Policy name:	Attendance at The Mead Primary School
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Date written:	25 January 2024 Updated in line with ‘Working together to improve school attendance’ August 2024
Next review date:	25 January 2027

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Rationale

At The Mead Primary School we believe there are three main reasons why we should strive for maximum attendance and punctuality:

- Education prepares children for life, is precious and is a right to which every child is entitled, regular attendance ensures that children have access to this.
- Every lesson in school is important in ensuring that our children achieve their potential
- Attendance and punctuality are valuable life skills

We understand that regular school attendance is the key to enabling children and young people to maximise the educational opportunities available to them and become emotionally resilient, confident adults who are able to realise their full potential and make a positive contribution to their community. We are committed to providing high quality, engaging experiences and learning opportunities which enable all pupils, no matter what their strengths, to achieve their potential. In every lesson, every day, we aim to develop pupils' skills and understanding, carefully building on their prior knowledge and giving them the tools to succeed. Absence from any one of these lessons or experiences can cause anxiety for the child, as they feel that they have fallen behind, and may have an impact on a child's ability to succeed in the task that has been set. Frequent absence, or absence for blocks of time, will have a long-lasting effect through the learning 'gaps' that are created in a child's understanding.

School is the foundation for preparing children and young people for life as adults. At our school we believe that attendance and punctuality are life skills which demonstrate an individual to be reliable, responsible and organised. It is the responsibility of the school and parents in partnership to prepare our children for the future and we believe that attitudes to attendance and punctuality developed at school will resonate throughout our children's life and chosen careers. The school is committed to equality of opportunity for all its pupils and will work alongside pupils and parents to enable all children to maximise their attendance and their access to the curriculum.

This policy represents our commitment to support pupils to achieve 100% attendance. It sets out the principles, procedures and practice the school will undertake alongside strategies to improve attendance and rewards and benefits of good attendance. The sanctions and possible legal consequences of poor attendance and punctuality are also detailed.

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

The National Audit Office

Aims of this policy

This policy aims to:

- Ensure that children and young people make the best use of their educational opportunities by attending school regularly, punctually and in a state of readiness for learning
- Set out the legal framework and to explain the roles and responsibilities of the Local Authority (LA) and the Education Welfare Service (EWS)

- Ensure that everyone within the school community understands their responsibilities in promoting excellent attendance and punctuality
- Establish a consistent framework to improve attendance for all pupils
- Outline procedures for parents when absence is unavoidable
- Outline procedures for parents when requesting an 'authorised absence'
- Outline procedures for the school when absence is not explained
- Outline procedures for the school when a child's attendance / lateness is a cause for concern

The legal framework

- This policy is written in the light of guidance from the DfE 'Working Together To Improve School Attendance' (February 2024) which in turn is informed by national legislation and therefore reflects the school's statutory duties. It also reflects the guidance contained in the Wiltshire LA Attendance Policy (revised August 2022)
- The school recognises the responsibilities of the Educational Welfare Service and supports them in the discharging of the statutory duty of the Local Authority in respect of non-attendance at school
- Under section 7 of the Education Act 1996, parents must ensure their children are educated. For most parents/carers this means registering their child at a school and ensuring their regular attendance. Failure to do so can result in the issue of a Penalty Notice or being prosecuted
- By law schools are required to:
    - Take an attendance register twice a day: at the start of the morning session and once during the afternoon
    - Report to the LA pupils who fail to attend regularly or who are absent for ten consecutive school days or more without known reason
- By law the attendance register must show for every session, whether a pupil is present, absent, attending approved educational activity or unable to attend due to exceptional circumstances
- DfE guidance says that schools must have a policy on how long registers should be kept open; best practice is that this should be for a reasonable length of time but not that registers are to be kept open for the whole session
- Authorised absence is where the school has given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as a satisfactory justification for the absence. All other absences are unauthorised

Roles and responsibilities

At The Mead Primary School attendance is the business of everyone in our school community.

The Local Governing Body and all staff are committed to supporting all pupils to achieve excellent attendance and regularly review school procedures and strategies to support this. Under Section 7 of the Education Act 1996, parents / carers who have chosen to have their child educated at school have a legal responsibility to ensure their child's regular attendance. The 'Summary Table of Responsibilities for School Attendance' (August 2024) clearly sets out responsibilities for all stakeholders in ensuring children receive the education they are entitled to.:

Parent / carer responsibilities

Parents / carers of all children in Years R-6 (including in Complex Needs Resource Bases and Nurtured Learning provisions) are expected to:

- Ensure their child attends every day the school is open except when a statutory reason applies

- Notify the school as soon as possible when their child has to be unexpectedly absent (e.g. sickness)
- Only request leave of absence in exceptional circumstances and do so in advance
- Book any medical appointments around the school day where possible
- Work with the school and Local Authority to help them understand their child's barriers to attendance
- Proactively engage with the support offered to prevent the need for more formal support
- Work in partnership with the school to take an active interest in their child's school career, to reinforce school policies / arrangements on homework, behaviour and approach to learning, to attend parents' evening and other meetings where necessary
- Ensure that their child arrives at school on time (not before 8:30am and not after 8:45am) and that they are collected on time (at 3:15pm)
- Ensure that their child arrives appropriately dressed and in a 'condition to learn' (i.e. not too tired or too hungry)

Responsibilities of the school

- The Headteacher is responsible for ensuring that the policy is effectively implemented and communicated to parents / carers and for improving and maintaining good attendance
- The school will ensure that all parents / carers are made aware of this policy through the new joiner induction pack and information that is published weekly in our school newsletter
- The Headteacher, alongside the Inclusion Team, is responsible for developing coherent whole school systems for improving attendance, including supportive interventions involving other agencies if necessary. The members of staff with particular responsibility for monitoring attendance are:
    - Mrs Kate Seviour (Assistant Headteacher / Inclusion coordinator)
    - Mrs Kerry Morgan (Parent support Advisor)
    - Mrs Helen Goodall (Receptionist / Attendance administrator)
- The Admin Officer responsible for attendance and absence will ensure that data is monitored and circulated regularly and liaises with the Headteacher and the Assistant Headteacher on any attendance issues causing concern. Agreed procedures will be implemented by the team for pupils whose attendance causes concern and poses a risk of underachievement
- Teachers are responsible for ensuring that an accurate register is taken at the designated time (8.45am and again at 1.20pm). All teachers challenge lateness and set high standards of punctuality themselves
- Where any follow up action is taken by teachers or Inclusion staff, accurate records must be kept and copies placed on pupil records

Responsibilities of the Local Governing Body

- The Headteacher will ensure that the school's attendance figures are reported termly to the Local Governing Body who will monitor progress against annual attendance targets and will in turn report figures to Trustees through the School Effectiveness Group

Procedures for reporting absence

- In the event of illness or any other reason for absence, parents / carers will telephone the school office before 9.15am on the first day of the absence
- Where practicable, for parents / carers to provide the school with more than one emergency contact number (for two different adults) for their child(ren) and for the

parent / carer with whom the child(ren) reside for the majority of the time to be responsible for ensuring those numbers are kept up-to-date

- Parents / carers should provide an explanation for the absence, which should then be confirmed in writing when the child returns to school
- If the absence is to continue for more than one day, parents / carers should telephone the school on subsequent days, again before 9.15am, unless they are able to give an exact length of time on the first day of absence. There is a dedicated telephone line to report absences that can be accessed 24 hours a day by calling 01225 759273 and selecting the absence line. It is also possible to report an absence by email to office@themead.wilts.sch.uk
- Parents / carers need to inform the school if a child's absence is due to some traumatic event which the school needs to deal with sensitively so that the school can respond appropriately to the emotional needs of the child on their return to school
- Where the school has not been notified of a child's absence by 9.30am, parents/carers will be telephoned to confirm that a child is absent and the reasons for that absence
- Where the school has not been notified and it is not possible to contact parents/carers to establish the reason for absence, the school is obliged to mark the child's absence as 'unauthorised'
- In addition to this, if school is unable to confirm reason for absence for a child (they will call all emergency contacts if they can't reach the parents), they will visit the home address to carry out a welfare check to ensure that everyone is safe
- If school are unable to reach someone in the home at that welfare call, they will assess whether or not they need to refer the family to social care or the police in order to be assured of the family's safety
- Parents / carers should ensure that they sign their child(ren) in or out if they arrive at school outside normal hours or are taken out of school before the normal end of the day, giving the reason for lateness or early withdrawal from school. This book is kept in the main school office
- Parents are asked to ensure that their child is fully aware of the procedures they must follow in the event that they are late for school
- After 10 days of unexplained absence and no contact with the school, we are obliged to notify the Local Authority. The Local Authority will follow their procedures for Children Missing from Education (CME) and parents / carers may expect contact and visits from an Education Welfare Officer to ascertain the well-being and safety of the child(ren)

Procedures for requesting 'authorised absence' from school

- Parents / carers must seek permission from the Headteacher (or authorised representative) by submitting a written application, detailing the 'exceptional circumstances' for the request, in advance of any request for leave of absence. Each request will be considered individually and should meet the circumstances of being 'exceptional'
- Leave of absence is made by completing the 'Leave of Absence Request Form' which can be obtained from the school office. Please note that family holidays will not count as a reason to authorise absence in term time, with the exception of the children of armed forces personnel on leave from active service. Leave of absence requests must be made at least 2 weeks in advance
- Requests will be considered by the Headteacher and parents / carers will be advised if their request is agreed
- We do not give retrospective agreement for leave of absence so any absence not advised to the school in advance will be unauthorised

- Any pupil who has taken a term time holiday will be required to provide medical evidence if they are ill in the period directly before or after the dates advised to school
- Parents / carers will be asked to provide evidence if a pupil does not return to school on the agreed date following a holiday as a result of delayed or cancelled flights or other travel arrangements

'Exceptional Circumstances' Criteria

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

Parents should note that holidays during term time can only be authorised if there are exceptional circumstances. Where there are no exceptional circumstances it is important to be aware that the school position is clear. Holiday absence during term time WILL:

- Affect your child's learning
- Put additional pressure on class teachers and support staff
- Impact negatively on the school during an Ofsted

Inevitably there will be occasions when absence is unavoidable or justifiable, these will include:

- Illness
- Bereavement
- Emergency or unavoidable medical / dental appointments
- Days of religious observance
- Visits to other schools (secondary transfer, entrance exams)
- Education at another establishment (e.g. alternative provision, referral unit)
- Approved sporting activity / performance
- Annual family holiday **in exceptional circumstances**

Where an absence is unavoidable or unplanned, then parents/carers are asked to follow the procedures for reporting absences as outlined above.

Concerns over attendance, punctuality and 'unauthorised absences'

- Early identification is crucial and communication with parents / carers needs to begin as soon as the problem is detected. Initial concerns will either be communicated in person, by phone or by letter (if in person or by phone this should be followed up by a letter), explaining the actions that might be taken should the problem persist and seeing if the school can offer any support to the parents / carers to resolve the problem
- We will make every effort to work constructively and sympathetically with parents / carers to respond to their individual circumstances
- If a child's attendance falls below 90% due to frequent absence, the pupil is classed as apenal persistent absentee and the school will invite the parents for a School Attendance Meeting where support for the family is discussed and actions are set
- Should attendance not improve, a second School Attendance Meeting will be convened after which the family may be referred to the Local Authority for support through a Local Authority Attendance Meeting

- Where appropriate, the school may request that the parents / carers enter into a 'parenting contract' which sets out what is expected of the parents / carers, pupil and school
- The school is obliged to report any concerns regarding attendance (including persistent late arrival) and absence to the EWO
- The Local Authority can issue a penalty notice in the following circumstances:
    - Overt truancy
    - Absence from school, either when a parent / carer continually fails to provide an explanation or the school considers the absence to be avoidable
    - Holidays taken during term time where the absence has not been authorised by the school
- Penalty Notices are also issued for absence taken during term time where a pupil's overall attendance is less than 90% and the leave of absence has not been authorised by the school, or an absence has not been requested in advance and the pupil has had a minimum of 10 sessions (5 school days) lost to unauthorised absence during the previous six months in the academic year and additional unauthorised absence during the previous twelve months up to and including the day the Education Welfare Service is notified
    - A Penalty Notice is the sum of £120 per parent / carer for each child, but is reduced to £60 per parent / carer for each child if paid within 21 days of issue. If not paid at all, court action will be initiated
    - The Local Authority may initiate court action under Section 444 of the Education Act 1996, which could lead to fines of up to £2,500, imposition of orders such as Parenting Orders or even imprisonment
    - In some cases, action may be taken under the Children Act 1989 to protect the welfare and development of the child
- A Penalty Notice can also be issued to the parent / carer of an excluded child in the event that their child is present in a public place during school hours on a day which is one of the first five school days of that exclusion or, where the exclusion is for a fixed period of five days or less, any of the days of that exclusion period

Policy review

This policy will be reviewed every 3 years or, as appropriate, with any changes to legislation.

Appendix 1: Attendance registers - National absence and attendance codes

Present

Code / \: Present in school / = am \ = pm
Pupils must not be recorded as present if they are not in school during registration. If a pupil were to leave the school premises after registration, they will still be counted as present for statistical purposes.

Code L
Late arrival before the register is closed. Schools should actively discourage late arrival and be alert to patterns of late arrival. All schools are expected to set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session and depending on the structure of the school day not longer than either 30 minutes after the session begins, or the length of the form time or first lesson in which registration takes place. A pupil arriving after the register has closed should be recorded as absent using code U, or another absence code that it is more appropriate

Authorised absence

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

C	Leave of absence granted by the school in exceptional circumstances (eg bereavement, performances, temporary part-time timetable, maternity leave)
C1	Leave of absence for the purpose of participating in a regulated performance
C2	Leave of absence for a compulsory school age pupil subject to a part- time timetable
E	Suspended or permanently excluded and no alternative provision made (usually for short periods of suspension)
I	Illness (NOT medical or dental etc appointments)
M	Medical / Dental appointments
R	Religious observance
T	Parent travelling for occupational purposes (where the family is known to be travelling or has informed of travelling for the purposes of work)
J1	Leave of absence for admission to another educational institution
X	Non- compulsory school age pupil not required to attend school

Approved education activity

B	Attending any other approved educational activity *(NOT dual registration and not for a pupil at home doing school work)*
K	Attending education provision arranged by the local authority
D	Dual registration *(ie pupil attending other establishment)*
P	Approved sporting activity *(arranged by school)*
V	Educational visit or trip *(arranged by school)*

Unauthorised absence

G	Family holiday *(NOT agreed or days in excess of agreement)*
N	No reason yet provided for absence
O	Absent in other or unknown circumstances
U	Late (*after registers closed)*

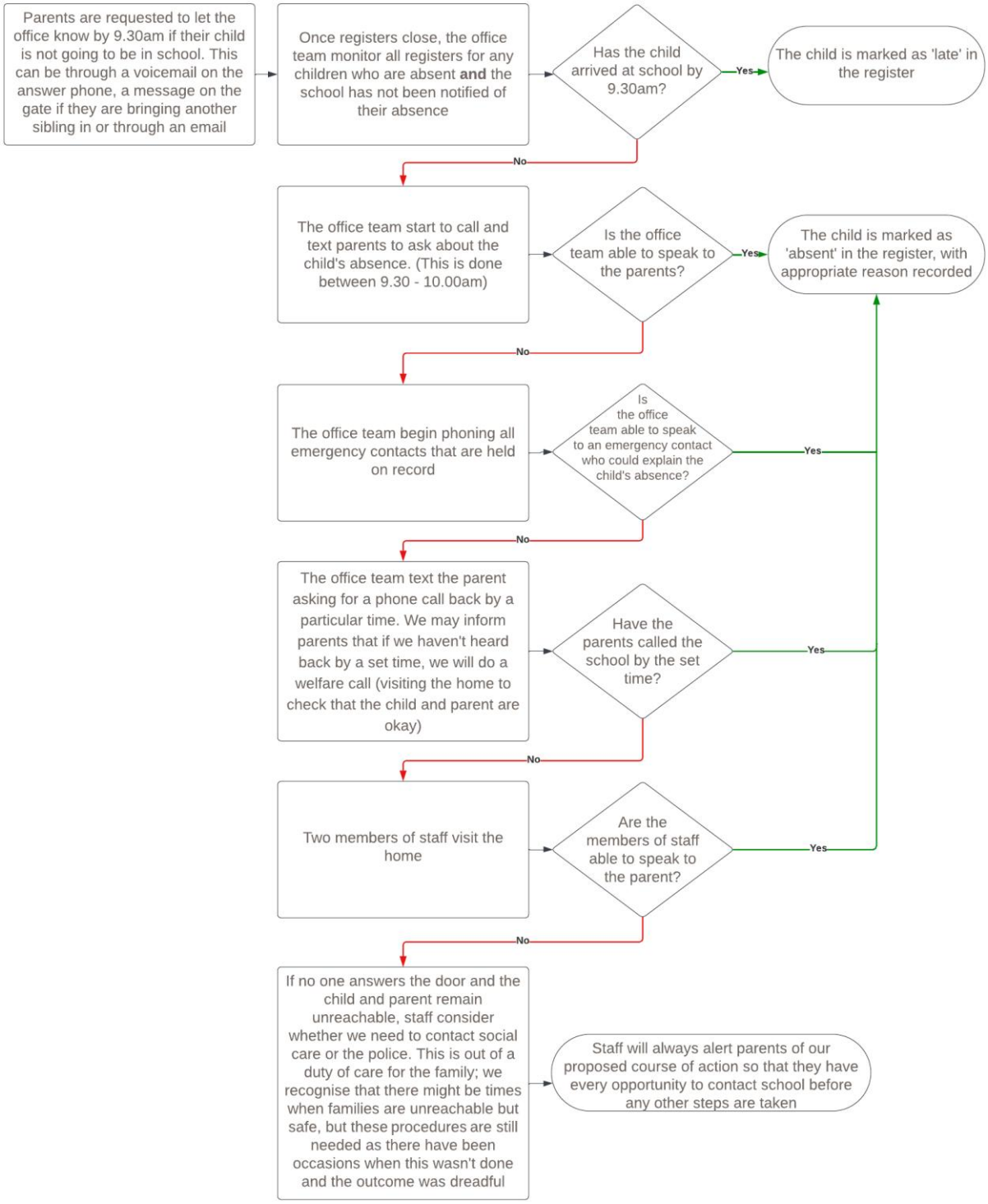
Unable to attend due to exceptional circumstances

Y1 - 7	Unable to attend due to exceptional circumstances

Administrative codes

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

Appendix 2: The Mead Primary School Attendance Flow Process



Appendix 3: The Mead Primary School Attendance Reporting and Monitoring Procedures

Monitoring

- The Admin Team monitors attendance on a daily basis and chases up any children unaccounted for and passes relevant information to the HT, AHT and PSA
- Class teachers actively monitor and alert HT and AHT if they notice any attendance of concern
- Weekly attendance figures produced and 'at risk' children identified and reviewed by HT and AHT
- Termly in-depth monitoring by HT and AHT with feedback to staff and actions identified
- Termly report to Local Governing Body and Trustees

Incentives and Rewards

- Praise given by individual classes throughout the year
- Attendance flagged up in weekly and termly parent newsletters
- Class attendance winners celebrated in whole school assembly termly and rewarded

Informal Warning

HT and AHT identify children where attendance is dropping to ascertain any potential barriers or support needed. Parents are alerted to the risk this puts their child under in terms of underachieving. These children will be flagged on CPOMS. Class teachers to raise with families.

Warning Letter

From Term 3 at the latest (this may be earlier for some families where the concern is greater), HT and AHT identify children where attendance is below 90%. A letter will be sent home raising concerns that attendance has fallen below the school's attendance target and reminding families of the guidance the school follows in relation to absence and monitoring. Further absence will only be authorised where medical evidence is received. Where unauthorised absence reaches 5 sessions, a warning letter will be sent home. At 10 unauthorised sessions, a Penalty Notice request will be sent to the LA for consideration.

School Attendance Meeting (SAM)

If attendance continues to decline, a letter will be sent home explaining that the child's absence is now being more closely monitored. Parents will be invited to attend a meeting to discuss their child's attendance with the Attendance Lead. This discussion will include an overview of attendance and actions moving forward. Minutes of the meeting will be sent home and a review will take place after four weeks.

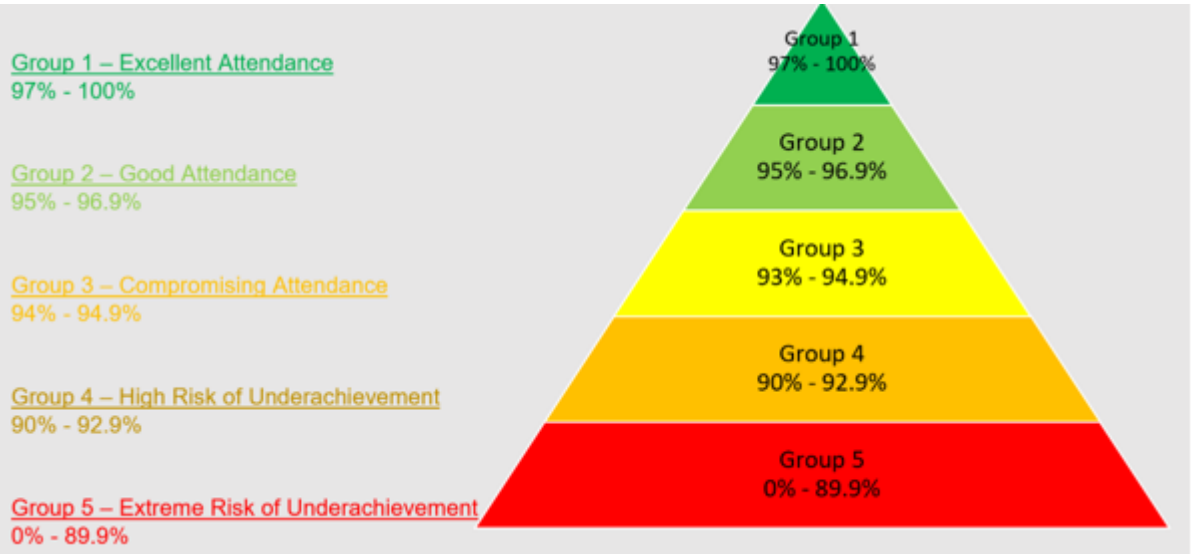
Improvement
Attendance will be continue to be monitored and should this decline

No Improvement
A referral will be made to the LA (EWO) and they will determine what further action may be needed. Persistent

further, contact will be made with families.	absence children (under 90%) will be managed by the Attendance Lead and HT.

** NB. It is noted by the school that attendance % varies depending on the point of the school year (eg. 96% in Term 1 looks very different to 96% by the end of Term 6 and this will be taken into consideration when monitoring attendance figures. All correspondence regarding attendance to be uploaded to CPOMS.*

Appendix 4: The Mead Community Primary School Attendance Groups



Impact of non-attendance		
86%	27 days of missed education	5 school weeks and 2 days
88%	23 days of missed education	4 school weeks and 3 days
90%	19 days of missed education	3 school weeks and 4 days
92%	15 days of missed education	3 school weeks
94%	11 days of missed education	2 school weeks and 1 days
96%	7 days of missed education	1 school weeks and 2 days

Appendix 5

The Education (Pupil Registration) (Amendment) (England) Regulations 2016 places duties on all schools in England, including academies and independent schools. See: http://legislation.data.gov.uk/uksi/2016/792/made/data.html

These duties include providing the local authority (LA) with information **about pupils both leaving and joining the school** at non-standard transition points, i.e. in-year moves or when a pupil leaves before the end of that school's final year of education e.g. a pupil leaving at the end of Y8 so not going into Y9 at that school.

Grounds for deleting registered pupils from school admission registers

(Regulation 8(1) of the Education (Pupil Registration) (England) Regulations 2006)

A	Where a pupil is subject to a school attendance order but another school is substituted by the LA or where the LA revokes it as the child will to receive efficient full-time education otherwise than at school.
B	Where a pupil is registered at another school (except where it has been agreed the pupil should be registered at more than one school)
C	Where a pupil is registered at more than one school and any other school at which the pupil is registered has agreed
D	Where a pupil has ceased to attend the school and it has received written notification from the parent that the pupil is receiving education otherwise than at school
E	Where a pupil (other than a boarder) has ceased to attend and no longer ordinarily resides at a place which is a reasonable distance from the school
F	Where a pupil granted leave of absence but: the pupil has failed to attend the school within the ten school days immediately following the end of the leave the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and the school and the local authority have failed, after jointly making reasonable enquiries, to find the pupil
G	Where a pupil has been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age
H	Where a pupil - that he has been continuously absent from the school for a period of not less than twenty school days and — at no time was his absence during that period authorised; the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

	the school and the LA have failed, after jointly making reasonable enquiries, to find the pupil
I	Where a pupil is legally detained for a period of not less than four months and the school does not have reasonable grounds to believe that the pupil will return to the school at the end of that period
J	Where the pupil has died
K	Where the pupil will cease to be of compulsory school age before the school next meets and— the pupil will cease to attend the school; or the pupil does not meet the academic entry requirements for admission to the school's sixth form
L	Where a pupil at a school other than a maintained school, an academy, a city technology college or a city college for the technology of the arts, has ceased to be a pupil of the school
M	Where a pupil has been permanently excluded from the school
N	Where the pupil has been admitted to the school to receive nursery but is not being educated beyond this at the school
O	Where the pupil is a boarder at a maintained school or an academy and where charges for board and lodging remain unpaid by the pupil's parent at the end of the school term to which they relate

Pupils not of compulsory school age (Regulation 8 (3))

The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register:

3 (a)That he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;

b) That he has been continuously absent from the school for a period of not less than twenty school days and (i) at no time was his absence during that period agreed by the proprietor; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness of any unavoidable cause; (iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is;

c) that the pupil had died;

d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher class at the school; or

e) that he has been permanently excluded from the school

Appendix 6: Children missing from education or who may otherwise be at risk

https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

Aspects of Safeguarding and preventing Children Missing Education contained within the Education (Pupil Registration) (England) Regulations 2006: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

Appendix 7: Penalty Notice Code of Conduct

Wiltshire Council

Penalty Notice - Code of Conduct

Rationale

1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to detail with unauthorised absence to avoid this becoming entrenched.

1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.

1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.

1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.

1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:

- The pupil's absence was authorised by the school
- The pupil was ill or prevented from attending by unavoidable cause
- The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
- The school is not within walking distance of the child's home and the LA has made no suitable arrangements
- The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade of business allows, and the child has attended school for at least 200 sessions during the preceding twelve months

1.6 Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day

which is one of the first five schools days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence. Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

Legislation

2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.

2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).

2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice

2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)

2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007

2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

Procedure

3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.

3.2 No parent shall receive more than three separate penalty notices resulting from the

unauthorised absence of an individual child in any twelve-month period

3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

3.4 The Education Welfare Service will receive requests to issue penalty notices from schools / academies / colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:

- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
- All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.

3.5 The Education Welfare Service willl ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

Criteria for the Issuing of a Penalty Notice

4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six- month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.

4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:

- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
- Advise the parent of the powers of the Local Authority to issue penalty notices
- State the number of unauthorised absences accrued which give rise to the formal warning being issued
- Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.

4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan.

4.4 With effect from 22 March 2020 Wiltshire Council will not issue Penalty Notices for unauthorised absence directly related to the Covid-19 pandemic until such time as the Department for Education (DfE) deems appropriate.

Circumstances in which a Penalty Notice will be issued:

5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases

where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.

5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions

5.3 Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions

5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken

5.5 Following notification from a neighbouring Local Authority

5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

Procedure for withdrawing Penalty Notices

6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:

- It ought not to have been issued
- It ought not to have been issued to the person named as the recipient
- It is materially defective

6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.

6.3 A Penalty Notice cannot be withdrawn because of an inability to pay

6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn

6.5 If a Penalty Notice has been issued for unauthorised absence directly related to the Covid-19 pandemic after 16 March 2020 this will be withdrawn by Wiltshire Council immediately.

6.6 If a Penalty Notice has been issued for unauthorised absence directly related to the Covid-19 pandemic before 16 March 2020 any action relating to this will be suspended until such

time as the Department for Education (DfE) deems appropriate.

Appeals

7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college

7.2 The Education (Pupil Registration) (England)Regulations does not permit Headteachers to give authorisation for absence retrospectively.

Payment of Penalty Notices

8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice

8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

Non-payment of Penalty Notices

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

Publicity

10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:

- Set out the establishment's process for managing absence
- Ensure that all parents / carers are aware of the process to request leave of absence during term time
- Make notifications to the Local Authority without delay when the particular criteria is reached
- Publish details regarding arrangements of managing absence within the establishment's Attendance Policy.