



Sandridge Primary School

Attendance Policy

**BASED ON THE MODEL LOCAL AUTHORITY POLICY
ON SCHOOL ATTENDANCE ISSUE No 10**

The policy was ratified by the Governing Body on 4th July 2022.

This policy will be reviewed in full by the Governing Body on a three yearly basis.

It is due for review in July 2025.

Signature

Date: 4th July 2022

Headteacher

Signature
Chair of Governors

Date: 4th July 2022

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1. Introduction

Hertfordshire County Council is committed to achieving excellent levels of attendance for individual children, individual schools and for Hertfordshire as a whole. Underpinning this commitment is the belief that if children attend school regularly and punctually, they will be best able to take full advantage of the educational opportunities available to them.

Hertfordshire County Council is committed to openness and equality of opportunity in every activity, from the way we employ staff to the way we deliver services. It is a central responsibility of members, managers and employees of the County Council to ensure that every individual that we come into contact with is treated with dignity and respect.

This Attendance Policy is intended to guide, assist and empower schools to meet their responsibilities and to provide an agreed framework within which consistent practices and procedures can be applied.

2. Statement of Intent

Hertfordshire County Council expects Children's Services, Integrated Services for Learning and all schools to work closely together in partnership with parents in order to achieve excellent levels of school attendance and punctuality for all pupils.

3. Responsibilities – Parents and Carers

Parents are responsible in law for ensuring that their children of compulsory school age receive an efficient education suitable to their age, ability, aptitude and any special educational needs that they may have. Most parents fulfil this responsibility by registering their children at a school.

Parents whose children are registered at a school are responsible for ensuring that their children attend and stay at school.

Parents should:-

- ensure that their children arrive at school on time, appropriately dressed and ready to learn
- instil in their children an appreciation of the importance of attending school regularly
- ensure that they are aware of this policy
- impress upon their children the need to observe the school's code of conduct
- take an active interest in their children's school career, praising and encouraging good work and behaviour and attending parents' evenings and other relevant meetings

- work in partnership with their children's school to resolve issues which may lead to non-attendance
- notify their children's school if they are absent. This should be done on the first day of absence. They should also provide an explanation for the absence. This explanation should be confirmed - preferably in writing - when the children return to school
- avoid arranging medical/dental appointments during school hours
- not book holidays during term time

4. Responsibilities - Schools

Schools are responsible for supporting the attendance of their pupils and for dealing with problems that may lead to non-attendance.

Schools are required to call attendance registers at the start of the morning session and once during the afternoon session and to record whether pupils are present, absent or on an approved educational activity.

For pupils of compulsory school age, schools are required to differentiate in the registers between absence that is authorised and absence that is unauthorised.

Schools should:-

- work actively to maximise attendance rates - both in relation to individual pupils and for the pupil body as a whole - as one of their key tasks
- have clear policies and expectations in place to address persistent absence
- support parents in ensuring the regular and punctual attendance of pupils and promptly respond to any issue which may lead to non-attendance
- be sensitive to the needs of individual parents and this should be reflected in the way in which attendance issues are addressed. Schools should recognise that some parents have difficulty understanding written communications. They should also recognise the reluctance of some parents to come into school.

Punctuality

Schools should take steps to actively encourage excellent levels of punctuality. Lateness should be monitored and followed up.

School policies, brochures and website should clearly state the time at which each school session begins and finishes, including the time at which registers open and close. Schools should not keep a register open for the whole session.

When a pupil arrives late and the register is still open he/she should be marked as 'late' but counted as present for that session.

When a pupil arrives after the register has closed and parent provides a satisfactory explanation, he/she should be marked as 'authorised absent' for that session using the correct code.

When a pupil arrives after the register has closed and parent fails to provide a satisfactory explanation, he/she should be marked as 'unauthorised absent' for that session. (Code U)

When a pupil arrives late having missed registration, his/her presence on site should be noted in a book in the school office for purposes of emergency evacuation, etc.

School Attendance Policy

Schools are not required to have an attendance policy but are encouraged to do so.

Good practice suggests that the following should be taken into consideration when writing a school attendance policy:-

- Offer a clear vision for attendance, underpinned by high expectations and core values which are communicated to and understood by staff, pupils and parents
- ensure that legal requirements are met
- give a high priority to attendance and punctuality
- give a high priority to pupils at risk of and who are persistently absent
- name the SLT member with overall responsibility for attendance (Lisa Roberts; Headteacher) *(supported by Fiona Virji, Office Manager)*
- identify clear channels of communication with parents
- identify what is considered as authorised/unauthorised absence
- make provision for first-day of absence contact
- contain clear procedures to identify and follow up all absence
- prioritise the importance of early intervention
- identify a range of strategies to encourage whole school attendance
- promote the setting of targets for individual pupils, whole classes etc.
- establish systems for rewarding good/improved attendance
- be sensitive to individual pupils' needs

- be alert to critical times (e.g. secondary transfer)
- establish procedures for re-integrating long-term absentees
- establish clear lines of communication with outside agencies
- ensure that all staff adopt a consistent approach in dealing with absence and lateness
- provide for effective primary-secondary liaison
- inform and involve governors
- ensure that good practice is identified and disseminated
- explain how attendance information will be shared with parents (newsletters, website etc)
- be reviewed at regular intervals
- make clear to parents that it is the school - not the parent - which authorises an absence.
- make clear to parents what is, and is not, acceptable as reasons for absence
- state how lateness, both before and after closure of registers, is recorded and monitored
- make clear that leave is granted only in exceptional circumstances
- address attendance from a whole school perspective. Actively promote the link between attendance and achievement
- encourage all staff - including ancillary and administrative staff - to see attendance as part of their responsibility
- actively address all issues - such as bullying – which may lead to non-attendance
- explain that the Local Authority will be notified of any pupil of compulsory school age who fails to attend school regularly

5. Responsibilities – ISL Attendance and Participation Team

The ISL Statutory Attendance and Participation Team fulfil the statutory duty of the County Council in enforcing regular school attendance. In doing so it enables schools and parents to meet their respective responsibilities.

Each school in Hertfordshire has a link Local Authority Attendance Officer (LAAO) who can work with the school.

The Statutory Attendance and Participation Team's vision:

- work collaboratively to improve outcomes for children and young people in education through maximising school attendance and removing barriers
- work collaboratively to encourage early intervention to improve attendance and persistent absence
- work collaboratively to support and develop strategies in relation to school attendance and persistent absence
- offer information, advice and guidance
- offer advice and support on early intervention work through liaising with early help, social care and other relevant services

Whole school

The Statutory Attendance and Participation Team reviews and adapts its service delivery and offer to schools on an annual basis based on attendance and persistent absence data as well as DfE expectations on Local Authorities.

Autumn term:

Link LAAO will meet with school through Microsoft Teams to:

- discuss, review and analyse previous academic year attendance data
- consider local intelligence and factors to inform discussions
- discuss and consider all vulnerable group data
- discuss and provide strategic advice, guidance and agree a plan to maintain, support and improve attendance
- ensure school is aware of meeting all compliance expectations and how they link with safeguarding
- record all relevant discussions and share with school

Summer term:

Link LAAO will meet with school through Microsoft Teams to:

- discuss, review and analyse current attendance data
- discuss and review all agreed actions from Autumn plan, to inform discussions around evidence outcomes and impact
- discuss and review how school has engaged with the service offered
- discuss and capture any reasons that have impacted on whole school attendance
- provide advice and guidance for future planning
- record all relevant discussions and share with school

Support available to schools

Access to duty or link LAAO for:

- advice, guidance, support
- Early Intervention such as a letter or telephone contact with parents

- attendance surgery
- Joint Reasonable Enquiries regarding removal from roll
- FPN application guidance
- preparation for Ofsted

Referral for Statutory Casework
Issue of FPN applications
Newsletter and emails to provide updates
Herts Grid for Learning updates

Duty

The Statutory Attendance and Participation Team provides a telephone advice and guidance duty line to all schools: Hours 9:00a.m – 4:00p.m Mon-Thurs & Friday 9:00a.m – 3:30p.m. This is available to provide support and advice on areas such as:

- whole school attendance
- Enquiries relating to a pupil absent/missing from school and agreeing any appropriate action
- if a child has been absent, whereabouts unknown and school is unable to locate, they must contact the Duty Line for advice, which may include Joint Reasonable Enquiries
- Removal from Roll queries
- Early Intervention – we are available to provide early intervention work in relation to a child who is struggling to attend school looking at how to remove barriers and, where possible, to ensure appropriate support or services are in place
- FPN queries – we provide advice and guidance to schools on aspects of PN applications and practice. We quality assure all applications to ensure that expectations as per guidance have been met, including adherence with the HCC Code of Conduct
- signposting
- general queries around concerns for CYP's attendance

Duty contact details

West: attendancedutywest@hertfordshire.gov.uk and 01442 454778

East: attendancedutyeast@hertfordshire.gov.uk and 01992 555261

Statutory casework

The power to prosecute parents remains solely with local authorities. In the case of regular absence without permission, the school must refer the case to the local authority which will consider prosecution.

All referrals are triaged and allocated by the Senior Manager. Referral Criteria (though there are exceptions):

- attendance is below 80%
- absences have occurred in the previous 8 weeks

- school has attempted to address the absence during this period and can provide evidence and a chronology of work undertaken over the last 8 weeks
- majority of absences are unauthorised

6. The Use of Legal Action

If a pupil, who is registered at a school, fails to attend that school regularly without a legitimate reason and attempts by the Local Authority Attendance Officer and the school fail to secure that pupil's return to regular attendance, the County Council will take legal action. A complaint may be laid against the parents in the Magistrates' Court under Section 444 of the Education Act 1996, or an Education Supervision Order relating to the pupil under Section 36 of the Children Act 1989 will be applied for. Any exceptional mitigating circumstances relating to the pupil's absence will be taken into account, when considering legal action. 'Exceptional mitigating circumstances' will be determined by Senior Manager, Statutory Attendance and Participation Team on behalf of the Lead for Access and Inclusion. If 'exceptional mitigating circumstances' are not deemed to exist, and absences are unauthorised then cases may be considered for legal action at any point throughout case work.

If, after legal action has been taken, the child still fails to attend school regularly the LAO may keep the case open and will, if appropriate, take further legal action at a subsequent date.

In cases where parents wilfully withhold a pupil from school, or persistently refuse to co-operate with efforts aimed at affecting a return to satisfactory school attendance, the ISL Statutory Attendance and Participation Team may begin legal proceedings promptly on the grounds that no other course of action is available.

The Statutory Attendance and Participation Team may consider applying for an Education Supervision Order when a parent finds it difficult to exercise an effective influence over a child who has developed a pattern of poor attendance. Education Supervision Orders will not usually be applied for in relation to pupils in Years 10 or 11.

Before an application is made for an Education Supervision Order:

- other possible means of dealing with the pupil's poor attendance will be explored
- the attitudes of the parent and pupil towards the poor attendance, and their wishes as to how it should be dealt with, will be noted
- the Local Authority will be of the view that the Order will have a significant effect on the pupil's attendance at school

7. Education Related Penalty Notices for Parents of Truants

Subsection (1) of section 23 of the Anti-Social Behaviour Act 2003 added two sections (444A and 444B) to section 444 of 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.

A penalty notice is a suitable intervention in circumstances of parentally condoned truancy, where the parent is judged capable of securing their child's regular attendance but is not willing to take responsibility for doing so. For example it could be used where a parent has failed to engage in any supportive measures. Sandridge School operates the Penalty Notice system.

8. School Attendance Orders

If a parent fails to register a child of compulsory school age at a school (and he/she does not intend to educate the child otherwise than at school), the LA will serve a School Attendance Order under Sections 437 - 439 of the Education Act 1996. This requires the parent to register their child at a school named by the Local Authority.

9. Admission & Attendance Registers

Admission Register

The rules governing the maintenance of registers, including removal from roll, are contained in the Education (Pupil Registration) (England) Regulations 2006 as amended 2010, 2011, 2013 and 2016.

It is important that the school's admission register is accurate and kept up to-date. Schools should regularly encourage parents to inform them of any changes whenever they occur, through existing communication channels such as regular emails and newsletters. This will assist both the school and local authority when making enquiries to locate children missing education.

Where a parent notifies a school that a pupil will live at another address, all schools are required to record in the admission register:

- a) the full name of the parent with whom the pupil will live;
- b) the new address; and
- c) the date from when it is expected the pupil will live at this address.

Where a parent of a pupil notifies the school that the pupil is registered at another school or will be attending a different school in future, schools must record in the admission register:

- a) the name of the new school; and
- b) the date when the pupil first attended or is due to start attending that school.

All schools are required to notify the local authority **within five days** when a pupil's name is added to the admissions register at a non-standard transition point. Schools will need to provide the local authority with all the information held within the admission register about the pupil. This duty does not apply when a pupil's name is entered in the admission register at a standard transition point – at the start of the first year of education normally provided by that school.

Attendance Register

Attendance registers are legal documents that may be required as evidence in court cases.

Registers must be taken at the beginning of each morning and once during the afternoon session. If the register is called at the end of the afternoon session schools should ensure that adequate arrangements are in place to ensure that pupils do not leave school between registrations. They should ensure that pupils can be accounted for in an emergency and that a pupil removed from the school at lunchtime will not go unnoticed.

Registers must record whether each pupil is present; attending an approved educational activity; absent; or unable to attend due to exceptional circumstances. In the case of a pupil of compulsory school age who is absent the register must also indicate whether the absence has been authorised by the school.

Registers should open and close at regular set times and this information should be publicised to parents.

When calling the register, the appropriate mark/symbol should be placed against each pupil's name – gaps should not be left so that entries can be made later. In marking registers, schools should use the national set of symbols advised by the DfE.

When the reason for a pupil's absence cannot be established at the beginning of the session, the absence should be recorded as unauthorised and any subsequent correction to the register made as soon as practicable after the reason for the absence has been established.

All schools are required to notify the Local Authority of any pupil of compulsory school age who fails to attend school regularly, or who has been absent for a continuous period of more than 10 school days without a legitimate reason.

Responsibilities of the LAAO – Attendance Registers

Inspection of registers

Registers should be available for inspection during school hours by a Local Authority Attendance Officer when requested.

If the link LAAO is concerned that a school's registers have not been kept in accordance with the requirements of the relevant regulations he/she will:

- notify the Headteacher of the concern and request that the matter is addressed
- if no appropriate action is taken by the school, and the LAAO remains concerned, they will discuss with the Senior Manager and appropriate action considered.

Registers - Retention

Registers should be kept in a secure place for a period of not less than 3 years.

Removal from Roll

There are strict grounds as to when schools may remove pupils from their admissions register. These are outlined in **Regulation 8** of the Education (Pupil Registration) Regulations 2006. Regulation 12(6) states that when a school has decided to delete a pupil's name from their admission roll, they must notify their Local Authority **within 5 days** as the grounds for removal.

If the pupil has left the school without explanation and there are concerns about the pupil's welfare please contact the local Statutory Attendance and Participation Team Duty Line immediately.

If there are concerns that a pupil may be at risk of Child Sexual Exploitation or radicalisation please contact the local Statutory Attendance and Participation Team Duty Line immediately.

Duty contact details

West: attendancedutywest@hertfordshire.gov.uk and 01442 454778

East: attendancedutyeast@hertfordshire.gov.uk and 01992 555261

If a school is told that a pupil is leaving to attend another school, staff at the school of departure should establish the pupil's new address, the name and address of the new school and the date the pupil will start there. Confirmation should then be sought from the receiving school. When this information has been obtained, the school should complete a Removal from Roll form and return it to the local Statutory Attendance and Participation Team office via HertsFX or SchoolsFX. Whenever a pupil leaves a school a Common Transfer File (CTF) must be completed.

If a school is concerned about any aspect of a transfer or if a pupil has "disappeared" the matter should be drawn without delay to the attention of the local Statutory Attendance and Participation Team Duty Line or Link Local Authority Attendance Officer.

10. Authorising Absence

Only the school can authorise an absence. The fact that a parent has provided a note or other explanation (telephone call or personal contact) in relation to a particular absence does not, of itself, oblige the school to accept it, if the school does not accept the explanation offered as a valid reason for absence. If, after further investigation doubt remains about the explanation offered - or when no explanation is forthcoming at all - the absence should be treated as unauthorised and the parent informed.

Schools should communicate to parents their policies with regard to the notification and categorisation of absence. Some parents, such as those whose first language is not English or who do not read or write may experience difficulty in providing notes. In such cases schools should seek to make alternative arrangements.

Schools are encouraged to keep all absence notes for at least a term and when a pupil's absence is a cause for concern to retain the notes until there is no longer a concern.

Absence should be authorised if:

- the pupil is absent with leave (defined as 'leave granted by any person authorised to do so by the governing body or proprietor of the school')
- the pupil is ill or prevented from attending by any unavoidable cause
- the absence occurs on a day exclusively set aside for religious observance by the religious body to which the pupil's parent belongs
- the school at which the child is a registered pupil is not within walking distance of the child's home; and no suitable arrangements have been made by the LA for any of the following: the child's transport to and from school; boarding accommodation for the child at or near the school; enabling the child to become a registered pupil at a school nearer to his/her home
- the pupil is the child of Traveller parents who are known to be travelling for occupational purposes and have agreed this with the school but it is not known whether the pupil is attending alternative provision
- leave of absence has been applied for in advance and has been granted because of exceptional circumstances relating to the application (parents should be reminded that they cannot expect, as of right, that the school will grant leave of absence)
- leave of absence should be granted to allow a pupil to take part in a performance within the meaning of s37 of the Children and Young Persons Act 1963 (c) for which a child performance licence has been issued

Before granting a licence the local authority must be satisfied that the child's education will not suffer. A school letter is requested as part of the licence application as confirmation of this. If a school believes a child's education will suffer as a result of taking part in a performance they should

provide reasons to the local authority in writing. The information must be specific to the child (saying for example that it is against school policy is not sufficient). If the school does not provide such information the local authority will issue the licence. The absence should be recorded as code C

- Absence should be unauthorised if no explanation is forthcoming from the parents or if the school is dissatisfied with the explanation

11. DfE Administrative Codes

There are a number of administrative codes which are not counted as a possible attendance in the school census. They must only be used in the circumstances described:

- Unable to attend due to exceptional circumstances (Code Y)

This code is collected in the school census for statistical purposes but is not counted as a possible attendance. It may be used when:

- the school site, or part of it is closed due to unavoidable cause; or
- the transport provided by the school or the local authority is not available *and* where the pupil's home is not within walking distance; or
- a local or national emergency has resulted in widespread disruption to travel which has prevented the pupil from attending school.

- Not required to be in school (Code X)

is used to record sessions that non –compulsory school age children are not expected to attend.

- Pupil not on admission register (Code Z)

enables schools to set up registers in advance of pupils joining the school to ease administration burdens. Schools must put pupils on the admission register from the first day that the school has agreed, or been notified, that the pupil will attend the school.

- Planned whole or partial school closure (Code #)

should be used for closures that are planned or known in advance e.g holidays, curriculum planning/training days (up to five per year) or the use of the school as a polling station.

- Different Term Dates for Different Pupils (Code #)

can also be used to record staggered starts or induction days. This is only acceptable where the school ensures that pupils not attending on that day are still offered a full education over the school year.

12. Approved Off-Site Educational Activity

Pupils who are engaged in off-site educational activities should be recorded as attending (or absent from) an approved educational activity using the appropriate code.

The key features of approved educational activity are that they must be:

- educational *and*
- approved by the school *and*
- supervised by the school or someone authorised by the school

A pupil should be recorded as approved educational activity if he/she is attending:

- an approved work experience placement (Code W)
- a field trip or educational visit (Code V)
- an approved sporting activity approved by and supervised by someone authorised by the school (Code P)
- the pupil is attending an interview with a prospective employer, or another educational establishment (Code J)
- an off-site educational activity (Code B)

Note: The B code should be used when pupils are present at an off-site educational activity that has been approved by the school. Ultimately schools are responsible for the safeguarding and welfare of pupils educated off-site. By using code B, schools are certifying that the education is supervised and measures have been taken to safeguard pupils. **This code should not be used for any unsupervised educational activities or where a pupil is at home completing school work.**

- Dual Registered – at another educational establishment (Code D)

Note: This code is used to indicate that the pupil was not expected to attend the session in question because they were scheduled to attend the other school at which they are registered. This code is not counted as a possible attendance in the school census. This code should be used where pupils are attending an ESC, hospital or special school on a temporary basis or for Gypsy, Roma and Traveller children where they are known to be registered at another school for the session in question. Each school should only record the attendance/absence for those sessions where the pupil is expected to attend. Schools must ensure that they follow up all absence in a timely manner.

13. Flexi-schooling

Head teachers can agree to flexi-schooling arrangements where the parents take on the responsibility for their child's education for part of the school week. Head teachers are advised to consider any such requests from parents very carefully before agreeing to them and are advised to draw up a written agreement with the parent. Where agreement has been reached, pupils should be marked authorised absent from school during periods when they are receiving home education. (Code C).

14. Part-time time-tables

All pupils of compulsory school age are entitled to a full-time education. In exceptional circumstances there may be a need for a part time timetable to meet an individual pupil's needs. A part time timetable must be time limited and must not be treated as a long term solution and can only be made with parental agreement. The school should mark the sessions were the pupil is not expected to attend as authorised absence. (Code C).

15. Requests for Family Holidays During Term time

Amendments to the 2006 Pupil Registration (England) Regulations which come into effect on 1st September 2013 remove all references to family holidays and extended leave for holidays in term time. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. It is for the Headteacher to determine what constitutes exceptional circumstances and for them to determine the number of school days a child can be away from school if the leave is granted.

Appendix 1**ATTENDANCE CODES, DESCRIPTIONS AND MEANINGS**

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Present at off site educational activity	Approved Education Activity
C	Leave of absence authorised by the school	Authorised absence
D	Dual registered at another educational establishment	Not expected to attend this session
E	Excluded (no alternative provision made)	Authorised absence
G	Holiday (NOT agreed <u>or</u> days in excess of agreement)	Unauthorised absence
H	Holiday authorised by the school	Authorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J	Interview	Approved Education Activity
L	Late (before registers closed)	Present
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Other unauthorised absence	Unauthorised absence
P	Supervised sporting activity	Approved Education Activity
R	Day set aside exclusively for religious observance	Authorised absence
S	Study leave	Authorised absence
T	Gypsy, Roma and Traveller absence for occupational reasons	Authorised absence
U	Late and arrived after the registers closed	Unauthorised absence
V	Educational visit or trip	Approved Education Activity
W	Work experience	Approved Education Activity
X	Not required to be in school (non-compulsory school age pupils)	Not counted in possible attendances
Y	Unable to attend due to exceptional circumstances	Not counted in possible attendances
Z	Pupil not on admission register	Not counted in possible attendances
#	School closed to all pupils (Planned)	Not counted in possible attendances

Appendix 2

Hertfordshire County Council

Penalty Notices

Unauthorised Absence (Truancy)

Hertfordshire Code of Conduct

April 2019

1. Local Code of Conduct – Penalty Notices for Unauthorised Absence (Truancy)

Introduction

Section 23 of the Anti-Social Behaviour Act 2003 empowers the police, designated Local Authority Officers and Headteachers and deputy/Assistant Headteachers authorised by them to issue penalty notices in cases of unauthorised absence (truancy) of pupils of statutory age.

The government requires Local Authorities to issue a Code of Conduct to which all parties involved must adhere. Penalty notices may be issued only in accordance with the terms of the Code of Conduct.

The purposes of the Code of Conduct is to ensure that:

- The powers are applied consistently and fairly
- Duplicate notices are not issued
- Issuing a notice does not conflict with proceedings proposed or being taken by the Local Authority under section 444 of the Education Act 1996
- Suitable arrangements are in place for the administration of the penalty notice scheme.

The Law

Section 23 of the Anti-Social behaviour Act 2003 added sections 444A and 444B to section 444 of the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for that offence by paying a penalty. The Education (Penalty Notices) (England) Regulations 2007 set out the framework for the operation of the scheme.

All those defined as a parent under section 576 of the Education Act 1996 are considered to be parents for the purpose of these provisions.

As with prosecutions under section 444 of the Education Act 1996 a penalty notice may be issued to each parent liable for the offence in respect of each child.

Penalty notices apply to parents of children of compulsory school age who are registered pupils at maintained schools, academies, Pupil Referral Units (Education Support Centres), City Technology Colleges, Studio Schools, UTCs and any other alternative education provision arranged under section 19 of the Education Act 1996.

Parents cannot be prosecuted for the offence for which the penalty notice was issued until after the final deadline for payment has passed and the penalty remains unpaid. Parents cannot be convicted of that offence if the penalty is paid in accordance with the notice.

The Local Authority will retain any revenue from penalty notices to cover the administration of the scheme and any legal actions arising from it.

Rationale

Regular and punctual attendance is a legal requirement for pupils registered at schools, academies or other maintained or alternative provision.

A penalty notice may be a suitable intervention in circumstances of unauthorised absence where the school considers a parent is capable of securing their child's regular attendance. It may be particularly effective at an early stage before attendance problems become entrenched.

Circumstances in which a penalty notice may be issued

- Penalty notices may only be issued in cases of unauthorised absence
- The pupils must have at least **15 sessions** (half days) unauthorised absence in the current and/or previous term
- The school must have sent a formal warning letter to each parent separately, addressed and on school-headed paper. This must be sent by first-class post.
- The purpose of the warning letter is to give the parent the opportunity to prevent further unauthorised absence, so should be sent as soon as unauthorised absence occurs
- The formal warning letter must have been sent in the same term that the application for Penalty Notice is made.
- The school/academy/police or Local Authority Attendance Officer considers that issuing a penalty notice could avoid further absence
- Issuing a penalty notice does not conflict with any other legal action being taken
- Separate notices are issued to each parent in respect of each child
- A maximum of **two** separate penalty notices will be issued to a parent within any twelve month period
- Penalty notices will be issued for pupils of compulsory school age, up to the end of the autumn term of year 11 – this is in order to ensure sufficient time to prosecute unpaid Notices
- A penalty notice will not be issued in respect of a pupil who is looked after by the Local Authority without the prior agreement of the Attendance Team Manager on behalf of the County Lead for Attendance
- Government guidance is clear that a Penalty Notice should not be issued unless the Local Authority is prepared to prosecute if it remains unpaid. The information contained in the application will form part of the evidence in any subsequent prosecution and therefore must be fully completed. If it is not, the Local Authority may decide not to issue the Notice.

Responsibilities of the Local Authority for issuing penalty notices

Primary responsibility for issuing penalty notices rests with the Local Authority and may not be delegated. Schools, academies and the police may issue penalty notices if they wish to do so but any notices issued by them **must** comply with the Local Authority Code of Conduct and a copy of any penalty notice issued must be provided to the Local Authority.

In Hertfordshire, all parties agree that the Integrated Services for Learning Attendance Team administer the scheme and issue penalty notices on behalf of police, schools, academies and other settings to ensure fairness and consistency and in the event that subsequent legal action may need to be taken.

The Local Authority receives applications to issue penalty notices from schools, academies and the police. Penalty notices will be issued provided that:

- the circumstances of the absence meet the requirements of the Code of Conduct
- the information is provided in the specified manner

- the request is received not more than 10 school days after the final absence cited

The Local Authority retains revenue from the scheme to cover the costs of issuing and enforcing notices and prosecuting recipients who do not pay.

Appealing against the issue of penalty notices

There is no statutory right of appeal once a penalty notice has been issued. The Local Authority may withdraw a notice if it has been issued incorrectly. If the penalty notice has been issued in accordance with Hertfordshire's Code of Conduct there is no facility to overturn the decision to issue the notice.

Effect of issuing penalty notices

If the penalty is not paid in full before the expiry of the period for paying it the Local Authority named in the notice shall either institute proceedings against the recipient for the offence or shall withdraw the notice. The School/Academy will be required to provide a witness statement and must be prepared to attend court if required.

Payment of penalty notices

The amount payable is £60 (per parent) if paid within 21 days or £120 (per parent) if paid after 21 days but within 28 days of receipt of the notice.

Separate notices are issued to each parent in respect of each child.

Penalty notices are sent by first class post and are deemed to have been received on the second day after posting.

Arrangements for payment are detailed on the penalty notice and payment by cheque, postal order and by debit/credit card is accepted.

Withdrawal of penalty notices

The Local Authority may withdraw penalty notices in circumstances where it determines that the notice:

- has not been issued in accordance with the Code of Conduct
- ought not to have been issued
- ought not to have been issued to the person named as the recipient
- has not been paid but it is not appropriate to prosecute the recipient for the offence

Prosecution of unpaid penalty notices

If the notice remains unpaid after the expiry of the payment period and the Local Authority has not withdrawn the notice, the Local Authority will prosecute for the offence under section 444 of the Education Act 1996.

All decisions to prosecute (or not) rest with the Local Authority.