION

(THIS APPLIES TO ALL MAINTAINED SCHOOLS, ACADEMIES AND FREE SCHOOLS)

REVIEWED AND UPDATED JUNE 2017

CODE OF CONDUCT FOR PENALTY NOTICES

(Anti-Social Behaviour Act 2003, Section 23)

I. Rationale

Regular and punctual attendance of students at school is both a legal requirement (Section 7 of the Education Act 1996) and essential for students to maximise the opportunities available to them to reach their full potential. It is parent(s)/carers responsibility to ensure their child/ren receive(s) efficient full-time education that is suitable to their child's age, aptitude and to any special educational needs the child may have.

Education-related penalty notices were introduced by the Anti-social Behaviour Act 2003 which amended section 444 of the Education Act 1996 to allow parents to be issued with a penalty where they failed to ensure their child of compulsory school age (5-16) and school registered had regular attendance.

Section 103 of the Education and Inspections Act 2006 also requires parents of excluded pupils to ensure that their child is not found present in a public place during school hours in the first five days of their exclusion from school without a justifiable reason.

The Education (Penalty Notice) (England) (Amendment) Regulations 2012 effective from 1st September 2012 increase the amount payable from a parent when a Penalty Notice has been issued. This applies to any parent who fails to ensure the regular attendance of their child who is of compulsory school age and who is a registered pupil at a school or who fails to ensure their child who is subject to an exclusion from school is not found in a public place during school hours without a justifiable reason.

The Education (Penalty Notices) (England) (Amendment) Regulations 2013 effective from 1st September 2013 reduce the timescales for paying a penalty notice bringing attendance penalty notices in line with other types of penalty notices. Parents must, from 1st September 2013, pay £60 within 21 days or £120 within 28 days. Penalty Notices are still issued per parent per child.

If parents fail in their duties they commit an offence either under section 444A of the Education Act 1996 or section 103 of the Education and Inspections Act 2006 and can be served with a penalty notice by an authorised officer. Full payment of the penalty discharges the parent from liability for prosecution.

Penalty Notices offer a means for swift intervention, which the Local Authority will use to improve attendance as an early measure to prevent non-attendance becoming entrenched.

The Attendance and Exclusion Team will continue to investigate causes of unauthorised absence from school through the Attendance Procedures, instigating statutory action where appropriate.

Stockton-on-Tees Local Authority will ensure the smooth administration of the necessary process in order to fully comply with the legislation on Human Rights and ensure the consistent, fair and transparent application of Penalty Notices. This Code of Conduct will govern the issuing of Penalty Notices in Stockton-on-Tees Borough Council.

This Code of Conduct was reviewed following the case of *Isle of Wight Council (Appellant) v Platt (Respondent)* [2017] UKSC 28 which was heard in the Supreme Court in 2017. That case clarified the definition of “regular attendance” and found that “regular” means in accordance with school rules. If the school requires that a child attends i.e. the school have not authorised a request for leave of absence during term time then the parent/carer commits an offence if he takes the child out of school.

2. Guidance and Legislation

2.1 Personnel authorised to operate this Code must have regard to the following legislation and guidance:

- The Race Relations (Amendment) Act 2000
- The Race Relations (Statutory Duties) Order 2001
- Disability Discrimination Act 1995
- Data Protection Act 1998
- Children Act 1989
- Crime and Disorder Act 1998
- Special Educational Needs and Disabilities Code of Practice 2015
- Education Act 1996
- The Education and Inspections Act 2006
- The Equality Act 2010
- The Education (Penalty Notice) (England) (Amendment) Regulations 2012
- The Education (Penalty Notice) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013

2.2 **Section 576 Education Act 1996: Definition of a Parent**

The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in this section of the Education Act 1996. This defines ‘parent’ as:

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

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

3. Procedure for the Issue of Penalty Notices

3.1 Penalty Notices will be issued by the Attendance and Exclusion Team, with the agreement of the Attendance and Inclusion Manager. The Attendance and Inclusion Manager will ensure that the issuing of Penalty Notices is closely monitored and evaluated and complements the other duties carried out by the Attendance and Exclusion Team.

3.2 No Penalty Notice will be issued without the issue of the relevant warning notice and the pursuance of relevant assessment of the individual case.

3.3 The Attendance and Exclusion Team will issue Penalty Notices by First Class Post, thereby reducing the risk of aggression/violence from hand delivery.

3.4 No one parent will receive more than two separate Penalty Notices resulting from the unauthorised absence of an individual child in any twelve month period.

3.5 The Attendance and Exclusion Team on behalf of Stockton Borough Council will receive and administer all referrals for the issue of Penalty Notices from all schools in its area including

academies and free schools. Referrals may also be accepted from Cleveland Police Force. These requests will be actioned providing:

- The information received meets the criteria for the issue of a Penalty Notice which is specified in the Code of Conduct and;
- All necessary information is provided to the Attendance and Exclusion Team in order to establish that an offence has been committed under Section 444 (1) of the Education Act 1996.

3.6 The Attendance and Exclusion Team will ensure that duplicate Penalty Notices are not issued and that any action taken is compliant with the relevant legislation and that no conflict arises with other statutory interventions.

3.7 Each parent will receive a separate warning letter and Penalty Notice for each child.

4. Criteria for Issuing a Penalty Notice

- 4.1** That the issuing of the Penalty Notice would be effective in getting the pupil back into education.
- 4.2** The parent must not have a previous conviction for non-attendance and attendance procedures must not be currently instigated.
- 4.3** A minimum absence of 10 sessions (5 school days) which are classed as unauthorised during the past 6 school weeks must be on the pupils attendance register.
- 4.4** In cases of parents condoning absence identified through a truancy patrol. The parent must be issued a warning by the Local Authority and a period of 3 weeks monitoring instigated before the penalty notice is issued. A minimum absence of 10 sessions (5 school days) which are classed as unauthorised during the past 6 school weeks must be on the pupils attendance register.
- 4.5** Where it is believed that the issuing of the Penalty Notice would assist in re-engaging Key Stage 4 pupils in their education. A minimum absence of 10 sessions (5 school days) which are classed as unauthorised during the past 6 school weeks must be on the pupils attendance register.
- 4.6** In cases of unauthorised leave of absence for the purpose of a family holiday the Head teacher/ Principal of the School/ Academy should issue to the parent a warning letter incorporating their decision not to authorise the leave. A minimum absence of 10 sessions (5 school days) for taking holiday leave during the current term without permission of the school must be accrued and forwarded to the Local Authority Attendance and Exclusion Team. A copy of the warning letter issued by the Head teacher and all relevant and requested referral information should be sent to the Attendance and Exclusion Team before a Penalty Notice can be issued. (Please see Appendix 7 for Penalty Notice Checklist)
- 4.7** Following a referral from Cleveland Police, the pupils absence is checked and found that a minimum absence of 10 sessions (5 school days) which are classed as unauthorised during the past 6 school weeks is on the pupils attendance register.
- 4.8** In cases where the pupil has been found to be in a public place during school hours without reasonable justification. The letter of exclusion sent by the Head teacher at the point of exclusion is considered to be the warning letter in these instances.

5. Withdrawal of a Penalty Notice

5.1 The Local Authority may withdraw a Penalty Notice in any case which the Authority determines:

- (i) An offence has not been committed;
- (ii) It was issued outside the terms of the Code of Conduct;
- (iii) It ought not to have been issued to the person named as the recipient;
- (iv) If the parent can prove it was issued to the wrong address; or
- (v) It contains material errors

6. Where a Penalty Notice has been withdrawn in accordance with the above

6.1 A notice of the withdrawal shall be given to the recipient. Any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it.

6.2 In relation to a withdrawn penalty notice no prosecution shall be commenced for those circumstances against the recipient of the notice for an offence under section 444 of the Education Act 1996.