



# **SHOBNALL PRIMARY SCHOOL**

## **PROCEDURES FOR ATTENDANCE**



Revised July 2020  
Approved by Governors September 2020

## **Mission Statement**

Regular school attendance is the key to enabling children and young people to maximise the educational opportunities available to them and become emotionally resilient, confident and competent adults who are able to realise their full potential and make a positive contribution to their community. We expect all children on roll to attend every day, when the school is in session, as long as they are fit and healthy enough to do so. This Policy should not be seen in isolation but is a strand that underpins all other policies related to the well being of children including safeguarding, behaviour, bullying, and support for children with medical needs.

## **Aims**

- To promote positive behaviour and excellent attendance is the responsibility of the whole school community.
- To ensure children attend school on time every day that school is open unless the reason for absence is unavoidable.
- To promote good attendance by the development of positive attitudes towards school.
- To strive to make our school a happy and rewarding experience for all children.
- To reward those children whose attendance is very good.
- To make the best provision we can for those children who, for whatever reason, are prevented from coming to school.
- To act early to address patterns of absence to ensure that every pupil has access to full time education to which they are entitled.

Under The Education (Pupil Registration) (England) Regulations 2006 and The Education (Pupil Registration) (England), Amendment Regulations 2010, 2011, 2013 the Governing Body are responsible for making sure the school keeps an attendance register that records which pupils are present at the start of both the morning and the afternoon sessions of the school day. This register will also indicate whether an absence was authorised or unauthorised. School attendance data policy and procedures are always outlined by the Headteacher in the termly report to Governors.

## **Definitions**

### **Authorised Absence**

- An absence is classified as authorised when a child has been away from school for a legitimate reason and the school has received notification from a parent or guardian. For example, if a child has been unwell, the parent writes a note or telephones the school to explain the absence.
- Only the school can make an absence authorised. Parents and carers do not have this authority. Consequently, not all absences supported by parents and carers will be classified as authorised. For example, if a parent takes a child out of school to go shopping during school hours, this will not mean it is an authorised absence.

### **Unauthorised Absence**

- An absence is classified as unauthorised when a child is away from school without the permission of both the school and a parent.

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- Therefore, the absence is unauthorised if a child is away from school without good reason, even with the support of a parent. This includes:
  - Parents keeping off school unnecessarily
  - Truancy before or during the school day
  - Absences which have never been properly explained
  - Children who arrive at school too late to get a mark

### **Procedures If a Child is Absent**

When a child is absent unexpectedly, the class teacher will record the absence in the register, and will inform the school office, which will endeavour to contact a parent or guardian.

When the child returns to school, a note should be brought from a parent or guardian to explain the absence.

A note may be sent to the school prior to the day of absence, e.g. if a child has a medical appointment.

If there is any doubt about the whereabouts of a child, the class teacher should take immediate action by notifying the school office. The school will then be in contact straight away with the parent or guardian, in order to check on the safety of the child.

- Involving other agencies – the Local Authority is informed of the absence of any child for a continuous period of 10 days or more without school's permission. We also involve the Local Support Team and take due regard of safeguarding procedures where absence of a particular child is less than 10 days but presents a cause for concern.

### **Requests for Leave of Absence**

We believe that children need to be in school for all sessions, so that they can make the most progress possible. However, we appreciate there can be exceptional circumstances under which a parent may legitimately request leave of absence for a child to attend, e.g. a family bereavement or special event. We expect parents and carers to contact the school as soon as possible in these circumstances. Only exceptional circumstances warrant an authorised leave of absence. We consider each request individually taking into account the circumstances, such as, the nature of the even for which leave is sought; the frequency of the request; whether the parent gave advance notice; the pupil's attainment; attendance and ability to catch up on missed schooling.

Parents and carers with effect from 1<sup>st</sup> September 2013, no longer have the right to withdraw their children from school for up to ten days for an annual holiday. Thus the Headteacher can no longer approve requests for leave of absence for holidays during term time.

### **Long-term Absence**

When children have an illness that means they will be away from school for over five days, the school will do all it can to send material home, so that they can keep up with their school work.

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If the absence is likely to continue for an extended period, or be a repetitive absence, the school will contact the support services, so that arrangements can be made for the child to be given some tuition outside school.

If a child is known to have been out of the country and a medical note has not been received after ten days then the child can be taken off roll at the discretion of the Head Teacher, in line with the LA guidance.

### **Repeated Unauthorised Absences**

Parents whose children are experiencing difficulties are encouraged to contact the school at an early stage and work together with the staff in resolving any problems. This is nearly always successful. If difficulties cannot be sorted out in this way, the school will refer the parent(s) and child(ren) to the Local Support Teams for Targeted Services and as appropriate other Partner Agencies to overcome barriers to regular attendance, through a range of intervention strategies.

When an individual pupil's attendance level falls below 90% in any term, without good reason, a referral to the **Education Welfare Officer** (EWO) will be made by the school. Following investigation any unresolved issues could result in the parent receiving penalty notice or ultimately prosecution under The Education (Penalty Notices) (England) Regulations 2007 & amendments. From September 2013 the penalty notices cost £60 per child, per parent if paid within 21 days or £120 if paid between 22 and 28 days. The maximum penalty on conviction is a fine of £2,500 and/or 3 months' imprisonment. Leave may be granted in an emergency (e.g. bereavement) or for medical appointments which must be in school term time.

### **Definition of Persistent Absence:**

Persistent absentees are defined as those pupils missing around 10% or more of the typical amount possible sessions across a given period.

### **Procedures**

The school applies the following procedures when deciding how to deal with individual absences. The school uses a computerised system to record attendance. The registers stay open until 9.15 a.m. in the morning session and 1.30 p.m. in the afternoon session.

A child arriving late but before the register closes is marked as late. They receive an absence mark initially but if they arrive before 9.15 a.m. then they receive a present mark also, thus creating a late indicator showing that the child is present in school. A child arriving after the register is closed is marked absent and a pupil arriving after the register has closed is marked absent with code 'U' (arrived in school after registration closed) or with another absence code if that is more appropriate. In these cases, staff must be aware of a child actually being in class for the purposes of an emergency evacuation. We actively discourage late arrival and are alert to patterns of late arrival and seek an explanation from the parent.

Our expectations with regard to good attendance and time keeping are laid out in the school home school agreement.

### **Rewards for Good Attendance**

All the children who have 100 per cent attendance in any one term will receive an excellence certificate for attendance, awarded at the last assembly of the term.

## **Responsibilities**

The nominated clerical assistant is responsible for maintaining the attendance figures. This includes preparing the class registers

The clerical assistant alerts the Head Teacher to any poor attendance by a child even if reasons have been given by the parents. A decision is then made to send a letter to the parents or contact Education Welfare if the child is already known to Education Welfare.

The clerical assistant also telephones parents or sends out letters if the school has not received an explanation for an absence so that the parents may provide a reason.

Teaching staff are responsible for calling the register at the beginning of the morning and afternoon sessions and for returning them to the office for safe keeping. They also inform the Head Teacher of any concerns about a child's attendance or punctuality so that parents can be contacted.

## **School Responsibilities:**

- We will promote positive behaviour and attendance through its use of curriculum and learning materials and will recognise good attendance appropriately
- We will work with parents to resolve problems which may affect a child's attendance and will involve representatives of other agencies that work with the school such as the School Nurse or representatives of the Local Support Team such as Education Welfare Workers where required in order to ensure all children can benefit from consistently good punctuality and attendance. We will use the Early Help Assessment process to support this.
- We will be proactive in encouraging attendance for all pupils through ensuring parents and pupils receive information on the importance of good attendance and punctuality and will react swiftly to intervene to improve attendance of individual children should this become a concern.

## **Parents or Carers Responsibilities:**

- Parents have a legal duty to ensure that their children of compulsory school age attend school regularly.
- Inform school straight away if their child cannot attend and give the reason.
- Try to make medical, dental or other appointments outside the school day
- Ensure the school is aware of any circumstances at home that may be likely to affect their attendance
- Encourage good routines at home which promote a healthy lifestyle including enough sleep
- To talk to their child about school and let the school know if their child is worried about any issues such as difficulties with homework or friendship problems.
- Do Not book holidays in term time – this will only be authorised in exceptional circumstances

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- Seek advice from your G.P. if they are unsure how long to keep their child off school with an illness
- Ensure school has all their up to date contact details.
- Encourage their child to enjoy school and make the most of all the opportunities available to them.

### **The Importance of Good Attendance and its Link to Attainment:**

- The Department of Education has published research into the effect that missing time from school can have on chances of succeeding in tests and exams. February 22<sup>nd</sup> 2015 Department of Education). The research was based on data from all schools in England going back several years.
- The results are very clear – missing even small amounts of time from school can have a significant effect on achievement.
- Where pupils miss up to just 14 days of school in key stage 2 (normally age 11) are a quarter less likely to master age related expectation or above in reading, writing or math's tests than those with no absence.

### **Admissions Register:**

School keeps an admission register which records the date that each child joined the school and their personal details including those of their parents and of their previous school.

All schools (including academies) must keep a record of attendance register entries for at least 3 years and inform their local authority of any pupil who is going to be deleted from the admission register.

A pupil can lawfully be deleted from the admission register on the grounds prescribed in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 where they ;

- Have been taken out of school by their parents and are being educated outside the school system e.g. home education (see below on home educated children);
- Have ceased to attend school and no longer live within reasonable distance of the school at which they are registered;
- Have a medical condition certified by the school medical officer that the pupil is unlikely to be in a fit state of health to attend school;
- Are in custody for a period of more than four months due to a final court order and the proprietor does not reasonably believe they will be returning to the school at the end of that period; or,
- Have been permanently excluded.

### **Elective Home Education:**

If school receives written notification from parents that they wish to home educate their child then we will inform the Local Authority via Entrust at [enquiries@entrust-](mailto:enquiries@entrust-)

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[ed.co.uk](http://ed.co.uk) of the decision to remove the child's name from the admissions register. Whilst school will not seek to prevent parents from choosing to electively home educate their child, neither will they seek to encourage them to do this – particularly as a way of avoiding exclusion or due to a poor attendance record.

### **Attendance Data and Targets:**

The Local Authority does not prescribe individual school targets for attendance or persistent absence. As a School we set realistic but ambitious targets for whole school attendance and persistent absence for all pupils or other disadvantaged or vulnerable groups. The target for Autumn 2015 and Spring 2016 is set out in Appendix 1.

### **Monitoring and Review**

It is the responsibility of the governors to monitor overall attendance, and they will request an annual report from the headteacher. The governing body also has the responsibility for this policy, and for seeing that it is carried out. The governors will therefore examine closely the information provided to them, and seek to ensure that our attendance figures are as high as they should be.

The school will keep accurate attendance records on file for a minimum period of three years.

The rates of attendance will be reported in the school prospectus, and in the annual governors' report.

Class teachers will be responsible for monitoring attendance in their class, and for following up absences in the appropriate way. If there is concern about a child's absence, they will contact the school office immediately. If there is a longer-term general worry about the attendance of a particular child, this will be reported to the headteacher, who will contact the parents or guardians.

The Headteacher and Admin staff work together to analysis and monitor attendance data. Appropriate date is in place to encourage all pupil's attendance including vulnerable groups

This policy will be reviewed by the governing body every three years, or earlier if considered necessary.

### **Related Policies**

- Policy for Subject Leadership
- Policy on Equal Opportunities
- Policy on Special Educational Needs
- Policy for Monitoring and Evaluation
- Policy on Staff Development
- Policy for Assessment, Recording and Reporting
- Policy for Gifted and Talented
- Policy for Inclusion
- Policy for Teaching and Learning
- Policy for Assessment of Learning
- Policy for Link Governors
- Policy for Whole School Planning
- Policy for Safeguarding
- Policy for Behaviour & Discipline
- Policy for Anti-Bullying

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**Legal Framework**

- The Education Act 1996;
- The Education (Pupil Registration) (England) Regulations 2006 and amendments 2010, 2011 and 2013
- The Education (School Day and School Year) (England) Regulations 1999;
- The Education Act 2002; and The Changing of School Session Times (England) (Revocation) Regulations 2011.;
- Crime and Disorder Act 1998;
- The Anti-Social Behaviour Act 2003;
- The Education Act 2005;
- The Education and Inspections Act 2006;
- The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007;
- The Education (Penalty Notices) (England) Regulations 2007 and amendments; and
- The Education and Skills Act 2008.
- The Equality Act 2010

**APPENDIX 1**



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**Two Terms Data (Autumn 2015 and Spring 2016)**

	England	Staffordshire	School	Target 2015-16
Overall Attendance %	96.1	96.3	97	97.5
Authorised Absence %	3.2	3.2	3	2.5
Unauthorised absence %	0.7	0.5	0.5	0.5
Persistent Absence (based on 10% absence) Attendance of 4 year olds	2.8	2.4	2.5	2
	94.7	95.3	95.5	95.5

### APPLICATION FOR PUPIL LEAVE OF ABSENCE FROM SCHOOL FOR EXCEPTIONAL CIRCUMSTANCES

*Applications should be made at least two weeks in advance of the requested date and before the leave is arranged as absences will not be granted retrospectively. Parents may receive a Penalty Notice from the Local Authority for taking their child out of school during term time without consent from the school. From September 2013 these Notices now cost £60 per child per parent if paid within 21 days and £120 if paid between 22 and 28 days.*

**Full name of child(ren):** \_\_\_\_\_

\_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Absence dates:** \_\_\_\_\_

**Reason for Application:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature of parent(s)/carer(s):** \_\_\_\_\_

\_\_\_\_\_

**Date:** \_\_\_\_\_

#### Office use only

Request seen by Head Teacher Y/N

Date:

Agreement reached Y/N

Current Att %

Other outcome:

The Head teacher will consider the following points before authorising leave:

1. The exceptional circumstance.
2. The child's previous attendance history.
3. The age of the child(ren).
4. The child's stage of education.
5. The time of year (SATS or exams).

**STAFFORDSHIRE COUNTY COUNCIL**  
**Families First Targeted Services****STAFFORDSHIRE LOCAL AUTHORITY Code of**  
**Conduct for issuing Penalty Notices****Rationale:**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school.

Penalty Notices are one of the sanctions available for this offence and offer a means of swift intervention, which can be used to combat attendance problems before they become entrenched.

Parents and children will be supported by their school/alternative provision, the Local Support Teams for Targeted Services and, as appropriate, other Partner Agencies, to overcome barriers to regular attendance, through a range of intervention strategies.

Therefore, Penalty Notices and other sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will be used as a means to support and challenge parents to meet their legal responsibilities and where there is a reasonable expectation that their use will secure improved school attendance.

**Legal Framework:**

Section 444A of the Education Act 1996 (as inserted by section 23 of the Anti- Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as deputy and assistant head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

The Education Penalty Notices (England) Regulations 2007

The Education and Inspections Act 2006.

The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.

Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child's regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

As a result, the Local Authority has responsibility for developing a local code of conduct that will govern how all of the partners named in the Anti-Social Behaviour Act 2003, will issue Penalty Notices.

**Circumstances where a Penalty Notice may be issued:**

- A Penalty Notice can only be issued in cases of unauthorised absence.
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised absence will be restricted to one notice/ warning per parent of a pupil per academic year<sup>1</sup>.
- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child.
- The presence of an excluded child in a public place at any time during school hours in the first five days of exclusion.

Penalty Notices may be considered appropriate if one of following criteria is met:

- There are at least 20 sessions (10 school days) lost due to unauthorised absence during the current and previous term. These absences do not need to be consecutive.<sup>2</sup>
- For unauthorised leave of absence, there must be a minimum of 2 sessions of unauthorised leave of absence (due to unauthorised leave in term or time been absent for longer than was agreed) within the total of 10 sessions of unauthorised absence required prior to issuing the penalty notice. These unauthorised absences do not need to be consecutive and should be calculated from the previous rolling calendar year.<sup>2</sup>

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<sup>1</sup> Continued poor attendance in the same academic year can be addressed by other statutory actions available to the Local Authority under the Education Act 1996.

<sup>2</sup> Once an unauthorised absence has been used as evidence in Court/Penalty Notice it cannot then be used again in another prosecution.

- Persistent late arrival at school, i.e. after the register has closed, in the current and previous term. “Persistent” means at least 20 sessions of late arrival. These late episodes do not need to be consecutive.
- The presence of an excluded child in a public place at any time during school hours in that child’s first five days of exclusion. An “excluded child” is one who has been excluded from school for a given period under the Education and Inspections Act 2006.
- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used.

**Leave not authorised by the head teacher or in excess of the period determined by the head teacher.**

The Local Authority will only issue Penalty Notices requested by a school in response to an unapproved leave of absence (including holiday related) resulting in unauthorised absence where the school has provided the necessary paperwork.

This paperwork should comprise:

- A copy of the newsletter or letter sent to all parents during the current academic year which clearly states that parents may receive a Penalty Notice for an unauthorised holiday in term time. (The LA does not need a hard copy of this newsletter/letter each time a school applies for an unauthorised holiday Penalty Notice, just on the first occasion each academic year.)
- A copy of the leave of absence (Holiday) Request Form submitted by parent, and a copy of the response sent to the parent by school. In the event the leave of absence (holiday) request is being denied the school’s response should state the reason why the request is unauthorised and should again advise parent that they may receive a Penalty Notice if they take their child out of school and that the school has referred the matter to the Local Support Team (representing the Local Authority).
- In cases where the unauthorised leave of absence occurs without prior request from the parents, or is due to unauthorised absence beyond what was agreed, the school should include all correspondence sent to the parents to explore the unauthorised absence.
- Relevant pupil Attendance of Registration Certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non- attendance during the period was unauthorised.
- Completed school unauthorised absence checklist and signed penalty notice request form. (Appendix A).

### **Excluded Pupils**

In the case of an excluded child, a copy of the letter required to be sent to parent(s) pursuant to s.104 of the Education and Inspections Act 2006 warning them to ensure that the child is not permitted to be present in a public place in the first five days of exclusion.

Robust and reliable evidence that the child was in a public place, which includes the date and time and a statement will be required from the witness will be necessary.

### **Who May Issue a Penalty Notice?**

A Penalty Notice may only be issued by:

- Authorised LA staff. In Staffordshire this will be members of the Local Support Teams.
  - Head teacher / Principal and school staff authorised by them may request Local Support Teams to issue a Penalty Notice.
  - A Police Officer during a truancy sweep under the provision of Crime and Disorder Act 1998 may request a Local Support Team (LST) to write a notice.

### **Procedure for issuing Penalty Notices:**

The designated officers within Targeted Services will be the only individuals permitted to issue Penalty Notices in the Staffordshire area. This will ensure consistent and equitable delivery, avoid duplication of issue and to allow schools to maintain good relationships with parents and ensure that they reinforce other enforcement sanctions.

Penalty Notices will only be issued by post and never as an instant action, e.g. during a Truancy Sweep. This will enable officers to ensure that all evidential requirements are in place, duplication of issue is avoided and limit the health and safety risks associated with delivering such notices by hand.

Where Schools, Police or neighbouring local authorities ask Staffordshire County Council to issue a Penalty Notice, their request will be investigated and actioned by the LST provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct.
- The pupil is registered at a Staffordshire School;
- All necessary evidence is provided to the LST to establish an offence under Section 444(1) or 444(1A) of the Education Act 1996 has been committed.
- Issuing a Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed; and
- There is an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance. (Not required in the case of unauthorised leave of absence).

Targeted Services will respond to all requests within 10 school days of receipt or if part of on-going casework, and where satisfied that all of the relevant criteria are met, will:

- Issue an initial warning to the parent (s) of the possibility of Penalty Notice being issued;
- Set a period of 20 school days within which the pupil must have no unauthorised absence and give the parent (s) an opportunity to respond; this information will be included in the formal written warning letter. (Appendix B).
- After due consideration of the facts of the case, only issue a Penalty Notice through the post at the end of the 20day period, if the required level of improved school attendance has not been achieved.

Where the Penalty Notice is requested from a school in response to a leave of absence (holiday) related unauthorised absence, or is in relation to an offence under section 103 of the Education and Inspections Act 2006, the formal warning letter and 20-day improvement period will not apply.

All Penalty Notices will be entered onto a database maintained by Targeted Services to assure that no duplicate Penalty Notices are issued.

### **Excluded Pupils**

The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day that he / she is excluded, up to and including the first 5 days or, where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates.

If the excluded pupil is present in a public place at any time during school hours on a school day specified above the parent commits an offence under section 103 of the Education and Inspections Act 2006 and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

### **Truancy Sweep**

A Penalty Notice will only be issued after due consideration when all facts are known and the threshold for serving the notice has been met.

Information is given to anyone stopped on a truancy sweep, pupil and/or parent about the possible support and sanctions used to address non-attendance.

### **Procedure for withdrawing Penalty Notices:**

Once issued a Penalty Notice may be withdrawn if the Targeted Services is satisfied that:

- The Penalty Notice was issued to the wrong person;
- The use of the Penalty Notice did not conform to this Code of Conduct.
- The Penalty Notice was delivered to the wrong address;
  - The evidence demonstrates that the Penalty Notice should not have been issued, e.g. medical evidence;
- The exceptional circumstances of the case warrant its withdrawal.



**Payment of Penalty Notices:**

- Arrangements for payment will be detailed on the Penalty Notice; (Appendix C).
- Payment of a Penalty Notice discharges the parent's or carer's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice;
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120; and
- The County Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).
- Payments will not be accepted in part or by instalments.

**Non-payment of Penalty Notices:**

Non-payment of a Penalty Notice will result in the withdrawal of the Penalty Notice and will trigger the fast-track prosecution process under the provisions of section 444(1), of the Education Act 1996.

**Policy and Publicity**

- Identifying information about Penalty Notices issued to particular parents or specific children should not be made public;
- Issuing of Penalty Notices as a sanction is included in the Authority's
  - Attendance Policy;
- All school Attendance Policies should include information on the issuing of
  - Penalty Notices and this will be brought to the attention of all parents;
- The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional or public information material.

**Reporting & Review:**

Targeted Services will:

- report at regular intervals to the head teacher Forum groups (Primary, Secondary, Middle and Special). and Staffordshire Police on the deployment and outcomes of Penalty Notices;
- make regular reports to Staffordshire County Council on attendance matters which will include Penalty Notice use; and
- review Penalty Notice use at regular intervals and amend the Protocol as appropriate.

**Representation**

There is no statutory right of appeal against the issuing of a Penalty Notice.

The parent will be advised when they receive the warning that they may make representation to the Strategic Lead of Targeted Services setting out reasons why they should not have been issued.

**PENALTY NOTICE REQUEST****Reason for Penalty Notice**Unauthorised Persistent absence ☐  
Unauthorised Leave of absence ☐Excluded pupil ☐  
Truancy Sweep (Police Only) ☐

Registered pupil at .....School

**Pupil Details:**

Name: .....MALE/FEMALE D.O.B. ....

Address: .....  
..... Postcode .....

Telephone No: ..... Mobile No: .....

**Parent/Carer (please add and additional parent/carers)****Name:**.....  
Relationship to pupil .....Address (if different from above): .....  
..... Postcode: .....

Telephone No: ..... Mobile no: .....

**Name:**.....  
Relationship to pupil .....Address (if different from above): .....  
..... Postcode: .....

Telephone No: ..... Mobile no: .....

**Dates of unauthorised absence**

The named pupil was absent from school on the following dates:

.....  
.....

And this absence is recorded in the school register as unauthorised. (Please attach a signed attendance certificate showing the period).

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### **Declaration**

I am the Head Teacher/Acting Head Teacher of the School named. I certify that this request for a Penalty Notice has been considered in line with the School Attendance Policy.

- Does the case fulfil the criteria laid out in the Code of Conduct? Yes / No
- To the best of my knowledge there are no exceptional circumstances to consider.
- Does the pupil have any statement of Special Educational needs? Yes / No / NA
- Does the pupil have a Disability under the Equality Act 2010? Yes / No / NA
- The school is not beyond the statutory limits for walking, but if so, transport was available. The limit of two miles for pupils under 8 years old; three miles for pupils aged 8 and over: Yes / No / NA
- ❖ Did parents request authorisation prior to leave of absence: Yes / No / NA
- ❖ School responded in writing to decline authorisation of leave of absence: Yes / No / NA
- School issued letter to parents informing them of responsibilities during first 5 days of exclusion. Yes / No / NA
- Evidence can be provided to substantiate the child has been in a public place during school hours Yes / No / NA
- Is there an Assessment of need and a plan of intervention in place? Yes / No / NA
- Is there any evidence of lack of co-operation from parent/carers? Yes / No / NA
- Has the parent/carers been informed of potential Penalty Notice for persistent absence? Yes / No / NA

**PLEASE ATTACH COPIES OF ALL CORRESPONDENCE WITH REQUEST, AND SEND TO THE LOCAL SUPPORT TEAM.**

Name: ..... Position .....

Signature ..... Date: .....

**Targeted Services**

(District Office Address inc LST)

(District Office Address)

(District Office Address)

(Post Code)

Telephone: (Tel no)

Facsimile: (fax no)

E-mail: (EWW name) @staffordshire.gov.uk

Website: [www.staffordshire.gov.uk](http://www.staffordshire.gov.uk)

\*Restricted\*

Please ask for: (EWW name)

**Name and Address**

My ref: /PN2

Date:

Dear **Insert Parents/Guardians Full Name**

Penalty Notice – S.444 Education Act 1996 (inserted by S23 of the Anti Social Behaviour Act 2003)

It has come to my attention that your son/daughter, **Insert Pupil's Name**, has recently been in irregular attendance at **Insert Name of School**.

Section 444(1) 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, his (her) parent /guardian is guilty of an offence."

If the reasons given for your child's irregular school attendance are not satisfactory, then the Education Committee may issue you with a Penalty Notice for failure to comply with the law.

On receipt of this letter you are being given the opportunity to take such steps as to ensure your child's attendance at school. The Staffordshire County Council protocol allows **20 school days** from **Insert Date** to **Insert Date** in which time **Insert Pupil's Name** must have no unauthorised absence. Failure will result in a Penalty Notice being issued to you.

In pointing out the Law to you in this way, it merely serves to reinforce your obligations to your child; I hope most sincerely that you will take such steps as would render such a course of action unnecessary.

Yours sincerely

**Printed Name and designation****On behalf of Strategic Lead for Targeted Services**

**Penalty Notice**  
**S.444 Education Act 1996**  
**(insert by S23 of the Anti Social Behaviour Act 2003)**  
Please read the notes overleaf carefully

**PART 1**

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence under s.444 Education Act 1996.

To: [title] [forenames] [surname]

Of: [address] [postcode]

You are a parent of [name and address of child] (called in this notice "the pupil") who is a registered pupil at [name of school].

Between [date] and [date] the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £60/£120 in accordance with the table overleaf. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days from date of issue. If paid after 21 days but within 28 days the penalty is doubled to £120. Payment should be made to [Local Authority Name] and can be made in person at [Local Authority Address] between 9am and 5pm Monday to Thursday 4.30pm on Fridays, or by posting this notice with a cheque or postal order to this address. **NO CASH PAYMENTS**

Late, cash or part payments will not be accepted and no reminders will be sent. **If payment is not received by [insert date 28 days from date of issue], you may be prosecuted for the offence and could be subject to a fine of up to £1,000.**

This notice is issued by [Local Authority Strategic Lead], Strategic Lead Targeted Services, on behalf of [Local Authority Name].

Date of issue: [Date]

**PART 2**

Please complete the following and return this notice with your payment to [Local Authority Name]:

Name: [insert name]

Address: [insert address]

Child's name [insert name]

I attach payment in the sum of £  
Signed:

**NO CASH PAYMENTS ACCEPTED**

Date:

**NOTES****1.Contact Details.**

If you have any queries about this notice, please contact Staffordshire County Council at [insert district contact name, telephone number, fax number and address]

**2. Amount of penalty.**

The amount of the penalty is as follows:

**When paid****To be paid by:**

Within 21 days	£60	[insert date 21 calendar days from date of issue]
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Within 28 days	£120	[insert date 28 calendar days from date of issue]
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**Address payment to be sent to:**

[Local Authority Contact Name and address]

### 3. Code of conduct.

This notice is issued in accordance with a local code of conduct drawn up by [Local Authority Name]. Any questions or correspondence about the code should be addressed to the Strategic Lead– Targeted Services at [Local Authority Address].

### 4. Withdrawal.

This notice may be withdrawn by [Local Authority Name] if it is shown that it should not have been issued to you, it has not been issued to you in accordance with the local code of conduct or you did not receive the notice e.g. sent to wrong address. If you believe that the notice was wrongly issued you must contact the County Council to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The County Council will consider your request and will contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

### 5. Payment.

You should complete the notice above and send or deliver it to Targeted Services, [Local Authority Name] at the address given. Office opening hours, Monday to Thursday 9am - 5pm, Friday 9am - 4.30pm.

### 6. Prosecution.

If you do not pay the penalty, and the notice is not withdrawn, you will be prosecuted for the offence of failing to ensure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be able to defend yourself and you would be advised to seek legal representation; in some circumstances you may be entitled to legal aid.



### Fixed Penalty Notice (Unauthorised Holiday) Check List

**1. Who has parental responsibility over the pupil?**

*Please name person who has day to day care if different*

Parental Responsibility.....

Day to Day Care.....

**2. Does the student have at least 10 sessions of unauthorised absence in the current term?**

Yes ☐

No ☐

**3. Has the parent named in response to question 1 previously received a Fixed Penalty Notice? If yes, when?**

No ☐

Yes ☐

Please specify when:

.....  
.....  
.....

**4. Was a request made to the school by the parent for holiday leave during the period you wish to issue a Penalty Notice for?**

If 'yes' what was the reason for refusal? Please attach copies of the correspondence exchanged.

If 'no' please explain why an unauthorised holiday is suspected.

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**5. Did the pupil have less than 87% attendance prior to the unauthorised leave of absence?**

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**5a. What is the pupil's attendance history?**

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**6. Does the pupil have any statement of Special Educational Needs?**

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**7. Does the pupil have a Disability under the Equality Act 2010?**

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**8. What is known of the pupil's personal circumstances?**

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**9. Are there any exceptional circumstances that the Council should be aware of?**

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**10. Has the pupil had a previous holiday or long period of absence in the academic year the unauthorised holiday was taken in?**

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**11. Has parent been in contact with the school in relation to the absence?**

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**12. Has the Local Authority Protocol been implemented?**

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