

ATTAIN ACADEMY PARTNERSHIP



Attendance Policy

February 2021

Attain Academy Partnership

Attain Academy Partnership aims to provide an outstanding education for all children in all schools, relevant to the world in which they live. We would like all members of Attain to become:

- Ambitious, knowledgeable, capable learners who are resilient and independent thinkers
- Enterprising, creative and articulate pupils who have a real love of learning and strive for aspirational goals
- Ethical, informed and responsible citizens who value differences and inclusivity
- Healthy, confident and caring individuals who contribute to a mutually supportive environment

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Pupil Attendance Policy

Covid-19 pandemic

Attain Academy Partnership will implement all DfE policies and guidelines relating to attendance during the Covid-19 pandemic. From September 2020 the expectation is that all pupils will attend school and the Pupil Attendance Policy will be reinstated and implemented.

If parents or students have concerns about attendance during the pandemic they should speak to the school office in the first instance. The school's risk assessment refers to attendance and the steps that the school will take to promote attendance at the current time.

1. Introduction and Background

ATTAIN Academy Partnership (herein referred to as the trust) recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

This policy is written with the above statement in mind and underpins our ethos to:

- promote children's welfare and safeguarding
- ensure every pupil has access to the full time education to which they are entitled
- ensure that pupils succeed whilst at school
- ensure that pupils have access to the widest possible range of opportunities at school, and when they leave school

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable. **It is a rule of this trust that pupils must attend every day, unless there are exceptional circumstances and it is the head of school / headteacher, not the parent, who can authorise the absence.**

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

This policy has been developed in consultation with Trustees, Local Governors, teachers, local Headteacher Associations, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the Trust's commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

Attain Academy Partnership Board of Trustees has agreed this policy and as such, it applies to all Academies within the Trust.

2. **Promoting Regular Attendance**

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of Trust staff.

To help us all to focus on this each member academy will:

- Give parents/carers details on attendance in Academy newsletters
- Report to parents/carers annually on their child's attendance with the annual school report.
- Contact parents/carers should their child's attendance fall below the Trust's target for attendance.
- Celebrate excellent attendance by displaying and reporting individual and class achievements
- Reward good or improving attendance

2.1 **Understanding Types of Absence**

Every half-day absence from school has to be classified by the Academy (not by the parent/carer), as either **AUTHORISED** or **UNAUTHORISED**. This is why information about the cause of any absence is always required. Each half-day is known as a 'session'.

Authorised absences are mornings or afternoon sessions away from school for a genuine reason like illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

Unauthorised absences are those which the Academy does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction. Unauthorised absence includes, however is not exhaustive:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences which have never been properly explained
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session
- shopping trips

- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the Head/of School/Headteacher - may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority
- day trips
- other leave of absence in term time which has not been agreed

3. **School Attendance and the Law**

There is no longer any entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

It is a rule of this Trust that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the head of school / headteacher, irrespective of the child's overall attendance. Only the head of school / headteacher or their designated deputy (not the Local Authority) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the Academy. Where a parent removes a child when the application for leave was refused or where no application was made to the Academy, the issue of a penalty notice may be requested by this school.

At Attain Academy Partnership 'exceptional circumstances' will be interpreted as:

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time. The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

We will not consider applications for leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the Academy's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the Academy, the parents and the child. If a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Compliance Team or Child and Family Support Worker.

4. Persistent Absenteeism (PA)

A pupil is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education (See Appendix B) and we need a parent/carer's fullest support and co-operation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

5. Absence Procedures

If a child is absent from school the parent/carer must follow the following procedures:

- Contact the school on the first day of absence before 9.20 am. The school has an answer phone available to leave a message if nobody is available to take your call, or call into school personally and speak to the office staff.
- Contact the school on every further day of absence, again before 9.20am.
- Ensure that your child returns to school as soon as possible.

If your child is absent we will:

- Telephone you on the first day of absence if we have not heard from you. If no answer is obtained further checks will be made in line with the academy's Lost Child and Missing Child procedures policy.
- Write to you if your child's attendance is below 95%.
- Invite you in to school to discuss the situation with our School Welfare Officer, school attendance officer, Child and Family Support Worker or head of school / headteacher if absences persist.
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions.

6. Attendance Compliance Team

Parents are expected to contact the Academy at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the Academy may refer the child to the Local Authority. Local Authority Attendance Specialists

work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Appendix A for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

7. Penalty Notices

The Local Authority are responsible for issuing Penalty Notices.

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous ten school weeks. Due to the importance of pupils settling into school at the commencement of the school year, penalty notices may also be issued if there have been at least 6 consecutive sessions of unauthorised leave of absence during the first two weeks of September.

A maximum of 2 Penalty Notices per parent for each child may be issued by Essex in an academic year for unauthorised absences.

The penalty is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice. Failure to pay may result in prosecution by the Local Authority.

8. Leave of Absence Requests

Children are expected to attend school for the full 190 days of the academic year, unless there is a good reason for their absence (See Section 3 above). However, we do understand that there are circumstances under which a parent may legitimately request leave of absence for a child to attend. These include

- Unavoidable medical/dental appointments
- Days of religious observance
- Exceptional family circumstances
- Approved sporting activity
- Approved activity (e.g. examination, school trips, visiting new schools)

If parents and carers wish for their child to be absent from school for such an occasion, they are requested to complete an 'Application for Leave of Absence during Term Time' form and return it to the school at least a week in advance. The head of school / headteacher will complete the lower section to inform them as to whether the absence has been authorised

9. Lateness

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world.

9.1 How we manage lateness:

Each Academy within the Trust will have a published time for the start and finish of the school day and for when registers are taken (See Table below).

Children can begin to come into school once the school day starts. If your child is not in by the time the registers are taken they will receive a late mark 'L'.

Children arriving after the registers have been taken are required to come into school via the school office if accompanied by a parent or carer, the parent/carers will sign them into the 'Late Arrivals Log' using the academy system (Inventry) and provide a reason for their lateness which is recorded. The Academy may send home 'late notes' in order to keep parents and carers informed. The school welfare/school attendance officer, head of school / headteacher or deputy/assistant headteacher may undertake a 'Late Gate' check, greeting late arrivals at the main entrance to the academy from time to time.

Registers will close 30 minutes after opening (see table below for individual academy's closure time). In accordance with the Regulations, if your child arrives after the registers have closed they will receive a mark that shows them to be on site 'U', but this will **not** count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the School Welfare Officer/School Attendance Officer and/or Child and Family Support Worker, but you can approach us at any time if you are having problems getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

Academy	Times¹
Bocking Primary School	Gates open: 8.35 am School Day Starts: 8.40 am Registers called: 8.50 am for both Key Stage 1 and Key Stage 2 and 1.00 pm for Key Stage 1 and for Key Stage Registers closes: 9.20 am and 1.30 pm for Key Stage 1 and Key Stage 2
Cressing Primary School	Gates open: 8.40 am School Day Starts: 8.40 am Registers called: 8.50 am for both Key Stage 1 and Key Stage 2 and 1.00 pm for Key Stage 1 and for Key Stage Registers closes: 9.20 am and 1.30 pm for Key Stage 1 and Key Stage 2
de Vere Primary School	Gates open: 8.40 am School Day Starts: 8.40 am Registers called: 8.50 am for both Key Stage 1 and Key Stage 2 and 1.00 pm for Key Stage 1 and for Key Stage Registers closes: 9.20 am and 1.30 pm for Key Stage 1 and Key Stage 2
Elm Hall Primary School	Gates open: 8.30 am School Day Starts: 8.40 am Registers called: 8.50 am for both Key Stage 1 and Key Stage 2 and 1.00 pm for Key Stage 1 and for Key Stage Registers closes: 9.20 am and 1.30 pm for Key Stage 1 and Key Stage 2

Gosfield Community Primary School	Gates open: 8.40 am School Day Starts: 8.50 am Registers called: 8.55 am and 1.00 pm for both Key Stage 1 and Key Stage 2 Registers closes: 9.20 am and 1.30 pm for both Key Stage 1 and Key Stage 2
Newlands Spring Primary School	Gates open: 8.35 am School Day starts: 8.45 am Registers: 8.45 am for both Key Stage 1 and Key Stage 2 and at 1.00 pm for Key Stage 1 and 1.15 pm for Key Stage 2. Registers closes: 9.15 am and 1.30/1.45 pm
Rayne Primary School	Gates open: 8.45 am School Day Starts: 8.50 am Registers called: 8.50 am for both Key Stage 1 and Key Stage 2 and 1.00 pm for Key Stage 1 and 1.15 pm for Key Stage 2 Registers closes: 9.20 am and 1.30 for Key Stage 1 and 1.45 pm for Key Stage 2

¹During the COVID-19 pandemic, the academies start times and pick-up times are being staggered in line with the academy's risk assessment. Each academy within the trust will have published their revised times on their websites.

If leave of absence is unauthorised, the school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

10. Absences before or after an authorised period

If your child is absent before or after a holiday / other authorised period, and illness is the reason provided, you will be asked to provide evidence of that illness when your child returns to school. The school has been advised to challenge ALL parents on these absences to minimise extended holidays in term time. Failure to provide acceptable evidence may result in the absence being recorded as unauthorised and in you receiving a Penalty Charge.

11. Long-term absence

Children with diagnosed conditions are entitled to a full education and have the same rights of admission to a school or setting as other children. However, the Trust recognises that certain diagnosed conditions might prevent a child from attending school on a full-time basis.

When children have a medical condition 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.

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.

12. COVID-19 Related Absences

The attendance register will be taken in SIMS using the full range of established attendance codes in the established [non-statutory government's school attendance guidance](#).

If your child is not attending because of circumstances related to coronavirus (COVID-19) the code 'X' will be recorded on their record. This includes:

- Pupils who are self-isolating due to a member of their household having symptoms or confirmed as having COVID-19
- Pupils who have symptoms and are self-isolating before receiving test results. After the pupil tests positive, absences will be recorded as code I (illness) until they are able to return to school
- Pupils who are required to self-isolate because they are a close contact of someone who has symptoms or have been confirmed as having coronavirus (COVID-19)
- Pupils who are required by legislation to self-isolate as part of a period of quarantine following foreign travel
- Pupils who are still deemed to be clinically extremely vulnerable by their doctor who are advised not to attend school despite general shielding advice being paused on the 1 August 2020
- Pupils who are deemed to be clinically extremely vulnerable in the circumstances of a local lockdown scenario may be advised not to attend school
- Pupils who have been asked to stay at home as part of a local lockdown

13. Attendance targets

The Trust sets attendance targets each year. These are agreed by staff, Trustees and Local Governors at the annual target-setting meetings. The targets are challenging yet realistic, and based on attendance figures achieved in previous years. The Trust considers carefully the attendance figures for other similar schools when setting its own targets.

14. Deletion from Roll

For any child leaving the Academy, other than at the end of year 6, parents/carers are required to complete a 'Pupils moving from *school*' form which can be obtained from the school office (See Appendix C: Notification Forms). This provides the Academy with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

15. Monitoring and Review

It is the responsibility of the Trustees to monitor overall attendance within the Trust and they will request an annual report from the CEO.

It is the responsibility of the Local Governors to monitor the overall attendance within the Academy and they will request an annual report from the head of school / headteacher. The local governing body also has the responsibility for the implementation of this policy within the Academy. 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.

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 head of school / headteacher, who will contact the parents or guardians and, if necessary the Attendance Compliance Team.

This policy will be reviewed by the Trust Board every two years, or earlier if considered necessary.

16. Summary

The Academy has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

The Trustees, Academy staff and Local Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.

17. Linked Policies

- Child Protection Policy
- Equality Policy
- Lost Child & Missing Child Procedure Policy
- Policy for the Administration of medicines and management of children's illness

18. Document Version Control

Version	Date Issued	Author	Update Information
2017-1	October 2017	K Ellwood	<p>Policy reviewed based on the EPHA/ASHE model policy, which was written to reflect the supreme Court judgement on the Platt Case and the new criteria for penalty notices, and the Essex MECES (Missing Education and Child Employment Service). Amendments included:</p> <ul style="list-style-type: none">• Inclusion of information on start times for school day, when registers are taken and closed to bring in line with DfE guidance (Nov 2016) and the MECES checklist. This to allow the use of codes L for those arriving before registers are closed and U for those arriving (DfE) (Section 9)• Section 12: now asks for parents of children leaving before the end of year 6 to complete a new notification form in Appendix C

2019-1	June 2019	K Ellwood	<p>Reviewed against the 2019 release of the EPHA/ASHE model policy. There were no procedural changes only minor amendments/clarifications. These included:</p> <ul style="list-style-type: none"> • Section 2.1: Clarification that each half-day is known as a session and explanation of what the code 'U' means in the register for children arriving after close of register. • Section 3: clarification of the principles used for defining 'exceptional circumstances' • Replacement of references to 'LA officers' with 'LA compliance team/Attendance Specialist' and 'Missing Education and Child Employment Service' with 'Attendance Compliance Team' to account for changes within the LA organisation. • Section 5: Time adjusted from 9.30 am back to 9.20 am to bring it in line with the policy model and references to 'Formal School Attendance Meeting' were changed to the more general term 'relevant sanctions' when referring absences to the LA • Section 9.1: Insertion of table indication appropriate times for each academy.
2020-1	November 2020	K Ellwood	<p>There were no procedural changes in this review. Amendments included:</p> <ul style="list-style-type: none"> • Clarification that pupils are expected to attend school during the COVID pandemic • Inclusion of de Vere Primary School (Section 9.1) • Clarification that staggered times have been implemented during the pandemic and these are published on the schools websites (Section 9.1) • Clarification that absences before or after an authorised period may be recorded as unauthorised and subject to a penalty charge (Section 10)
2020-2	December 2020	K Ellwood	<p>Further clarification was added regarding the use of code X when recording Covid related absences.</p>
2020-3	February 2021	K Ellwood	<p>Section 9 Table for How we manage lateness in Section 9 was updated to reflect the schools</p>

Appendix A: Essex Code of Conduct

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

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent¹ must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

Education Act 1996

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

¹ All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and 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. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

On 6 April 2017, in the case of *Isle of Wight Council v Platt* [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

Anti-social Behaviour Act 2003

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

Crime and Disorder Act 1998

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

AUTHORISATION TO ISSUE PENALTY NOTICES

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme² are authorised to do so.

CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5th birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current

² Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

legal interventions they must email attendancecompliance@essex.gov.uk . A response will be sent within 3 working days.

Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

Penalty notices for unauthorised leave of absence (ULA)³

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

Penalty Notices for Irregular School Attendance (ISA)

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

³ Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.

Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

Excluded children

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

PAYMENT OF PENALTY NOTICE

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice. If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

WITHDRAWAL OF PENALTY NOTICE

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.

CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

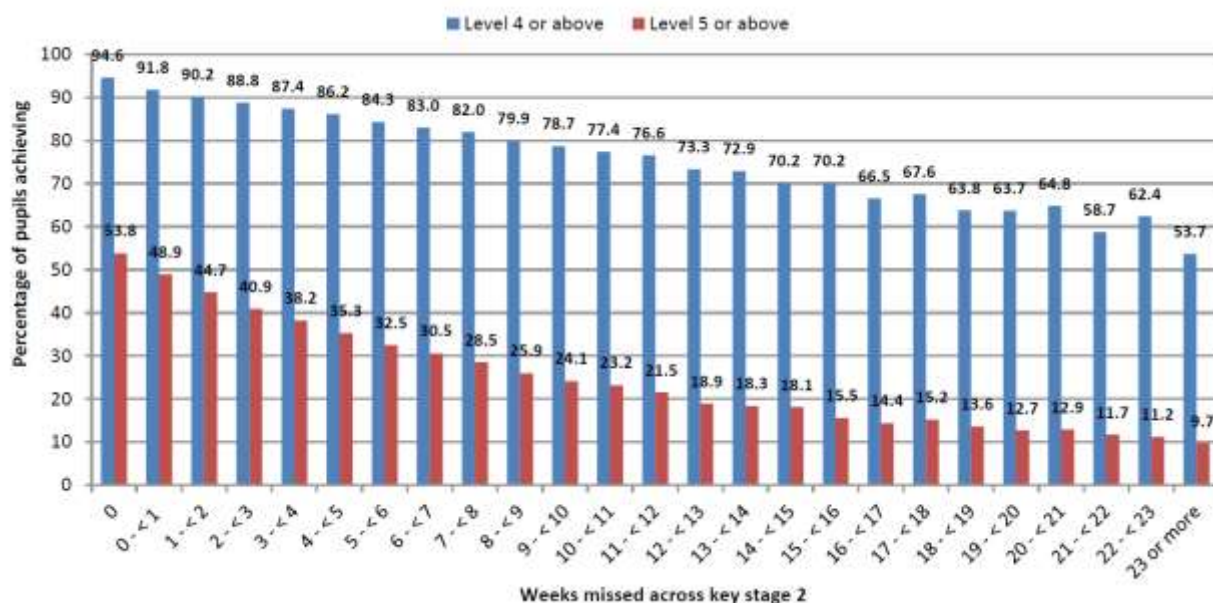
VERSIONS

Original Code of Conduct was introduced in September 2004.
Most recent revision - November 2017
Revised March 2019 for implementation from April 2019

Appendix B

DfE “The link between absence and attainment at KS2 - 2013/14 academic year”

The analysis of the link between overall absenceand attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.



Appendix C: Notification Forms



NEWLANDS SPRING PRIMARY SCHOOL

NOTIFICATION OF PUPIL MOVING FROM SCHOOL

NAME	
CLASS	
CURRENT ADDRESS	
DATE OF LEAVING	
NEW ADDRESS (<i>where applicable</i>)	
NAME AND ADDRESS OF NEW SCHOOL	
EXPECTED START DATE	

Name of parent/carer:

Signature:

Date:

RAYNE PRIMARY AND NURSERY SCHOOL



NOTIFICATION OF PUPIL MOVING FROM SCHOOL

NAME	
CLASS	
CURRENT ADDRESS	
DATE OF LEAVING	
NEW ADDRESS (<i>where applicable</i>)	
NAME AND ADDRESS OF NEW SCHOOL	
EXPECTED START DATE	

Name of parent/carer:

Signature:

Date:

ELM HALL PRIMARY SCHOOL



NOTIFICATION OF PUPIL MOVING FROM SCHOOL

NAME	
CLASS	
CURRENT ADDRESS	
DATE OF LEAVING	
NEW ADDRESS (<i>where applicable</i>)	
NAME AND ADDRESS OF NEW SCHOOL	
EXPECTED START DATE	

Name of parent/carer:

Signature:

Date:

NOTIFICATION OF PUPIL MOVING FROM SCHOOL

NAME	
CLASS	
CURRENT ADDRESS	
DATE OF LEAVING	
NEW ADDRESS (<i>where applicable</i>)	
NAME AND ADDRESS OF NEW SCHOOL	
EXPECTED START DATE	

Name of parent/carer:

Signature:

Date:

DE VERE PRIMARY SCHOOL



NOTIFICATION OF PUPIL MOVING FROM SCHOOL

NAME	
CLASS	
CURRENT ADDRESS	
DATE OF LEAVING	
NEW ADDRESS (<i>where applicable</i>)	
NAME AND ADDRESS OF NEW SCHOOL	
EXPECTED START DATE	

Name of parent/carer:

Signature:

Date:

CRESSING PRIMARY SCHOOL



NOTIFICATION OF PUPIL MOVING FROM SCHOOL

NAME	
CLASS	
CURRENT ADDRESS	
DATE OF LEAVING	
NEW ADDRESS (<i>where applicable</i>)	
NAME AND ADDRESS OF NEW SCHOOL	
EXPECTED START DATE	

Name of parent/carer:

Signature:

Date:

BOCKING PRIMARY SCHOOL



NOTIFICATION OF PUPIL MOVING FROM SCHOOL

NAME	
CLASS	
CURRENT ADDRESS	
DATE OF LEAVING	
NEW ADDRESS (<i>where applicable</i>)	
NAME AND ADDRESS OF NEW SCHOOL	
EXPECTED START DATE	

Name of parent/carer:

Signature:

Date:

Appendix D: Leave of Absence Form Template

Name of School:

Application for Leave of Absence from School during term time

Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school. Taking your child out of school during term time could be detrimental to their educational progress. **THERE IS NO ENTITLEMENT** to parents / carers to take a child out of school during term time, however you may apply to the school for leave of absence in exceptional circumstances. Agreement to each request is at the discretion of the Head Teacher, acting on behalf of the Governing Body (Pupil Registration Regulations 2006). If the absence is not authorised and the leave is taken, the matter will be referred to the Local Authority who may issue a Penalty Notice for £120 (or £60 if paid within 21 days) to each parent / carer for each child taken out of school. Failure to submit a leave of absence request will result in the absence being unauthorised and a referral to the Local Authority who may again issue a Penalty Notice as above.

Dear Head Teacher,

I would like to request permission for leave of absence for my child for the reasons detailed below (further information can be attached if required).

Child's Full Name		Date of Birth	
Year Group		Class	
Child's Full Address and Postcode			

First date of absence		Last date of absence	
Date of return to school		Number of school days absent	

If returning in time for lunch is a school dinner required (please tick)	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Reason for request (please give full details, further details can be attached to this form).				

Name of person making request		Relationship to child		
Full Address and postcode (if different from child's above)				
If child above does not reside with you, does the resident parent agree with this application?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Signature of Parent / Carer with whom child resides		Date		

If you have a child or children at another school, please detail their names and which school(s) they attend below:			
Child's full name:		School:	

Date Issued: February 2021

Version 2020-3

First issued: November 2020 (version 2020-1)

Child's full name:		School:	
Child's full name:		School:	

For School Office Use only	
Complete the below, keeping the originals, but returning copies of both the application and outcome of the application together with the appropriate letter on Infolink to the parents.	

Childs Forename and Surname	
Childs Date of Birth	
Childs Year Group	
Childs Class	

Date of response	
------------------	--

Dear	Parents / carers Title, Forename and Surname	
	Parents / carers Title, Forename and Surname	

Date application received					
Percentage Attendance Year to date					
Number of Sessions absence this academic year	Authorised		Unauthorised		Total
Have the family of this child been issued with a Penalty Notice in the previous 12 calendar months, if yes please state how many.	YES		NO		Total in previous 12 months

Your application for leave of absence as detailed above has been:

Authorised (number of sessions absent authorised).		Unauthorised (number of sessions absent unauthorised).	
This is for the reason stated below			
Head Teacher Name			
Head Teacher Signature		Date	