

# Attendance Policy and Procedures



**January 2014**

## Statement of Intent

The aim of the school is to:

- facilitate pupils regular and sustained attendance at school by providing a full and efficient educational experience for all their pupils.
- clearly inform parents and carers of their roles to play in maintaining good attendance and time keeping.
- follow closely the advice from the LA.
- make everyone aware of the requirements from the DfE and work in co-operation with the Education Attendance Service.

## School Attendance - the Statutory Framework

Education Act 1944 - Establishes the duty of parents to ensure regular attendance of pupils.

Pupil's Registration Regulations 1986 - Establishes the criteria for the maintenance of Attendance Registers.

Education Act 1996 places a legal obligation on the Local Authority to provide education suitable to a child's age, aptitude and ability and to any special educational needs they may have and also Section 444 states that "The parent of a child of compulsory school age registered at school and failing to attend regularly is guilty of an offence punishable by law".

- a) From 1<sup>st</sup> September 2013 the Education (Pupil Registration) (England) Regulations 2006 have been amended. The amendments remove all reference to the statutory threshold that a Head teacher may grant up to 10 school days leave for the purpose of a family holiday in term time.
- b) The amendments make it clear that Head teachers may not grant any leave of absence during term time unless there are exceptional circumstances.
- c) Head teachers should revise the school's policy on the granting or otherwise of term time holiday in line with the new regulations. Should the Head teacher feel that exceptional circumstances are clear in the application for holiday leave then it is up to Head teachers to determine the length of any leave granted.
- d) The Local Authority has a statutory responsibility to ensure that unauthorised absence is investigated and where deemed necessary and appropriate that compulsory school attendance is enforced via the prosecution of the responsible parent. However to be effective in raising, promoting and sustaining good levels of attendance it is not just the Local Authorities enforcement role that is important; schools have a crucial role in supporting, encouraging and informing parents and pupils of expected attendance levels and school policy and action where attendance is a concern.
- e) In supporting schools to reduce holiday absence the Local Authority has provision to receive referrals from schools to issue Penalty Notices for unauthorised holiday leave during term time. Where the exceptional circumstances criteria has not been met and

schools warn parents in writing that the absence will be unauthorised and referred to the Local Authority this provision can be actioned if the school feel this is an appropriate course of action. The Penalty Notice is issued initially at £60 per parent per child payable within 21 days of issue. Should the parent(s) fail to pay this then Penalty Notice fine increases to £120 per parent per child from the 22<sup>nd</sup> day of issue to the 28<sup>th</sup>. Subsequently to this if payment is not received the Local Authority will consider initiating prosecution proceedings for the unauthorised holiday absence.

- f) In August 2013 the Government reviewed its guidance to schools, academies and Local Authorities regarding attendance matters. This guide gives important information on the use of national attendance and absence codes and of the Local Authority's role to investigate and prosecute unauthorised absence.
- g) Please find the link below to the Department for Education's website page to obtain a copy of this guidance.

<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/f00221879/school-attendance>

Education Act 2002 (Section 53) enables an overall absence target to be set, covering authorised and unauthorised absence, supporting school improvement and raising community awareness of the issue (September 2003).

## Key Points

- Registered pupils of compulsory school age are required, by law, to be in school.
- Whilst it is right that schools should recognise that individual pupils and families have problems, the aim should always be to expect regular attendance.
- Lateness should be actively discouraged.
- Where a pupil is absent without prior authorisation, an explanation is required. If one is not forthcoming (for whatever reason), the absence must be treated as unauthorised and the register annotated accordingly. The school office is informed if a child is not in school without an explanation so that enquiries can be made.
- Schools are not obliged to accept parental notes where there is reason to doubt the validity of the explanation offered, and in such cases absences will be unauthorised.

## Registration

There is a legal requirement upon schools to keep an attendance register on which, at the beginning of each morning and afternoon session, pupils are marked present or absent. The Education (Pupils' Attendance Record) Regulations 1991 introduced a further requirement that attendance registers must show whether an absence of a pupil of compulsory school age is authorised or unauthorised.

Both staff and pupils should see the taking of registers as an integral part of the school day, as was indeed intended in law. Particular attention should be paid to accurate registration and to the preservation and security of registers.

Stockton-on-Tees Local Authority requires all schools to use the standard symbols for marking registers.

This school, like many others, uses an electronic register system where the Class register is saved to, stored on and accessed from the central administration computer system (SIMS).

In accordance with current legislation, each Class in school has an attendance register. It is school policy that registers are completed by 9.05 am and 1.25 pm and the information will then be saved to the school office.

It is our policy to record a late mark for children who arrive at school after Class registration has taken place, but before the close of the registers.

In recognition of local circumstances (such as bad weather or occasional public transport difficulties), we may keep registers open for a reasonable period.

If a child is continually late for school, the Head teacher should be informed. The parents will then be contacted to discover any problem or reason for the continual lateness.

Where a pupil does arrive and misses registration, his or her presence on site will need to be noted for purposes of emergency evacuation. Anyone arriving late must report to the school office where their attendance will be recorded. The pupil's record in the register will be amended as appropriate.

In responding to lateness, we will of course need to take account of the individual circumstances of each case. In some instances, enquiries may reveal that the late arrival stems from difficulties at home or other genuinely unavoidable circumstances.

## **Registration Procedure**

Registers will be completed as quickly as convenient, preceding both daily sessions. Only 10 minutes of the school day have been allocated for the registration procedure. Registers will be saved to the school office following this registration period.

Pupils present will be recorded by a diagonal line.

Pupils not present will be recorded by an N.

## **Late**

Pupils arriving at school after registration in the mornings must report to the school office and the entry will be adjusted in the class register. This will be interpreted in the class register as a child present at school having arrived late after registration.

An explanation note may authorise this absence, e.g. visit to doctor/dentist.

## **Absence**

The school prospectus states:

“Parents are asked to notify the school by telephone or letter if their child is absent for any reason. On the completion of an appropriate LA form, which is obtainable from the office, the Head teacher may grant a holiday of up to two weeks. It must be pointed out that extra work will not normally be set to compensate for extra holiday taken during term time”.

Our policy deals in general with the categories of absence and cannot cover every eventuality. It will be necessary, on occasion, to exercise reasonable discretion when investigating some absences.

Once we receive a reason for an absence, we may authorise that absence by inserting the correct symbol. Reporting by telephone, verbally to a member of staff or by note are all acceptable.

This reason will be logged against the child's name.

We operate a first day absence system through the text messaging service. On the first day a child is absent, if school have not received a reason for the absence, a text message will be sent to the primary contact telephone number within SIMs requesting a reason for the absence. This will be recorded within the attendance part of SIMs.

If we receive a reason as a result of sending a text message, the log will show that the reason was received because school had to make contact first.

If a reason is not received after sending a text message, it will be logged against that absence that school did request a reason via text message.

If, after three weeks, no satisfactory reason has been given, the absence will be treated as unauthorised.

## Unauthorised Absence

An unauthorised absence is an absence from school with no given reason by a parent/carer or an absence without the knowledge of the parent/carer. The former is unlikely, as contact will be made by school to enquire about the reasons for non-attendance if none is received by school on the first day of absence.

An unauthorised absence, which gives cause for concern, will be referred to the Attendance Service. A record of any actions taken will be kept in school.

A list of symbols used for demarcating AUTHORISED absence is included in Table 1.

Where parentally-condoned unjustified absence appears to be a problem in relation to a particular pupil school will involve the Attendance Officer.

We must be alert to emerging patterns of authorised and unauthorised absence. We may authorise absence retrospectively where we are satisfied as to the explanation offered. Absences of pupils of compulsory school age without valid reason or for which no explanation has been provided will be treated as unauthorised.

## Record Keeping

All letters and details of telephone / verbal communication should be kept. Letters and notes should be dated and kept until the register has been checked by the Attendance Officer during the next, regular Register check. These are normally conducted on a termly basis.

## Religious Observance

Children are entitled to leave of absence for religious observance in the family faith.

## Requesting Leave of Absence

Parents must fill in the school's request for leave of absence form which can be obtained from the main office or from the school's website.

There has never been an automatic right for parents to demand up to 10 days for holidays for their children in term time.

Parents are urged strongly to avoid taking family holidays during term time.

**Leave for family holiday in term time will only be given in exceptional circumstances.**

Exceptional circumstances will be determined by the head teacher and governing body.

The following requests for leave of absence will automatically be unauthorised:-

- Holidays in term time (unless circumstances are exceptional – this will be rare)
- Leave of absence requested at the start of an academic year – being absent for the first two weeks of an academic year can be detrimental to your child settling into their new class, meeting their teacher and making relationships.
- Leave of absence leading up to Y6 SATs – this is a time where children are consolidating their learning in preparation for the end of key stage national tests.

## Reporting Absence

Class teachers will report persistent absences to the Head teacher and school will contact the Attendance Officer.

A brief record of children's attendance is reported on the annual report to parents.

## Attendance Procedures

Only school may authorise a pupil's absence. All absences must be explained by the pupil's parents / carers.

## Roles and Responsibilities

### Pupils

We expect that pupils:

- Will attend school regularly.
- Will arrive on time.
- Will be prepared for the demands of that day.
- Will inform a member of staff of any problems they are experiencing which may impinge on their ability to attend school and access their education.

### Parents/Carers

We expect parents/carers to ensure:

- Their child attends school.
- They contact school on their child's first day of absence, advising of the reasons for absence.
- Their child arrives at school punctually.
- Their child is appropriately dressed and properly equipped for the day.

### Class teacher

- The Class teacher has primary responsibility for monitoring attendance of the pupils in the class and for collecting notes explaining absences, maintaining an accurate register and contacting home with concerns about attendance and punctuality.
- The Class teacher can do much to encourage regular attendance and punctuality. If a teacher becomes concerned about absence, then the pupil should be referred to the Head teacher.

### Head Teacher

- If the regular register checks in school (every three weeks) highlight an absence concern, then a standard letter (Letter 1) should be sent home from the Head teacher. If pupils have a telephone number, then a phone call may be made.
- Authorise absence / decline authorisation
- Make decisions on acceptability of reasons for absence
- Home should be contacted using the standard letter.
- A record should be kept of all contact and conversations.
- Parents/carers should be encouraged to visit school to discuss attendance and strategies for improvement.

- It is important to establish the reasons for poor attendance, the general health of the pupil, home circumstances etc.
- A date for review of attendance should be set, no more than 4 weeks later.
- If attendance has not improved, then a standard letter (Letter 2) should be sent home from the Head teacher. Other options may include:
  - Contact home to discuss the review and set a further review date.
  - Hold meetings with parents to discuss areas of concern and where other support might be appropriate.
  - CAF initiation.

### **Office Manager / Administration staff**

- Check daily register completion.
- Record late arrivals and early departures.
- Make contact with home where no explanation of an absence has been received.
- Prepare attendance reports for the Head teacher to use internally or to support information for other reports and meetings.
- The Office Manager will prioritise the list of pupils to be referred to the Attendance Officer.

### **Referral to Attendance Officer**

Details of the procedure followed by the Attendance Officer may be found in the Local Authority's Attendance Handbook (available via the school office, the LA Attendance service or on the LA extranet service.)

When making a referral to the school's Attendance Officer, it is important that the following information is included:

- Action taken to date by the school.
- A print out of the pupil's attendance.
- Parent's / pupil's attitudes towards school and the school's intervention.
- Parental reasons for non-attendance.
- Action taken by school to resolve any identified problems.
- Information regarding any special educational needs the pupil may have, academic attainments and support being provided by the school.
- Information regarding potential aggression from the parents.

Reviewed and approved by Governors:

Next review: 3 years unless regulations change within this timeframe.

**Table 1****Symbols for Marking the Register**

Present (a.m.)	/
Present (p.m.)	\
Educated off-site	B
Other authorised circumstances	C
Dual registration (attending other establishment)	D
Excluded (no alternative provision made)	E
Extended family holiday (agreed)	F
Family holiday (not agreed or days in excess)	G
Family holiday agreed	H
Illness (not appointment)	I
Interview	J
Late (before the close of register)	L
Medical or dental appointment	M

Reason Not Yet Provided	N
Unauthorised absence (not covered elsewhere)	O
Approved Sporting Activity	P
Religious observance	R
Study Leave	S
Traveller Absence	T
Late (after the close of registers)	U
Educational Visit	V
Work Experience	W
Non-compulsory school age absence	X

Codes for other reasons for absence, such as unplanned school closures, are advised by Attendance Service.

## LETTER 1

Date

Dear <Parent's Name>

Re: Attendance of <Child's Name>

On checking our records I note that <child's name>'s attendance is currently .....%. Please find attached a copy of your child's current attendance record.

Holy Trinity Rosehill VA CE Primary School is dedicated to academic achievement and success for all students; regular school attendance is an integral part of that success.

An absence of 10 days over the course of one whole school year will result in attendance of below 95%, which is the minimum expected by Ofsted. I am bringing this matter to your attention to ensure that you are aware of the implications of your child being absent from school.

Please ensure you contact school to advise them of your child's absence and the reason for absence. If your child is absent due to illness could you please provide medical evidence such as an appointment card or prescription. If medical evidence is not possible would you please send in a parental note to explain the reason for absence.

If you require any advice or support to ensure that your child attends school regularly then please do not hesitate to make an appointment to speak to myself.

A good attendance record is crucial if children are to achieve at school and reach their full potential. I look forward to your co-operation and understanding in this matter and to noting an improvement in your child's attendance over the course of the next two weeks.

Yours sincerely,

Ms R. Orr

Head Teacher

## LETTER 2

Date

Dear <Parent's Name>

Re: Attendance of <Child's Name>

Further to my previous letter on <insert date of Letter 1> I am concerned at the continuing number of absences that <child's name> has had from school. Please find enclosed your child's attendance record which clearly shows the % of absences, both authorised and unauthorised.

Unfortunately there has been no improvement in your child's attendance at school since this letter and your child's attendance is currently <....%>. This is significantly below the national average of attendance at 95% for a primary school child and our target of 96%.

I am keen to address these attendance concerns with you promptly to minimise the loss of learning for your child in school.

I would therefore like to invite you to a meeting in school on .....at .....am/pm. The purpose of the meeting is to put together a plan to support and improve <child's name>'s attendance.

If this date / time is not convenient, please telephone me on 01642 581239 to re-arrange.

I look forward to meeting with you to begin this improvement to your child's attendance at school.

Yours sincerely,

Ms R. Orr

Head Teacher

### LETTER 3

Date

Dear <Parent's Name>

Re: Attendance of <Child's Name>

Further to my previous letter of <insert date of Letter 2>, I am sorry that you were unable to attend the meeting today regarding <child's name>'s absence at school. In your absence a plan was formulated to support <child's name>'s improved attendance. I have enclosed a copy for your records.

It is the duty of those with parental responsibility to secure the regular attendance of their child at school; failure to do so is an offence under the Education Act 1996.

<child's name>'s attendance will be closely monitored in school and will be reviewed on <date>. If <child's name> has further unauthorised absences from school we may refer to the Attendance & Exclusion Team to commence legal proceedings.

If your child is experiencing any problems in school or medical issues affecting their attendance I would be grateful if you could contact me on 01642 581239 so I can offer my support and advice.

Yours sincerely,

Ms R. Orr

Head Teacher

## LETTER 4 – Persistent Late

Date

Dear <Parent's Name>

Re: Punctuality of <Child's Name>

From our monitoring of the attendance registers I have noticed repeated instances of late arrival.

Holy Trinity Rosehill Primary School is dedicated to academic achievement and success for all students; regular school attendance and punctuality is an integral part of that success. Children should be in the playground by 8.55am each morning ready to come into school.

I am therefore writing to remind you of Holy Trinity Rosehill Primary School's policy concerning lateness, and enclose a copy of your child's current attendance record.

The law requires pupils to attend school regularly and this includes arriving on time each day.

When a pupil arrives late to school, there are many consequences:

- He or she misses out on essential instructions given at the beginning of lessons – in fact, arriving 5 minutes late each day adds up to missing 3 entire days of school by the end of the year.
- Pupils might feel awkward and embarrassed going into the classroom when everyone else is already settled.
- When one person arrives late everyone loses out – the class is disrupted and the teacher must take time away from the other pupils to explain what is going on in the lesson.

If you have any questions about your child's punctuality please don't hesitate to call me.  
I look forward to an improvement over the next few weeks.

Yours sincerely,

Ms R. Orr

Head Teacher

## LETTER 5 – Improvement Attendance

Date

Dear <Parent's Name>

Re: Attendance of <Child's Name>

Following my letter of the <1<sup>st</sup> January 2014> and after reviewing our reports I note that <child's name>'s attendance is currently .....%. Please find attached a copy of your child's current attendance record.

I am very pleased to see that there has been an improvement over the course of the previous two weeks.

Can I please remind you that if your child is absent due to illness you should provide school with medical evidence such as an appointment card or prescription. If medical evidence is not possible would you please send in a parental note to explain the reason for absence.

We will continue to monitor <child's name>'s attendance over the coming weeks and look forward to its continued improvement.

Thank you for your help and understanding in this matter.

Yours sincerely,

Ms R. Orr

Head Teacher

## LETTER 6 – Improvement re Lates

Date

Dear <Parent's Name>

Re: Attendance of <Child's Name>

Following my letter of the <January 1<sup>st</sup> 2014> and after reviewing our reports I note that <child's name>'s attendance is currently .....%. Please find attached a copy of your child's current attendance record.

I am very pleased to see that there has been an improvement over the course of the previous two weeks and that <child's name> is arriving to school in time for morning registration.

We will continue to monitor <child's name>'s attendance over the coming weeks and look forward to its continued improvement.

Thank you for your help and understanding in this matter.

Yours sincerely,

Ms R. Orr

Head Teacher



**Stockton-on-Tees**  
BOROUGH COUNCIL

# **PENALTY NOTICE PROCEDURES FOR ATTENDANCE AND EXCLUSION**

**Contact Officers: Sharon Stevens  
Inclusion Officer (PRAB)  
Anne-Marie Cartwright  
Attendance and Exclusion Manager  
Tel: 01642 528732**

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**Reviewed and Updated September 2013**

## **Code of Conduct for Penalty Notices (Anti-Social Behaviour Act 2003, Section 23)**

### **1. 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, 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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.

### **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 Needs Code of Practice 2003
- Education Act 1996
- The Education and Inspections Act 2006
- 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 Exclusion Manager and directly supervised by the Inclusion Officer (PRAB). The Inclusion Officer (PRAB) 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 The response to a first offence should be a warning letter rather than a Penalty Notice.

4.2 That the issuing of the Penalty Notice would be effective in getting the pupil back into education.

4.3 The parent must not have a previous conviction for non attendance and attendance procedures must not be instigated.

4.4 A minimum absence of 10 sessions (5 school days) which are classed as unauthorised during the past 6-12 school weeks must be on the pupils attendance register.

4.5 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 6-12 school weeks must be on the pupils attendance register.

4.6 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 6-12 school weeks must be on the pupils attendance register.

4.7 In cases of unauthorised leave of absence for the purpose of a family holiday the Head teacher of the School 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.

4.8 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 6-12 school weeks is on the pupils attendance register.

4.9 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.

## Penalty Notice Warning Letter – Unauthorised Absence

Dear.....

### **Education Act 1996 – School Attendance**

It has come to my attention that your child .....DoB: ..... is not in regular attendance at ..... School and was absent from school during the period .....2013 to .....2013.

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.**

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

Yours sincerely,

Sharon Stevens  
Inclusion Officer (PRAB)

Dear

### Education Act 1996 – School Attendance

I note your request to take your child (insert name of child), (d.o.b.....) out of school for a holiday 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 for holiday leave 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,

Head teacher

**Fixed Penalty Notice  
Section 444 Education Act 1996**

**Please read the notes overleaf carefully**

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 is guilty of an offence.

**To:**

**Of:**

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

**On (date) between (date) and (date)** the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay a penalty instead of being prosecuted before Teesside Magistrates Court 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 set out in this notice.

Payment should be made within 21 days from the date of issue detailed below. If paid after 21 days but within 28 days, the penalty is doubled to £120. Payment should be made to Stockton Borough Council and can be made in person or by return of the attached remittance slip and a cheque.

Late 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 subject to a fine of up to £1,000.**

**This notice is issued by Sharon Stevens, Inclusion Officer (PRAB), Attendance and Exclusion Team, Stockton-on-Tees Borough Council.**

Date of issue

## Contact Details

If you have any queries about this notice please contact the Attendance and Exclusion Team, The Thorndale Centre, Thorntree Road, Thornaby, TS178AP - Tel: 01642 527163.

## Amount of Penalty

The amount of the penalty is as follows:

When Paid	Date Payment Must be Received by	Amount Due
If paid within 21 Days		£60
If paid between 22 and 28 Days		£120

## Code of Conduct

This notice is issued with a local code of conduct drawn up by Stockton-on-Tees Borough Council Local Authority. Any questions or correspondence about the code should be addressed to the Attendance and Exclusion Team, The Thorndale Centre, Thorntree Road, Thornaby, TS178AP - Tel: 01642 527163.

## Withdrawal

This notice may be withdrawn by Stockton-on-Tees Borough Council Local Authority if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local Code of Conduct. If you believe that the notice was wrongly issued to you, you must contact the Local Authority to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The Local Authority 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.

## 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 would be advised to seek legal representation; in some circumstances you may be entitled to Legal Aid.

## Payment Method

An information leaflet on payment methods is enclosed, along with the invoice for payment.

## Take Note:

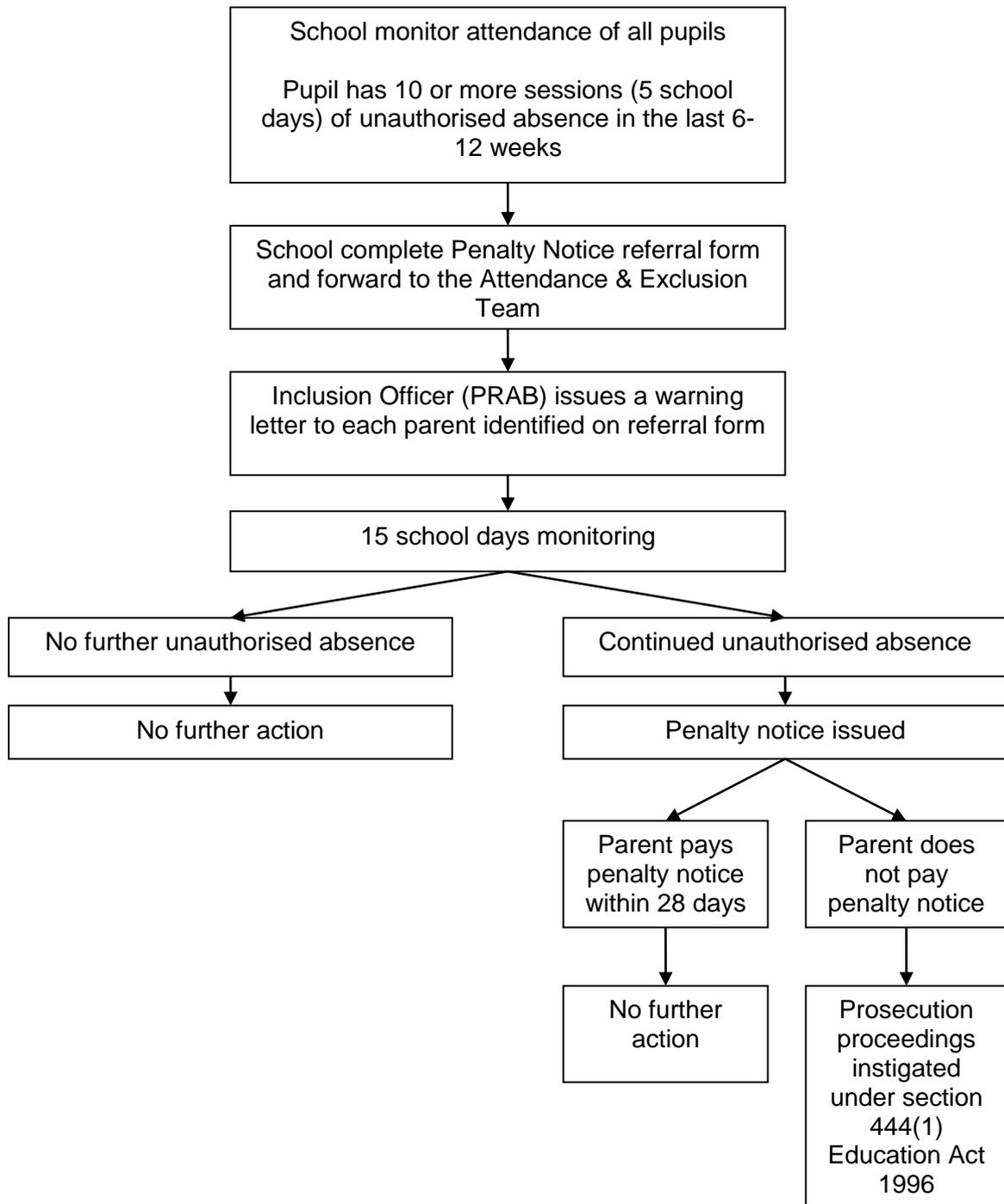
1. Compulsory school age is defined as beginning from the start of the term commencing on or after the child's fifth birthday. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.
2. **Schools are required to take an attendance register twice a day: at the start of the morning session and once during the afternoon session. The register shows whether the pupil is present, engaged in an approved educational activity off-site, or absent. The register must show whether any absence is authorised or unauthorised.**

**Authorised absence is where the school has either given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as satisfactory justification for absence. All other absences must be treated as unauthorised.**

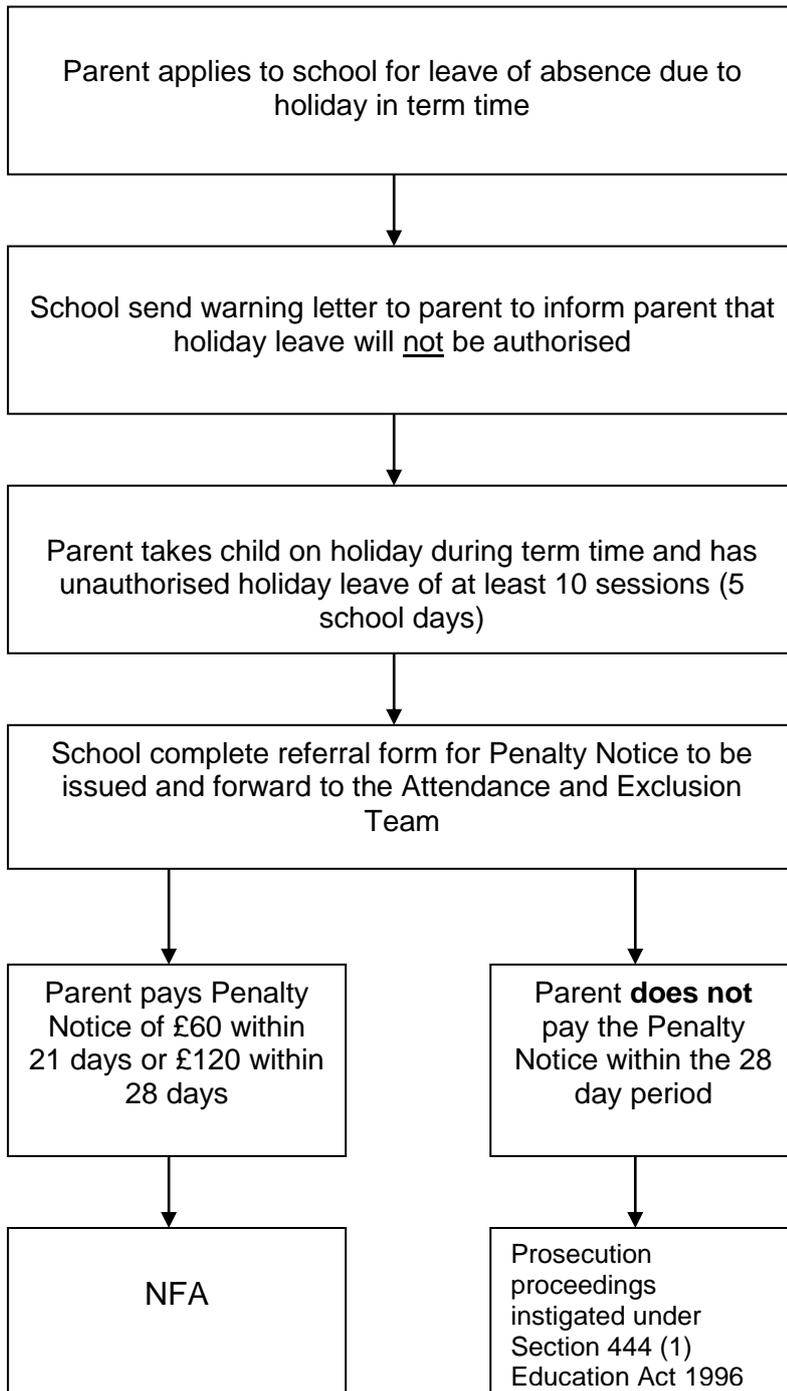
- 3. Schools, not parents, authorise absence. Schools must adhere to DFE Guidelines in authorising absence. Schools should be consistent in applying the same rules in authorising absence.**



## **Penalty Notices for Unauthorised Absences**



## Penalty Notices for Holidays Taken in Term Time



## Penalty Notices for Truancy Patrols

