



## Attendance (Children) Policy

### Excellence for All

Policy reviewed/updated	September, 2024
Next update	July, 2027
Committee	Pupils & Personnel Finance & General Purposes
Executive Headteacher	Mr Ben Waldram
Chair of Governors	Mr Pete Cumberland

Revision date	Author of changes	Summary of changes
Sept, 2024	Ben Waldram	Aligned changes to fit new NCC guidelines, updated dates, removed letter appendices.
11/09/24	BW	Explained acronyms/initialisms



## Statement of intent

**School attendance is everyone's responsibility.**

Fernwood Primary and Nursery School believes that in order to facilitate teaching and learning, good attendance is essential. Pupils cannot achieve their full potential if they do not regularly attend school. We understand that barriers to attendance are complex, and that some pupils find it harder than others to attend school; therefore, we will continue to prioritise cultivating a safe and supportive environment at school, as well as strong and trusting relationships with pupils and parents.

We take a whole-school approach to securing good attendance and recognise the impact that our efforts in other areas – such as the curriculum, standards of behaviour, bullying, Special Educational Needs and/or Disabilities (SEND) support, pastoral support, and the effective use of resources such as pupil premium – can have on improving pupil attendance.

**Our target for pupil attendance is a minimum of 96%.**

We are committed to:

- Promoting and modelling high attendance and its benefits.
- Ensuring equality and fairness for all.
- Ensuring this attendance policy is clear and easily understood by staff, pupils and parents.
- Intervening early and working with other agencies to ensure the health and safety of our pupils.
- Building strong relationships with families to overcome barriers to attendance.
- Working collaboratively with other schools in the area, as well as other agencies.
- Ensuring parents follow the framework set in section 7 of the Education Act 1996, which states that the parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable to their age, ability and aptitude, and to any SEND they may have, either by regular attendance at school or otherwise.
- Regularly monitoring and analysing attendance and absence data to identify pupils or cohorts that require more support.

## 1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Equality Act 2010
- The Education (Pupil Registration) (England) Regulations 2006 (As amended)
- The Children (Performances and Activities) (England) Regulations 2014
- Children and Young Persons Act 1963
- DfE (2024) 'Working together to improve school attendance'
- DfE (2024) 'Keeping children safe in education 2024'
- DfE (2016) 'Children missing education'

*\*DfE – Department for Education*

## 2. Roles and responsibilities

**The governing body has overall responsibility for:**

- Monitoring the implementation of this policy and all relevant procedures across the school.
- Promoting the importance of good attendance through the school's ethos and policies.
- Working with the Senior Leadership Team (SLT) to set goals for attendance and providing support and challenge around delivery against those goals.
- Regularly reviewing attendance data.
- Sharing effective practice on attendance management and improvement across schools.
- Ensuring that this policy, as written, does not discriminate on any grounds, including, but not limited to, ethnicity/national origin, culture, religion, gender, disability or sexual orientation.
- Handling complaints regarding this policy as outlined in the school's Complaints Procedures Policy.
- Having regard to 'Keeping Children Safe in Education' when making arrangements to safeguard and promote the welfare of children.

**The Executive Headteacher is responsible for:**

- The day-to-day implementation and management of this policy and all relevant procedures across the school.
- Appointing a member of the SLT to be an 'Attendance Champion'.
- Ensuring all parents are aware of the school's attendance expectations and procedures.
- Ensuring that every pupil has access to full-time education and will act as early as possible to address patterns of absence.

**Staff are responsible for:**

- Following this policy and ensuring pupils do so too.
- Ensuring this policy is implemented fairly and consistently.
- Modelling good attendance behaviour.
- Using their professional judgement and knowledge of individual pupils to inform decisions as to whether any welfare concerns should be escalated.
- Where designated, taking the attendance register at the relevant times during the school day.



- Form positive relationships with families and build trust between school and home.
- Ensuring that children feel safe and happy to attend school

**The attendance team is responsible for:**

- The overall strategic approach to attendance in school.
- Developing a clear vision for improving attendance.
- Monitoring attendance and the impact of interventions.
- Analysing attendance data and identifying areas of intervention and improvement.
- Communicating with pupils and parents with regard to attendance.
- Following up on incidents of persistent poor attendance.
- Informing the Local Authority (LA) of any pupil being deleted from the admission and attendance registers.
- Assisting parents and pupils with problems which may affect school attendance
- Referring to other agencies where there are specific needs and concerns.

**Pupils are responsible for:**

- Recognising they have to attend school.
- Attending their lessons and any agreed activities when at school.

**Parents are responsible for:**

- Bringing their children to school on a regular basis and for them to be prepared for their day when they arrive.
- Arriving on time.
- Promoting good attendance with their children.
- Providing accurate and up-to-date contact details.
- Providing the school with more than one emergency contact number.
- Updating the school if their details change.

**Education Welfare Service are responsible for:**

- Providing a communication link between school and the LA
- Helping parents to understand their legal responsibilities and rights within the Education system.
- Advising parents who to contact within the LA for specialised assistance.
- Liaising with identified school staff.
- Undertaking home visits, either pre-arranged or without notice as considered necessary on receipt of a detailed referral.
- Instigating legal proceedings on behalf of the LA including parental prosecutions in the Magistrates' Court and if deemed appropriate, apply for Education Supervision Orders through the Family Court.
- Planning and reviewing casework.
- Providing feedback to schools.
- Offering strategic/policy advice, support and training in relation to matters of attendance and absence from school.



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- Working together with schools in the management and promotion of improving school attendance.
- Advise and support schools in the use of penalty notices and parenting contracts within the provisions of the Anti-Social Behaviour Act 2003.
- Hold termly targeted support meetings.

### 3. Definitions

The following definitions apply for the purposes of this policy:

#### **Absence:**

- Arrival at school after the register has closed.
- Not attending school for any reason.

#### **Authorised absence:**

- An absence for sickness for which the school has granted leave.
- Medical or dental appointments which unavoidably fall during school time, for which the school has granted leave.
- Religious or cultural observances for which the school has granted leave.
- An absence due to a family emergency (Evidence will be required).

#### **Unauthorised absence:**

- Parents keeping children off school unnecessarily and/or without an authorised reason
- Absences which have never been explained
- Arrival at school after the register has closed
- Absence due to shopping, looking after other children or birthdays etc.
- Absence due to day trips and holidays in term-time which have not been agreed
- Leaving school for no reason during the day

#### **Persistent absence (PA):**

- Missing 10% or more of schooling across the year for any reason

#### **Severely Absent (SA)**

- Missing 50% or more of schooling across the year for any reason

### 4. Attendance expectations

The school has high expectations for pupils' attendance and punctuality and ensures that these expectations are communicated regularly to parents and pupils.

Pupils will be expected to attend school punctually every day they are required to be at school, for the full day.

Children should arrive and be in their class at the times show below.

Registers will be taken as follows throughout the school day:

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### Foundation 2 (Reception), KS1(Infants) and our Lighthouse Pupils

Pupils are expected to be in their classroom by 8:50am when their school day starts.

Children can arrive between 8:40 and 8:50am.

**Morning register will be taken at 8:50am.** If a child arrives in class after this time they will receive a late mark (L).

If a child arrives 20 minutes or more after this, at 9:10am or later they will receive a (U) code signifying they have arrived after the register has closed, this is an unauthorised absence for the morning session.

The afternoon register will be taken at **1:00pm** for F2 pupils and **1:15pm** for KS1 (Y1&2) and the Lighthouse. Registers close after 20 minutes.

### KS2 (Juniors) Pupils

Pupils are expected to be in their classroom by 8:45am when their school day starts.

Children can arrive between 8:35 and 8:45am.

**Morning register will be taken at 8:45am.** If a child arrives in class after this time they will receive a late mark (L).

If a child arrives 20 minutes or more after this, at 9:05am or later they will receive a (U) code signifying they have arrived after the register has closed, this is an unauthorised absence for the morning session.

The afternoon register will be taken at **1:15pm** for Lower KS2 (Y3 & Y4) pupils and **1:30pm** for Upper KS2 (Y5 & Y6). Registers close after 20 minutes.

## 5. Absence procedures

### Illness and other legitimate reasons.

Parents will be required to contact the school office via telephone, text message, email or via the Arbor app on the first day and each subsequent day of absence thereafter of their child's absence – they will be expected to provide an explanation for the absence and an estimation of how long the absence will last, e.g. one school day.

The school will decide in all cases whether to authorise an absence on the basis of the evidence available.

### Holidays in term time (family holidays)

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 state that schools can no longer grant any leave of absence during term time unless there are exceptional circumstances.

If families, choose to take their child out of school during term time for an unauthorised holiday/leave of absence they may be referred to Education Welfare for a penalty notice to be issued. The guidance around penalty notices has changed for 2024 and there is an increase in the fine with a more severe penalty for a third offence (see Appendix 2)

- Penalty notices are issued per-parent-per-child. They are £160 which is reduced to £80 per-parent-per-child if paid within 21 days. For a second offence, the fine will be £160 per-parent-per-child with no opportunity to reduce the fee if paid in time. For a third offence, there will be no penalty. Instead, the case will be presented to the Magistrates' Court where a fine of



£2500 per-parent-per-child and a notice on the parent's DBS (Disclosure and Baring Service) can be issued. If the penalty notice remains unpaid then the Local Authority may instigate legal proceedings against you under section 444(1) of the Education Act 1996. If found guilty of this offence you could be fined up to £1000

- A referral will be made for a Penalty Notice to be issued if the school is informed or suspect that a family has been on holiday whilst suggesting to the school another reason of absence. It will be up to the family to prove that they have not taken a family holiday.
- Children/young people taken out of school for a holiday will have the non-attendance recorded as an unauthorised absence 'G' code
- A child or young person who does not return to school at the end of the recorded unauthorised holiday date will initially be subject to enquiries being made by the school.
- If after ten days of the expected return date, the child/young person has still not returned to school, a referral will be made to the Education Welfare Service for further enquiries to be made.
- Following the above information, if a parent/carer still intends to take their child on holiday during term time, they have a duty to inform the school of this action and give at least 6 weeks' notice of the event
- Parent/carers should e-mail the school office with details of the absence [admin@fernwoodprimary.co.uk](mailto:admin@fernwoodprimary.co.uk) or complete the 'Leave of Absence' form (Appendix 1).

### Responding to non-attendance

The following actions may be applied when addressing concerns around non-attendance to all pupils:

- A 'School Comms' text/email will be sent out, followed by a telephone call if contact is not made by the parent.
- Failure to inform the school of reasons of absence will result in an unauthorised absence being recorded. A second text message will be sent explaining this.
- If face-to-face or telephone contact appears to be deliberately avoided, we will, as a school, consider unannounced home visits
- Any child, who is absent for more than 3 days, is required to bring in medical evidence as proof of illness. Failure to inform the school of a child's reason of absence may result in a home visit from a member of our Attendance Team
- The Attendance Champion could contact parents if a child has 3 days of absence within a half-term to discuss if there are any problems or concerns that they could support with. These 3 days do not have to be consecutive but should also give parents more of an insight into gaps in learning and the knock-on effect these days can have.
- Pupil attendance is reviewed every week.

### Persistent Absentees

All pupils with an attendance rate of **90%** and below are considered as persistent absentees and will be closely monitored. The following actions are highly probable for such cases:

- A letter will be sent out to inform parents of the actions if their child's attendance remains or continues to fall below 90%.



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- Further absences will be unauthorised unless one of the following is shown to school: a medical certificate, a letter from a medical practitioner, dated prescribed medication or an appointment slip/text message.
- Parents/carers will be invited to attend an attendance clinic in school if there is little or no improvement in their child's attendance. This may require parents to work alongside our Family Support Worker to improve their child's attendance and routines.
- An Attendance Improvement Plan will be put in place and reviewed. Copy will be given to parents.
- Parents/carers will be invited to attend a formal review with our Head of School and Education Welfare Officer if attendance shows no improvement.
- A formal request for intervention will be made to the Education Welfare Service for legal action to be considered.
- For any child whose attendance falls below 60% - agencies will take full account of all that is known about the child and consider completing a Multi-Agency Referral Form (MARF) for additional support from Children's Social Care.
- Whenever possible, the school's Attendance Leads and/or Family Support Worker will offer support and guidance to avoid poor attendance levels. Looking at alternative support to help avoid those external barriers preventing a parent from bringing a child to school.

### **Lateness**

Registration periods last for 20 minutes after which time the register will close. Any pupil arriving after the start time, but within the twenty minutes will be recorded as an 'L' code which signifies late.

Any pupil arriving after the 20 minutes will be recorded as 'U' code which signifies that they arrived after the official close of the register, which denotes an unauthorised absence.

Issues relating to punctuality will initially be addressed with the parents/carers in the following ways:

- If this occurs for 3 occasions, a call could be made by the Attendance Champion to parents to discuss
- If no improvement is made, parents will be informed that we will monitor lateness with U codes
- If there is still no improvement, formal meetings in school will be arranged where attendance targets will be agreed.
- If The Local Authority will be asked to issue a Penalty Notice on the school's behalf for any pupil registered late (recorded as U) 10 sessions or more in a six-week period.
- The school may request that a Penalty Notice is issued where there has been persistently lateness that results in unauthorised absences being recorded.

### **Safeguarding/leave of absence in term time/extended leave of absence**

Any safeguarding issues pertaining to a child being taken out of school in circumstances that cause concern will be addressed directly to the Social Care Duty Team via a Multi-Agency Referral Form (MARF).

Any child who is marked as an unauthorised absence for more than 20 school days will be referred to the Children Missing Education (CME) team after all relevant checks made by school.

### **Children Missing Education (CME)**

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Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Staff should be aware of their school's unauthorised absence and children missing from education procedures and Attendance Policy:

- Parents are expected to contact school on the first day of absence and each day thereafter
- School will contact parents if no reason of absence has been given to school, initially by School. Comms text, if there are attendance, welfare or safeguarding concerns this will also include a telephone call.
- School Comms text and phone call if no contact has been made, on the previous day, additional emergency contact numbers will also be called.
- Potential home visit if no contact is made, and contact made with any additional agencies who are working with the family (who may be in a better position to visit the family).
- Referral to CME if information is gained that the family have moved out of area.
- Referral to CME if child has not returned after 10 days with no contact from the family after efforts made by school, if we believe the child should or may be removed from roll whether the onward school is known or not.
- The Children Missing Education (CME) Officer within the Education Welfare Service will work closely with the school to try to identify the child's current whereabouts/destination.
- Both parties will then agree an appropriate time and category to remove the child from the school roll. This includes those children and young people who are expected to move swiftly into appropriate provision; this is in line with The Education (Pupil Registration) (England) (Amendment) Regulations 2016.
- After 20 school days of absence and efforts by both the school and CME to find the child prove unsuccessful, the CME Officer will consult the school to discuss whether to remove their name from the school roll. The final decision about removal from a school roll remains with the Executive Headteacher following consultation with the Local Authority via CME
- The school will create a 'lost pupil' record on the national Lost Pupil's Database School to School (s2s) to assist future schools and Children Missing from Education Officers to identify and locate children
- It is the duty of both the Education Welfare Service and school to collaborate in finding the pupil before deleting them from the register
- For further information please contact the CME Officers directly – [cme.educationwelfare@nottinghamcity.gov.uk](mailto:cme.educationwelfare@nottinghamcity.gov.uk)

## **6. Attendance register**

The school uses Arbor to keep attendance registers to ensure they are as accurate as possible and can be easily analysed and shared with the appropriate authorities.

Designated staff members will take the attendance register at the start of each school day and at the start of the afternoon session. This register will record whether pupils are:

- Present.
- Absent.
- Attending an approved educational visit.



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- Unable to attend due to exceptional circumstances.

When the school has planned in advance to be fully or partially closed, the code '#' will be used for the relevant pupils who are absent. This code will also be used to record year groups who are not due to attend because the school has set different term dates for different years, e.g. induction days.

All amendments made to the attendance register will include the original entry, the amended entry, the reason for the amendment, the date of amendment and the name and role of the person who made the amendment.

Every entry received into the attendance register will be preserved for three years.

### **7. Authorising parental absence requests**

#### **Leave of absence**

At Fernwood Primary and Nursery School we request that all applications for leave of absence must be made 6 weeks in advance by the parents/carers or corporate parent that the pupil normally resides with. We request that a Leave of Absence form (see Appendix 1) and a conversation with the attendance team be completed. Then, a written response will be provided.

Any leave of absence granted by the school is recorded as authorised absence using the appropriate national code. Periods that are refused are recorded as unauthorised absences. At Fernwood Primary and Nursery School, when considering such requests, we take into account the following:

- Circumstances of the request.
- Purpose of the leave.
- The pupil's general absence/attendance record over the last twelve months.
- The amount of time requested.
- Length of the proposed leave.
- The proximity to the Y1 Phonics Screening Check and SATs (national assessments at the end of KS2).
- General welfare of the pupil.

As mentioned, such requests receive a response in writing that addresses the following points:

- The expected date of return.
- That the parents are expected to contact the school if anything delays the pupil returning to school when expected.
- What action will be taken if the pupil fails to return when expected.
- Additional family contact numbers/email addresses.

A letter will be sent out should a request be refused. This will state what action will be taken if the parents/carers ignore the refusal and keep their child away; (Appendix 2) with a follow up letter after their return stating that a referral will be made to the Education Welfare Service for a request for service and/or a penalty notice to be issued (Appendix 3)

#### **Healthcare appointments**

Parents will be expected to make medical or dental appointments outside of school hours wherever possible. Where this is not possible and appointments need to be made during school hours, parents will be expected to provide proof of appointments (appointment cards, letters, texts, emails etc.) to obtain approval for their child's absence to attend such appointment. Parents will be responsible for ensuring their child misses only the amount of time necessary to attend the appointment.

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### Religious observance

Parents will be expected to request absence for religious observance at least two weeks' in advance. In Nottingham city one day for each religious festival should be counted as authorised absence. The Pupil Regulations 2006 state that absence for religious observance should be treated as authorised (absence) '*on a day exclusively set apart for religious observance by the religious body to which the parent belongs*'. Additional days off for shopping or for extended celebrations should be treated as unauthorised absence.

In respect of pilgrimages, school may request to see copies of visas. Dates of return should also be agreed prior to the period of leave.

### 8. SEND- and health-related absences

Fernwood Primary and Nursery School recognises that pupils with SEND and/or health conditions, including mental health issues, may face greater barriers to attendance than their peers, and will incorporate robust procedures to support pupils who find attending school difficult.

The school will ensure that reasonable adjustments are made for disabled pupils to reduce barriers to attendance, in line with any EHC (Education Health Care) plans or IHPs (Individual Health Plan) that have been implemented. The school will secure additional support from external partners to help bolster attendance where appropriate.

Where the school has concerns that a pupil's non-attendance may be related to mental health issues, parents will be contacted to discuss the issue and whether there are any contributory factors to their child's lack of attendance. Where staff have a mental health concern about a pupil that is also a safeguarding concern, they will inform the DSL (Designated Safeguarding Lead) and the Child Protection and Safeguarding Policy will be followed.

### Managing absences of pupils with health care needs

- Parents are advised to contact the school on the first day their child is unable to attend due to illness.
- Absences of pupils with health care needs will not be authorised unless the family has had prior discussion with school staff about the challenges and difficulties presented by their child's needs; this will enable school to understand the context and complexity of their child's additional health care needs. Fernwood Primary and Nursery School is committed to supporting all children regardless of their needs and is very much interested in offering support, guidance and referral to the relevant agencies.
- Absences of known pupils due to health needs will be authorised (using the relevant codes) unless the school has genuine cause for concern which will trigger attendance and/or safeguarding procedures.
- The school will continue to provide support to pupils who are absent from school because of health needs by liaising with the pupil's parents to arrange schoolwork as soon as the pupil is able to cope with it and if available facilitate online access to the curriculum from home.
- To help ensure a pupil with additional health needs is able to attend school following an extended period of absence, a personalised or part-time timetable will be considered. Agreed periods of absence due to a part-time education timetable will be recorded with a C code for pupils of compulsory school age and an X code for non-compulsory school aged pupils.



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The school will incorporate an action plan to help any pupils with SEND and/or health issues cope with the stress and anxiety that attending school may cause them. Such plans will be regularly monitored and reviewed until the pupil is attending school as normal and there has been signs of significant improvement.

To support the attendance of pupils with SEND and/or health issues, the school will consider:

- Holding termly meetings to evaluate any implemented reasonable adjustments.
- Incorporating a pastoral support plan.
- Carrying out strengths and difficulties questionnaire.
- Identifying pupils' unmet needs through the Early Help Assessment
- Using an internal or external specialist.
- Enabling a pupil to have a reduced timetable for a limited time.
- Ensuring a pupil can have somewhere quiet to spend lunch and break times.
- Implementing a system whereby pupils can request to leave a classroom if they feel they need time out.
- Temporary late starts or early finishes.
- Phased returns to school where there has been a long absence.
- Small group work or on-to-one lessons.
- Tailored support to meet their individual needs.

### **9. Working with parents to improve attendance**

The school will work to cultivate strong, respectful relationships with parents and families to ensure their trust and engagement. Open and honest communication will be maintained with pupils and their families about the expectations of school life, attendance and performance so that they understand what to expect and what is expected of them. The school will liaise with other agencies working with pupils and their families to support attendance, e.g. social services.

The school will ensure that there are two sets of emergency contact details for each pupil wherever possible to ensure the school has additional options for getting in touch with adults responsible for a pupil where the pupil is absent without notification or authorisation.

The school will ensure that parents are aware of their legal duty to ensure that their child attends school regularly and to facilitate their child's legal right to a full-time education – parents will be made aware that this means their child must attend school every day that it is open, save for in certain circumstances, e.g. sickness or absences that have been authorised by the Executive Headteacher in advance. The school will regularly inform parents about their child's levels of attendance, absence and punctuality, and will ensure that parents are aware of the benefits that regular attendance at school can have for their child educationally, socially and developmentally.

If a pattern of absence becomes problematic, the attendance team will work collaboratively with the pupil and their parents to improve attendance by addressing the specific barriers that prevent the pupil from being able to attend school regularly. The school will always take into consideration the sensitivity of some of the reasons for pupil absence and will approach families to offer support rather than immediately reach for punitive approaches.

Where these barriers are related to the pupil's experience in school, e.g. bullying, the attendance team will work with the Executive Headteacher and any relevant school staff, e.g. the DSL and SENCO (Special Educational Needs Co-ordinator), to address this. Where the barriers are outside of the

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school's control, e.g. they are related to issues within the pupil's family, the attendance team will liaise with any relevant external agencies or authorities, e.g. children's social care or the LA, and will encourage parents to access support that they may need.

### **Appendices**

- Nottingham City Council Code of Conduct in Relation to Penalty Notices

1. Request for Term Time absence form to be completed online
2. Nottingham City FPN changes



## NOTTINGHAM CITY COUNCIL CODE OF CONDUCT IN RELATION TO PENALTY NOTICES

### 1. Rationale

1.1 Regular and punctual attendance of pupils at school is a legal requirement. Under section 7 of the Education Act 1996 parents are responsible for ensuring the efficient fulltime education according to the child's age, ability, and aptitude and to any special needs the child may have for all compulsory school age children. The Education Welfare and EOTAS Service (EW & EOTAS – Education Other Than At School – Service) will investigate cases of irregular school attendance by undertaking casework and, where appropriate, instigate legal action under the Education Act 1996 for unauthorised absence.

1.2 This Code of Conduct will govern all Penalty Notices issued in respect of children of compulsory school age who are registered at a maintained school, a Pupil Referral Unit, an Academy, A City Technology College, a City College for the Technology of the Arts, Free Schools, and those attending alternative provision within the jurisdiction of Nottingham City Council, hence referred to as the LA (Local Authority). The term 'school' will apply to those establishments listed above.

1.3 The purpose of the code is to ensure that Penalty Notices are issued consistently and fairly across the LA. The issuing of Penalty Notices will be administered by the EW & EOTAS Service to ensure independence, proportionality, and fairness regarding compliance with the law and regulations and that the provisions of this code do not conflict with other forms of statutory intervention pursued by the EW & EOTAS Service.

### 2. Guidance and Legislation

2.1 The Anti-Social Behaviour Act 2003, Section 23, Sub-Section (1) adds two new Sections (444A and 444B) to Section 444 of the Education act 1996.

The Act empowers designated LA Officers, Head Teachers (and Deputy/Assistant Head Teachers authorised by them) and the Police, Community Support Officers and accredited persons to issue Penalty Notices. These Sections enable Penalty Notices to be issued as an alternative to prosecution under Section 444(1) Education Act 1996 and enable parents to discharge liability for conviction for that offence by paying the penalty.

2.2 The Education (Penalty Notices) (England) (Amendment) Regulations 2013 amended the Education (Penalty Notices) (England) Regulations 2007 to the effect that leave of



absence should only be granted where the application for leave has been made in advance and there are exceptional circumstances for the leave.

2.3 From 19<sup>th</sup> August 2024, the National Framework for Penalty Notices, (National Framework) introduces the following

- increased the payment for penalty notices from £120 to £160 if paid within 28 days, and £60 to £80 if paid within 21 days.
- A national threshold for when a penalty notice must be considered of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. These absences can be a combination of all forms of unauthorised absence. Penalty Notices can be issued outside this threshold if it considered that the parent is avoiding triggering the threshold.
- The option of using a Notice to Improve where support is appropriate but not working or being engaged with, giving the parent a final opportunity to engage in support before they are issued with a penalty notice.
- An escalation whereby, any if a second penalty notice is issued to the same parent for the same child within a rolling 3 year period, the parent will be charged at a higher rate of £160 with no option for this second offence to be discharged at the lower rate of £80.
- A maximum of 2 penalty notices can be issued to a parent for the same child within a rolling 3 year period, so at the 3<sup>rd</sup> (or subsequent) offence(s) another tool will need to be considered (such as prosecution or one of the other attendance legal interventions).
- The Local Authority retains the right to refer the matter straight to Court if a Penalty Notice is not deemed appropriate.

2.4 In relation to exclusions, The Education and Inspections Act 2006 section 103 places a duty on parents in relation to an excluded pupil to ensure that their child is not present in a public place during the first five days and school hours without reasonable justification. This criterion applies to each and every fixed term or permanent exclusion. These days are known as the 'specified days of exclusion.' Under section, 104 schools must notify parents in writing that they are responsible for the child during these days. Section 105 allows for a Penalty Notice to be issued to a parent guilty of an offence under section 103(3)

- School hours are defined 'as school session or the break between sessions on the same day'
- Public place means any highway or other public place to which the public have access
- Unless reasonable justification is provided by the parent prior to the issuing of a Penalty Notice. A justification which is reasonable will depend on points of fact and proof and is a matter for the Court.



2.5 The parent is liable for a Penalty Notice if they fail to ensure the attendance of a child at the alternative provision following permanent exclusion.

2.6 Within this Code of Conduct, a parent is as defined in Section 576 Education Act 1996.

### 3. Procedures for Issuing Penalty Notices

3.1. The EW & EOTAS Service will consider requests for service and determine the appropriate response based on the evidence provided, the level of unauthorised absence and previous involvement. The decision to request a Penalty Notice may be discussed at Targeted Support Meetings and/or with the school link EWO. The decision to issue a Penalty Notice will be made on a case-by-case basis. When requesting Penalty Notices, Schools should adopt the DfE guidance 'Working together to improve school attendance' and follow the National Framework demonstrating why a penalty notice is the appropriate method to improve attendance. When the threshold is met, schools should make an assessment on a case-by-case basis whether a penalty notice can and should be requested. The following should be considered:

- if support or further support is appropriate instead, and
- whether there is a different tool or legal intervention that is more likely to improve attendance in this particular case and demonstrate why a penalty notice is the appropriate method to improve attendance.

Support is specific to the child and family and is any activity intended to address the barriers to attendance and improve the child's attendance. For example correspondence, meetings, additional support within school (e.g. learning support, change to class, tutor group, changes to timetable, support with uniform etc) multi-agency meetings referrals to relevant support agencies, parenting contracts, transport provision etc. This is not an exhaustive list.

3.2 Parents will have been warned in writing before a Penalty Notice is issued. The warning will be in the form of a Notice to Improve, they should be tailored to the specific needs of the family, not generic documents and include the following

- a. The pupil's attendance record and details of the offence(s)
- b. The benefits of regular attendance and parents' duty under section 7 of the Education Act 1996
- c. Support/opportunities for support provided so far
- d. Opportunities for further support and the option to access previously provided support that was not engaged with if appropriate
- e. The risk of a penalty notice being issued, or prosecution considered if improvement is not secured within the improvement period



- f. A clear timeframe for the improvement period of between 3 and 6 weeks. If required, the review period can be extended up to the 6-week limit. Penalty Notices can be issued at any time during the review period if there is no improvement in attendance or the parent is not complying with the support
- g. Details of what sufficient improvement within that timeframe will look like in the case (e.g. no further offences within a certain timeframe or attendance improved within a certain timeframe)
- h. The grounds on which a penalty notice may be issued before the end of the improvement period.

A Notice to Improve is not required in all cases e.g. for an unagreed holiday, if recently issued for similar offence or will have no impact to change behaviour.

3.3 In relation to Penalty Notices for exclusions or Truancy Patrols, the parent will be given the opportunity to provide a reason for the child being seen in a public place. The National Framework does not apply to pupils stopped on Truancy Patrols or the child is seen in a public place while excluded.

3.4 No parent will receive more than three Penalty Notices resulting from the unauthorised absence of an individual child in any three-year period. Should the parent receive a second Penalty Notice for the same child within the three-year period, the charge will be £160 with no option of early payment reduction. If a third Penalty Notice is requested, the Local Authority should decide on the appropriate legal action. The three year rolling period ends three years after the first Penalty Notice date. It is unlikely that further Penalty Notices are the appropriate response as they have already been issued and have not acted as a deterrent

3.5 Penalty Notices will only be issued subject to the approval of the Service Manager or Legal Intervention Officers.

3.6 Penalty Notices will always be issued by first class post unless it is deemed appropriate to hand deliver the Penalty Notice.

3.7 The collection of payments and issuing of receipts will be administered by the Local Authority.

#### 4 [Circumstances for Issuing a Penalty Notice](#)

4.1 Penalty Notices can be issued for

- 10 sessions or more in a 10-week period of unauthorised absence (all forms of unauthorised absence)
- Unagreed leave for holiday or unagreed leave of absence.
- A request for service following a non-compliance with a Deferred Prosecution Notice
- A request for service following a non-compliance with an Advisory Notice
- Excluded pupil failing to attend provision after the fifth day of exclusion



- Excluded pupil seen in a public place within the first five days of the exclusion
- Pupil stopped on a Truancy Patrol on more than one occasion during a three-month period
- On behalf of neighbouring Local Authorities
- When a child moves into the local area, check must be made with the previous local authority whether, and when, any penalty notices were issued as this count towards the total number of penalty notices in a rolling three-year period. Queries to other local authorities must be sent from the cross-border email

[crossborder.penaltynotice@nottinghamcity.gov.uk](mailto:crossborder.penaltynotice@nottinghamcity.gov.uk)

- 4.2 In the case of unagreed leave of absence, Penalty Notices will be issued if
- There have been at least 10 consecutive school sessions of unauthorised absence or
  - The unagreed leave of absence immediately precedes, or is attached to, a school closure (e.g. school holidays/INSET/school closure etc.) or any form of absence. There must be a minimum of 8 unauthorised absences or,
  - There are several unagreed absences which do not meet the national threshold
- 4.3 Unagreed leave of absence is where the school has either not received a reason for absence or the reason given is unacceptable. It is the Head Teacher who determines whether or not the absence is authorised.

## 5 Withdrawing a Penalty Notice

- 5.1 A Penalty Notice may be withdrawn by the Local Authority in any case the authority determines that:
- It has not been issued in accordance with the Code of Conduct
  - It has been issued to the wrong person.
  - It contains material errors
  - Where the LA decide not to prosecute the offence

## 6 Payment of Penalty Notices

- 6.1 Non-payment of the Penalty Notice must result in the consideration of prosecution under section 444(1) Education Act 1996. The fact that a Penalty Notice was issued and unpaid can be used as evidence in the prosecution case.
- 6.2 There is no mechanism to pay by instalments or to appeal the issuing of a Penalty Notice.
- 6.3 Revenue generated from the Penalty Notices will be used to cover the costs



of issuing and enforcing notices or the cost of prosecuting parents who do not pay. The National Framework enables Penalty Notice revenue to be used for attendance support, this is defined as any activity intended to improve attendance, not including a penalty notice or prosecution, in line with the Working together to improve school attendance guidance.

## 7 Administration of the Penalty Notice Scheme

7.1 The Penalty Notice Scheme will be administered by the EW and EOTAS Service with support from the Finance Department.

7.2 Any person authorised to issue a Penalty Notice shall only do so in accordance with this code of conduct

This Code of Conduct will be regularly reviewed and developed in accordance with DfE guidance, legislation, case law and local circumstances.

To be reviewed annually.

Last reviewed: 19<sup>th</sup> June 2024

Next review date: on or before 1<sup>st</sup> September 2025



## *Fernwood Primary and Nursery School – Excellence for All*

### Appendix 1

Request form Term Time Absence Form – Online

#### REQUEST FOR TERM TIME ABSENCE - FERNWOOD PRIMARY & NURSERY SCHOOL – ONLINE FORM

Application must be completed by parent/carer with whom the child normally resides.

Term time absence requests must be made 6 weeks in advance.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 state that schools can no longer grant any leave of absence during term time unless there are exceptional circumstances.

If families, choose to take their child out of school during term time for an unauthorised holiday/leave of absence they will be referred to Education Welfare for a penalty notice to be issued. Please refer to the school attendance policy for further details.

In the case of unagreed leave (unauthorised absence), Penalty Notices will be issued if there have been at least 10 consecutive school sessions of unauthorised absence (**5 school days**) or the unagreed leave of absence immediately precedes, or is attached to, an INSET day or any form of absence.

Penalty notices are issued per-parent-per-child. They are £160 which is reduced to £80 per-parent-per-child if paid within 21 days. For a second offence, the fine will be £160 per-parent-per-child with no opportunity to reduce the fee if paid in time. For a third offence, there will be no penalty. Instead, the case will be presented to the Magistrates’ Court where a fine of £2500 per-parent-per-child and a notice on the parent’s DBS (Disclosure and Baring Service) can be issued. If the penalty notice remains unpaid then the Local Authority may instigate legal proceedings against you under section 444(1) of the Education Act 1996. If found guilty of this offence you could be fined up to £1000

Child’s Name	
Class	
Sibling details	
Name of parent making application	
Relationship to child/ren	
Home address	
E-mail address	
First day of absence	
Return date to school	
Total number of days of school absence	
<u>Reason of absence</u> - please provide details/reason in the box below for request of term time absence for your child/children. (Additional supporting	

*Friendship • Respect • Inclusion • Enthusiasm • Nurture • Determination*



documents relating to exceptional circumstances should be e-mailed to <a href="mailto:admin@fernwoodprimary.co.uk">admin@fernwoodprimary.co.uk</a> within 2 days of submission of this form)	
Supporting documents expected	
<b>Employer details</b> - Name, address and telephone number of your or your partners employer if absence request is due to work commitments/limitations from your employer to take leave during school holidays. Please e-mail a letter confirming this from your employer to <a href="mailto:admin@fernwoodprimary.co.uk">admin@fernwoodprimary.co.uk</a>	
Employer letter expected	

**Additional Factors for Consideration**

Any leave of absence granted by the school is recorded as authorised absence using the appropriate national code. Periods that are refused are recorded as unauthorised absences (unagreed leave). When considering such requests we take into account the following:

- Circumstances of the request
- Purpose of the leave
- The pupil’s general absence/attendance record over the last twelve months
- The amount of time requested
- Length of the proposed leave
- The proximity to SATs
- General welfare of the pupil

Parents are expected to contact the school if anything delays the pupil returning to school when expected.

Once we have received your request for term time absence we will respond to you in writing confirming if the request has been granted or not.



## Penalty Notice Fines for School Attendance are Changing!

With the introduction of The National Framework for Penalty Notices, the following changes will come into force for Penalty Notice fines issued after 19<sup>th</sup> August 2024

Per Parent, Per Child	First Offence
Penalty Notice fines will now be issued to each parent, for each child that was absent. For example: 3 siblings absent for term time leave, would result in each parent receiving 3 separate fines.	The first time a Penalty Notice is issued for Term Time leave of irregular attendance the amount will be: £160 per parent, per child if paid within 28 days. Reduced to £80 per parent, per child if paid within 21 days

5 consecutive days of term time leave
Penalty Notice Fines will be issued for Term Time leave of 5 or more consecutive days, inset training days are school days and can be included in the 5 or more consecutive days where there was intent to be absent for term time leave.
10 sessions of unauthorised absence in a 10-week period
Penalty Notice fines will be considered when there have been 10 sessions of unauthorised absence in a 10-week period

Second Offence (Within 3 years)
The second time a Penalty Notice is issued for Term Time leave or irregular attendance the amount will be £160 per parent, per child paid within 28 days

Third Offence and Any Further Offences (within 3 years)
The third time an offence is committed for Term Time leave or irregular attendance a Penalty Notice will not be issued, and the case will be presented straight to the Magistrates' Court. Magistrates' fines can be up to £2500 per parent, per child Cases found guilty in Magistrates' Court can show on the parents future DBS certificate, due to a 'failure to safeguard a child's education'.