

Chapmanslade

Church of England Voluntary Aided Primary School

Attendance Policy

Rationale

At Chapmanslade School, we understand that 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 adults who are able to realise their full potential and make a positive contribution to their community. School is the foundation for preparing children and young people for life as adults.

Excellent education is vital to the lives of all children and to our society as a whole. Whilst it is known that the life chances of children may not be equal from the outset of their lives for various reasons, education can help to redress this imbalance and help to ensure that every child has the chance to fulfil their potential.

Regular attendance is an essential foundation of raising pupil attainment. Absence from school can seriously disrupt pupils' continuity of learning. Not only do they miss out on taught lessons, but many children find it difficult to catch up academically and socially when they return to school.

Poor or irregular attendance places children at risk, can contribute to contextual safeguarding and welfare concerns and in some cases can result in them being drawn into patterns of anti-social or criminal behaviour and exposure to exploitation.

The Department for Education (DfE) recognises that some pupils find it harder than others to attend school and that the best outcomes for pupils will be achieved when all parties work together to secure excellent attendance.

Chapmanslade School are committed to providing an education of the highest quality for all our pupils/students and endeavour to provide an environment where all pupils feel valued and welcome. For our children to gain the greatest benefit from their education it is vital that they attend school regularly and punctually. Parents and the school community share the responsibility for supporting and promoting excellent school attendance and punctuality for all.

This policy represents our commitment to support pupils to achieve 100% attendance. It sets out the principles, procedures and practice the school will undertake. Strategies to improve attendance and rewards and benefits of good attendance. The sanctions and possible legal consequences of poor attendance and punctuality are also detailed. This policy will be reviewed, amended as necessary and published annually in accordance with current legislation and guidance.

Aims

We believe that the foundation for good attendance is based on a strong partnership between school, parents and the child. This includes clear communication with parents and pupils regarding our expectations of what is required to secure excellent attendance for pupils at our school.

At Chapmanslade School we will:

- Provide regular information about attendance through regular communications through newsletters/website

- Regularly inform parents about their child's attendance and absence level by writing and at parent consultation meetings such as parents' evenings
- Include attendance information in reports about their child's performance in school and how any absence may be affecting their attainment
- Reward good attendance with letters to parents when attendance is 100% or has improved and having a weekly award for the class with the best attendance
- Work with you and your child to achieve maximum attendance

At Chapmanslade School we expect:

- Pupils to arrive at school every day on time
- Parents to work with the school to ensure that their child attends regularly

Attendance: The Legal Framework – roles and responsibilities

The law says that ensuring a child receives education is a parent/carer's legal responsibility (Section 444 of the 1996 Education Act). For most parents this means registering their child at a school. Permitting absence from school that is not authorised by the school creates an offence in law and parents/carers who do not secure their child's regular attendance at school may be issued with a Penalty Notice or referred to the Wiltshire Education Welfare Service for prosecution in the magistrates' court.

To avoid this happening, we will work with parents and carers to address irregular or poor attendance to ensure full-time attendance.

- *Authorised absences are those that have been agreed by the headteacher.*
- *Unauthorised absences are those where no valid reason has been provided for absence or those absences which the headteacher has not agreed.*

Partnership Working – roles and responsibilities

Do you know these facts about absence and attendance?

Research suggests that a pupil who misses 17 days of school a year will drop 1 GCSE grade in attainment. (DfE)

- 95% attendance equates to half a day off every two weeks for a whole year
- 90% attendance equates to a day off every two weeks for a whole year
- 85% attendance equates to one and a half days off every two weeks for a whole year
- 80% attendance equates to one whole day off every week for a whole year

A secondary age pupil whose attendance is 80% will have missed ONE WHOLE YEAR of education by the time they leave school.

"Better attendance at school by pupils improves their educational achievements and, in turn, their lives and prospects. Even a small reduction in absence would result in many pupils receiving greater benefit from their education." The National Audit Office.

At Chapmanslade School, attendance is the business of everyone in our school community. The governors and all staff are committed to supporting all pupils to achieve excellent attendance and regularly review school procedures and strategies to support this.

We expect that parents and carers will work with us if school absence becomes a concern. Parents and carers can help to promote positive attendance by:

- Ensuring children arrive at school on time, before registers close, appropriately dressed and in a 'condition to learn' (i.e. not too tired or too hungry) and with the right equipment for the day
- Working in partnership with us to help their child(ren) gain an appreciation of the importance of attending school regularly
- Working in partnership with us to take an active interest in their child's education
- Working in partnership with us and other agencies (as appropriate) to resolve problems relating to non-attendance or which may have a negative impact on their child's attendance

Procedures

Our school attendance target is 98%.

This means that we are expecting each pupil to have 100% attendance. Pupils who miss just 3 days of school in a school year will contribute to the school not achieving the attendance target set by the school/governing board.

Legally the school register must be taken twice a day. At Chapmanslade School the register is taken at 8:50am (morning registration time) and once during the afternoon session at 1:00pm. The registers will remain open for 25 minutes until 9:15am for the morning session and 1:25pm for the afternoon session. Pupils arriving before registers close will be marked as late (L). Pupils arriving after the registers have closed (after 9:15am or 1pm) will be coded U (Late after registers close) which counts as an unauthorised absence for the whole session.

Absence is recorded as unauthorised until a satisfactory reason is provided. If the reason given is not satisfactory and/or evidence of the reason cannot be provided, the absence will be coded as an unauthorised absence. Ongoing and repeated lateness after the close of registration is considered as an unauthorised absence and may be taken into account if any legal action is taken.

We will contact parents to address and improve attendance where:

- A pupil's attendance falls to 95% or below
- A pupil has more than 3 weeks where they haven't achieved full attendance in a term (In Wiltshire there are 6 terms in an academic year)
- A pupil has more than 4 recorded lates in a term
- A pupil has a regular pattern of absence

Parents are asked to:

- Telephone the school office on 01373 832367 and select option 1 before 8.45am on the first day of the absence in the event of illness or any other reason for absence and must provide an explanation for the absence.
- Inform the school on subsequent days, again before 8.45am, unless they are able to give an exact length of time on the first day of absence.
- Inform the school if a child's absence is due to some traumatic event which the school needs to deal with sensitively so that the school can respond appropriately to the emotional needs of the child on their return to school.
- Arrange medical or dental appointments outside of school hours unless there is urgent need for an appointment.
- Tell the school if their child is going to be late, the reason why and expected time of arrival.
- Only request leave of absence/holiday in term time if it is for an exceptional circumstance (the process for requesting leave of absence is explained further in this policy).
- Keep the school informed, in cases of ongoing absence.

A note from a pupil's home does not mean an absence becomes authorised. The decision whether or not to authorise an absence will always remain with the school.

- Where the school has not been notified of a child's absence, parents/carers will be telephoned to confirm that a child is absent and the reasons for that absence.
- If the authenticity of illness is in doubt, the school can request parents to provide medical evidence to support illness. The school can record the absence as unauthorised if not satisfied of the authenticity of the illness but should advise parents of their intention. Medical evidence can take the form of prescriptions, appointment cards, etc. rather than doctors' notes.
- Where the school has not been notified and it is not possible to contact parents/carers to establish the reason for absence, the school is obliged to mark the child's absence as 'unauthorised'.
- Parents/carers should ensure that they sign their child in or out if they arrive at school outside normal hours or are taken out of school before the normal end of the day, giving the reason for lateness or early withdrawal from school.

Examples of types of absence that are not considered reasonable and which will not be authorised under any circumstances are:

- Going shopping with parents;
- Birthdays;
- Minding other younger children in the family;
- Staying at home because other members in the family are unwell;
- Day trips and holidays in term time (unless there are exceptional circumstances that have been approved by the Headteacher);
- Truancy;
- Death of a pet.

We will contact the parent/carer if a child is absent and the parent/carer has not advised that the child will not be in school. Parents can expect contact on every occasion of an un-notified absence. The school office will initially phone parents within 30 minutes of registers closing. If we cannot speak directly with parents/carers then we will make contact with nominated emergency contacts to establish the reason for absence; this is in line with school safeguarding procedures.

If after 3 days of absence, your child has not been seen and no contact has been made with the school, a home visit will be made by school staff, to ascertain the safety and well-being of your child and establish the reason for absence from school.

After 10 days of unexplained absence and no contact with the school, we are obliged to notify the local authority. The local authority will follow their procedures for Children Missing from Education (CME) and parents may expect contact and visits from an Education Welfare Officer to ascertain the well-being and safety of your child.

Collecting your child from school

We ask that all parents/carers ensure that they are able to collect their children from school on time. School finishes at 3:15pm

- If parents are unable to collect their child as usual then they will need to communicate the alternative arrangements they have made with the school.

- We will not release children in these circumstances to anyone who we have not been advised of.
- If children remain uncollected from school the protocol is as outlined in Appendix B: Child Not Collected From School

Monitoring attendance

Weekly monitoring of the registers will be made by the Attendance Manager (Mr Cottrell) and the school office staff, to analyse overall absence for each pupil and identify pupils with low attendance, a pattern of absences that may lead to Persistent Absence (PA), Severe Absence (SA) patterns and levels of broken weeks, lateness, authorised absence and unauthorised absence and reasons for absence.

Pupil-level absence data will be collected each term and published at national and local authority level through the DfE's school absence national statistics releases. The underlying school-level absence data is published alongside the national statistics. The school will compare attendance data to the national average, and share this with the governing board. The headteacher works with the Education Welfare Service, having a *Targeted School Meeting* once every two terms, and an annual *Register Check*.

- A pupil is classed as a persistent absentee when they miss 10% or more schooling across the school year
- A pupil is classed as a severe absentee if they miss more than 50% of schooling across the school year

For both persistent and severe absentees, this is whatever reason - whether it be authorised or unauthorised, or a mixture of both. Absence at this level is doing considerable damage to a child's educational prospects and we need parents' full support and encouragement to tackle it.

Persistent and severe absentee pupils are tracked and monitored carefully through our pastoral system, and we combine this with tracking academic progress to assess the effect on the pupil's attainment. Absence for whatever reason disadvantages a pupil by creating gaps in his or her learning. The Attendance Manager will be responsible for putting in place actions for each pupil of concern. Initially we will try to resolve the problem with parents/carers and this may involve requesting medical evidence in order for the school to authorise any further absence due to ill health and/or an attendance meeting with the Attendance Manager. We may ask parents to agree to a Parenting Contract which details how we will work together to improve attendance. However, if absence continues the school may make a referral to the Local Authority for interventions that may include penalty notices and court action.

Requesting leave of absence in exceptional circumstances

In accordance with Department for Education guidance, leave of absence from school including for holidays in term-time, may only be authorised in exceptional circumstances.

- Parents are required to complete a leave of absence request form which must outline the exceptional circumstances for which the leave has been requested.
- Leave of absence request forms must be completed in advance of the dates requested. We require two weeks' notice, unless the absence is related to an emergency. (Any request for a leave of absence during term time that commences fewer than 14 days after the date the request form is handed in may automatically be marked as unauthorised).
- We do not give retrospective agreement for leave of absence so any absence not advised to the school in advance will be unauthorised.
- Requests will be considered by the headteacher and parents and carers will be advised if their request is agreed.
- Any pupil who has taken a term time holiday will be required to provide medical evidence if

they are ill in the period directly before or after the dates advised to school.

- Parents/carers will be asked to provide evidence if a pupil does not return to school on the agreed date following a holiday as a result of delayed or cancelled flights or other travel arrangements.

Where an unauthorised leave of absence is taken, parents will be issued with a penalty notice. This will be in the sum of £120 per parent/carer for each child, but is reduced to £60 per parent/carer for each child if paid within 21 days of issue.

'Exceptional Circumstances' Criteria

The definition of exceptional in this context is "unavoidable, short and impossible to schedule at any other time". For example:

- Exceptional family circumstances such as bereavement/religious observance/wedding of an immediate family member/family emergency. With these circumstances, 1 day will be considered as authorised absence;
- Unavoidable medical/dental appointment (although it is the school's expectation that every effort should be made to secure routine doctor/dentist appointments out of school hours or during the holidays);
- Absence, within reason, for an external exam such as ballet and music and to attend elite events (e.g. National Youth Orchestra or a representative sporting event).

Leave of absence which is requested for the following reasons will not be authorised:

- availability of cheap holidays;
- availability of the desired accommodation;
- poor weather experienced in school holiday periods;
- holiday booked by a third party (e.g. grandparent), not knowing term dates;
- overlap with beginning or end of term.

Consequences of persistent and severe absence

At Chapmanslade School we will always work with you to address any attendance concerns. If we have been unable to resolve the issue, despite a number of interventions, then we may have to refer you to the local authority.

The Education Welfare Service has a range of actions available which include:

1) The parents/carers may be issued with a penalty notice, which carries a fine of £120, per parent, per child. This is reduced to £60 if paid within 21 days of issue. If not paid at all, court action will be initiated.

2) The local authority may initiate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, imposition of orders such as Parenting Orders or even imprisonment.

3) In some cases, action may be taken under the Children Act 1989 to protect the welfare and development of the child.

Strategies for improving and maintaining good attendance

At this school we take every opportunity to promote excellent attendance for all pupils. We will celebrate excellent attendance with letters home and weekly attendance awards.

We are a caring school community where the needs of all pupils are carefully considered. Chapmanslade School provides and promotes a welcoming and positive atmosphere so that pupils feel safe, and know that their presence is valued.

If there are specific issues which might impact on your child's attendance it is important that you talk to us so that we can support you and your child. Please speak to class teachers initially, or the headteacher as soon as possible.

There may be times when we ask other agencies to become involved to help us understand and work with you to encourage regular school attendance. (e.g. Wiltshire Council, school health, Ethnic Minority and Traveller Advisory Service, Medical Needs Reintegration Service). If we feel that this would be helpful, we will discuss with you first.

We are very keen to listen to the views of children and parents with regard to attendance matters and we welcome any feedback which helps us to shape how we work with families to address attendance issues and reward excellent attendance.

Monitoring and Evaluation

The attendance policy will be reviewed every two years by governors and school staff to ensure that it continues to meet the needs of the school community. We will ensure that the policy reflects current DfE and Local Authority guidance so that parents may be assured of the standards that we strive to achieve.

Approved: November 2023
Next Review: November 2025

APPENDIX A

ATTENDANCE REGISTERS: NATIONAL ABSENCE AND ATTENDANCE CODES

PRESENT

Code / \: Present in school / = am \ = pm

Pupils must not be recorded as present if they are not in school during registration. If a pupil were to leave the school premises after registration, they will still be counted as present for statistical purposes.

Code L: Late arrival before the register is closed. (A pupil arriving after the register has closed should be recorded as absent using code U, or another absence code that it is more appropriate)

AUTHORISED ABSENCE

The national absence codes must be used. Schools cannot add to the list of codes or use their own local codes. In order to be useful to schools in helping them identify patterns of absence, it is essential that there is consistency of use by staff within each school.

- C Leave of absence granted by the school in exceptional circumstances (not holiday) (*eg bereavement, performances, temporary part-time timetable, maternity leave*)
- E Excluded but no alternative provision made (usually for short periods of suspension)
- H Family holiday (agreed)
- I Illness (NOT medical or dental etc appointments)
- M Medical / Dental appointments
- R Religious observance
- S Study leave (Yr 11 only)
- T Traveller absence (*where the family is known to be travelling or has informed of travelling for the purposes of work*)

APPROVED EDUCATION ACTIVITY

- B Educated off site (*NOT dual registration and not for a pupil at home doing school work.*)
- D Dual registration (*ie pupil attending other establishment*)
- J Interview (with a prospective employer or another educational establishment)
- P Approved sporting activity (*arranged by school*)
- V Educational visit or trip (*arranged by school*)
- W Work experience (Yr 10 and Yr 11)

UNAUTHORISED ABSENCE

- G Family holiday (*NOT agreed or days in excess of agreement*)
- N No reason yet provided for absence.
- O Unauthorised absence
- U Late (*after registers closed*)

UNABLE TO ATTEND DUE TO EXCEPTIONAL CIRCUMSTANCES

- Y School site is closed or partially closed due to unavoidable cause **or** the transport provided by the school or local authority is not available and the pupil does not live within a safe walking distance **or** a local or national emergency has resulted in widespread travel disruption which prevents the pupil from attending school.
Pupil is in custody for less than 4 months and returning to school at the end of their custodial period.

ADMINISTRATIVE CODES

- X Pupil not of compulsory school age not required to be in school
- Z Prospective pupil not on the admission register (to set up registers in advance of pupils joining school)
- # Planned or partial school closure (e.g. school holidays, teacher training, school used as polling station, staggered starts for different year groups)

Appendix B Child Not Collected From School



Wiltshire Council

Protocol for schools when a child has not been collected as expected by parents* at the end of the school day.

This protocol will be brought to the attention of parents, in writing, when their child first starts at the school. The protocol is also referred to in the school's child protection policy.

Parents must provide the school with a record of their contact details:

- Name/s
- Address/es
- Telephone numbers – mobile, home, work
- Where possible, parents should also provide the school with the contact details of three or more other relatives/carers who can be called when the parent/carer cannot be contacted or in the event of an emergency.

The school aims to keep this record up to date by reminding parents in newsletters and at parent consultation evenings of the need to notify the school of any changes.

School staff will not ever take a child home with them but will care for a child who has not been collected until:

- he/she is reunited with a parent or other nominated responsible adult,
or
- advice is sought from MASH/the Emergency Duty Service re next steps.

School procedure

If a child is not collected by a parent or carer, this will be brought to the attention of the Headteacher or Designated Safeguarding Lead (DSL):

- The DSL will make sure every effort is made to contact the parent or carer or named alternative carer as per the child's school records for up to 30 minutes from the end of the school day. This might include speaking to known friends or neighbours of the parents where appropriate.
- If no contact is made, the DSL will arrange for staff to either visit or drive a child to his/her home address (within one hour of the end of the school day), depending on child's individual needs and circumstances. The DSL will ensure the child has adequate supervision at all times (whether in a car or waiting at the school).

This visit/transport will happen in all but very exceptional circumstances, particular to an individual family eg previous incidents of aggression towards staff, anticipated travel time to the child's home of over 1 hour.

When the above procedure has been followed and the child has still not been reunited with a parent or

carer, staff will escort the child back to the school:

- If the child is known to children's social care, the DSL will contact the child's allocated social worker or the Emergency Duty Service (EDS) if it is out of normal office hours.
- If the child is not known to social care, the DSL will consult with MASH or the EDS for advice.
- The school will provide MASH/EDS with the following information about:

The child:

- Name(s), date of birth and address
- Gender, ethnicity, religion, language spoken
- Any additional needs – dietary, SEN, behavioural difficulties, medical
- Any current or previous child protection concerns
- Any previous significant or pattern of incidents of not being collected from school

The parent (and alternative carers):

- Name/s
- Address/es
- Telephone numbers – mobile, home, work

The DSL will record and review any incident when a child is not picked up by parents or picked up late (when no reasonable explanation is given) as part of the school safeguarding and child protection processes.

Social Care/ Police procedure

EDS or MASH will advise the DSL of the next steps. This may include carrying out appropriate checks with partner agencies such as the Police and make further attempts to contact the parent/carers.

If a member of staff thinks a child is at risk of significant harm, is injured, or abandoned, they will contact

- the Multi-Agency Safeguarding Hub (MASH) on **0300 4560108**
 - 8.45am-5pm, Monday-Thursday and
 - 8.45am-4pm Friday
- out of hours Emergency Duty Service (EDS) on **0845 6070 888**
or
- if there is immediate danger, phone the police or emergency services on **999**.

Wiltshire Council

Penalty Notice - Code of Conduct

Rationale

- 1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to deal with unauthorised absence to avoid this becoming entrenched.
- 1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.
- 1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.
- 1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.
- 1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:
 - The pupil's absence was authorised by the school
 - The pupil was ill or prevented from attending by unavoidable cause
 - The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
 - The school is not within walking distance of the child's home and the LA has made no suitable arrangements
 - The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade or business allows, and the child has attended school for at least 200 sessions during the preceding twelve months
- 1.6 Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five school days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under

section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence.

Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

Legislation

- 2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.
- 2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).
- 2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.
- 2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice
- 2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)
- 2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007
- 2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

Procedure

- 3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.
- 3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period
- 3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

- 3.4 The Education Welfare Service will receive requests to issue penalty notices from schools / academies / colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:
- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
 - All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.
- 3.5 The Education Welfare Service will ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

Criteria for the Issuing of a Penalty Notice

- 4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six- month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.
- 4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:
- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
 - Advise the parent of the powers of the Local Authority to issue penalty notices
 - State the number of unauthorised absences accrued which give rise to the formal warning being issued
 - Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.
- 4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan.
- 4.4 With effect from 22 March 2020 Wiltshire Council will **not** issue Penalty Notices for unauthorised absence **directly related** to the Covid-19 pandemic until such time as the Department for Education (DfE) deems appropriate.

Circumstances in which a Penalty Notice will be issued:

- 5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.
- 5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions
- 5.3 Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions

- 5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken
- 5.5 Following notification from a neighbouring Local Authority
- 5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

Procedure for withdrawing Penalty Notices

- 6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:
- It ought not to have been issued
 - It ought not to have been issued to the person named as the recipient
 - It is materially defective
- 6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.
- 6.3 A Penalty Notice cannot be withdrawn because of an inability to pay
- 6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.
- 6.5 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **after** 16 March 2020 this will be withdrawn by Wiltshire Council immediately.
- 6.6 If a Penalty Notice has been issued for unauthorised absence **directly related** to the Covid-19 pandemic **before** 16 March 2020 any action relating to this will be suspended until such time as the Department for Education (DfE) deems appropriate.

Appeals

- 7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college
- 7.2 The Education (Pupil Registration) (England) Regulations does not permit Headteachers to give authorisation for absence retrospectively.

Payment of Penalty Notices

- 8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice
- 8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

Non-payment of Penalty Notices

- 9.1 Non payment of a Penalty Notice will normally result in prosecution under the provisions of section 444 of the Education Act 1996 or prosecution under section 103 of the Education and Inspections Act 2006

Publicity

- 10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:
- Set out the establishment's process for managing absence
 - Ensure that all parents / carers are aware of the process to request leave of absence during term time
 - Make notifications to the Local Authority without delay when the particular criteria is reached
 - Publish details regarding arrangements of managing absence within the establishment's Attendance Policy