

# Attendance policy

Queen Elizabeth II Silver Jubilee School



Queen Elizabeth School

Approved by: **Sally Miller**

Last reviewed on:

September 2024

Next review due by:

September 2025

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## 1. Aims

This policy aims to show our commitment to meeting our obligations with regards to school attendance, including those laid out in the Department for Education’s (DfE’s) statutory guidance on [working together to improve school attendance \(applies from 19 August 2024\)](#), through our whole-school culture and ethos that values good attendance, including:

- Setting high expectations for the attendance and punctuality of all pupils
- Promoting good attendance and the benefits of good attendance
- Reducing absence, including persistent and severe absence
- Ensuring every pupil has access to the full-time education to which they are entitled
- Acting early to address patterns of absence
- Building strong relationships with families to make sure pupils have the support in place to attend school

**We will also promote and support punctuality in attending lessons.**

## 2. Legislation and guidance

This policy is based on the Department for Education’s (DfE’s) statutory guidance on [working together to improve school attendance \(applies from 19 August 2024\)](#) and [school attendance parental responsibility measures](#). The guidance is based on the following pieces of legislation, which set out the legal powers and duties that govern school attendance:

- Part 6 of the [Education Act 1996](#)
  - Part 3 of the [Education Act 2002](#)
  - Part 7 of the [Education and Inspections Act 2006](#)
  - [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, and 2016 amendments\)](#)
  - [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)
  - [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013 and the 2024 amendment](#)
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It also refers to:

- [School census guidance](#)
- [Keeping Children Safe in Education](#)
- [Mental health issues affecting a pupil's attendance: guidance for schools](#)

## 3. Roles and responsibilities

### 3.1 The governing board

The governing board is responsible for:

- Setting high expectations of all school leaders, staff, pupils and parents
- Making sure school leaders fulfil expectations and statutory duties, including:
  - Making sure the school records attendance accurately in the register, and shares the required information with the DfE and local authority
  - Making sure the school works effectively with local partners to help remove barriers to attendance, and keeps them informed regarding specific pupils, where appropriate
- Recognising and promoting the importance of school attendance across the school's policies and ethos
- Making sure the school's attendance management processes are delivered effectively, and that consistent support is provided for pupils who need it most by prioritising staff and resources
- Making sure the school has high aspirations for all pupils, but adapts processes and support to pupils' individual needs
- Regularly reviewing and challenging attendance data and helping school leaders focus improvement efforts on individual pupils or cohorts who need it most
- Working with school leaders to set goals or areas of focus for attendance and providing support and challenge
- Monitoring attendance figures for the whole school and repeatedly evaluating the effectiveness of the school's processes and improvement efforts to make sure they are meeting pupils needs
- Where the school is struggling with attendance, working with school leaders to develop a comprehensive action plan to improve attendance
- Making sure all staff receive adequate training on attendance as part of the regular continued professional development offer, so that staff understand:
  - The importance of good attendance
  - That absence is almost always a symptom of wider issues
  - The school's legal requirements for keeping registers
  - The school's strategies and procedures for tracking, following up on and improving attendance, including working with partners and keeping them informed regarding specific pupils, where appropriate
- Making sure dedicated training is provided to staff with a specific attendance function in their role, including in interpreting and analysing attendance data.

Holding the Senior management team (SMT) to account for the implementation of this policy

### 3.2 The Senior Management Team

The headteacher and SMT is responsible for:

- The implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors.
- Supporting staff with monitoring the attendance of individual pupils.
- Monitoring the impact of any implemented attendance strategies.
- Inform West Sussex County Council (WSCC) when thresholds for fines have been reached.
- Working with the parents of pupils with special educational needs and/or disabilities (SEND) to develop specific support approaches for attendance for pupils with SEND, including where school transport is regularly being missed, and where pupils with SEND face in-school barriers.
- Communicating with the local authority when a pupil with an education, health and care (EHC) plan has falling attendance, or where there are barriers to attendance that relate to the pupil's needs.
- Communicating the school's high expectations for attendance and punctuality regularly to pupils and parents through all available channels.

### 3.3 The designated senior leader responsible for attendance

The designated senior leader is responsible for:

- Leading, championing and improving attendance across the school
- Setting a clear vision for improving and maintaining good attendance
- Evaluating and monitoring expectations and processes
- Having a strong grasp of absence data and oversight of absence data analysis
- Regularly monitoring and evaluating progress in attendance
- Establishing and maintaining effective systems for tackling absence, and making sure they are followed by all staff
- Liaising with pupils, parents/carers and external agencies, where needed
- Building close and productive relationships with parents to discuss and tackle attendance issues
- Creating intervention or reintegration plans in partnership with pupils and their parents/carers
- Delivering targeted intervention and support to pupils and families

The designated senior leader responsible for attendance is Anastasia O'Donoghue and can be contacted via [office@qe2school.co.uk](mailto:office@qe2school.co.uk)

### 3.4 Class teachers

Class teachers are responsible for recording attendance for both morning and afternoon sessions on a daily basis, using the correct codes (see Appendix 1), and submitting this information to the school office by 9.20 am and 1.30 pm

### 3.5 School administrative staff

School administration staff will:

- Take calls from parents/carers about absence on a day-to-day basis and record it on the school system.

- Transfer calls from parents/carers to the pastoral team or headteacher where appropriate, to provide them with more detailed support on attendance.

### 3.6 Parents/ carers

Where this policy refers to a parent, it refers to the adult the school and/or local authority decides is most appropriate to work with, including:

- All those who have parental responsibility for a child or young person
- Those who have day-to-day responsibility for the child (i.e. lives with and looks after them)

Parents are expected to:

- Make sure their child attends every day on time
- Call the school to report their child's absence before 9am on the day of the absence (and each subsequent day of absence), and advise when they are expected to return.
- Provide the school with more than 1 emergency contact number for their child.
- Ensure that, where possible, appointments for their child are made outside of the school day.
- Keep to any attendance contracts that they make with the school and/or local authority.
- Seek support, where necessary, for maintaining good attendance, by contacting Anastasia O'Donoghue, Pastoral Assistant head teacher or Holly Parsons, Family Liaison officer, who can be contacted via [office@qe2school.co.uk](mailto:office@qe2school.co.uk) or 01403266215.

### 3.7 Pupils

Pupils are expected to:

- Attend school every day, on time.
- Attend every timetabled session, on time.

## 4. Recording attendance

### 4.1 Attendance register

We will keep an electronic attendance register and place all pupils onto this register.

We will take our attendance register at the start of the first session of each school day and once during the second session. It will mark, using the appropriate national attendance and absence codes from the School Attendance (Pupil Registration) (England) Regulations 2024, whether every pupil is:

- Present
- Attending an approved off-site educational activity
- Absent
- Unable to attend due to exceptional circumstances.

Any amendment to the attendance register will include:

- The original entry
- The amended entry
- The reason for the amendment
- The date on which the amendment was made

- The name and position of the person who made the amendment

See Appendix 1 for the DfE attendance codes.

We will also record:

- Whether the absence is authorised or not
- The nature of the activity, where a pupil is attending an approved educational activity.
- The nature of circumstances, where a pupil is unable to attend due to exceptional circumstances.

We will keep every entry on the attendance register for 6 years after the date on which the entry was made.

The school day starts at 9.00 and ends at 3.00, arrival times are between 8.50 and 9.00 am.

Pupils must be settled in class by 9.10 am on each school day.

The register for the first session will be taken at 9.10 am and will be kept open until 9.20 am.

The register for the second session will be taken at 1.20pm and will be kept open until 1.30 pm.

## 4.2 Unplanned absence

The pupil's parent must notify the school of the reason for the absence on the first day of an unplanned absence by 9am or as soon as practically possible, by calling the school office staff, who can be contacted via 01403266215.

We will mark absence due to physical or mental illness as authorised unless the school has a genuine concern about the authenticity of the illness.

If the school is not satisfied about the authenticity of the illness, the pastoral team will reach out to discuss concerns and seek solutions.

## 4.3 Planned absence

Attending a medical or dental appointment will be counted as authorised if the pupil's parent notifies the school in advance of the appointment.

If parents / carers require a leave of absence they should request an absence request form from the office. They should complete the request with as much detail as possible. This will be reviewed by the Headteacher for approval. If additional information is required, the pastoral assistant headteacher, Anastasia O'Donoghue or Holly Parson, the family liaison officer.

However, we encourage parents to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

The pupil's parent must also apply for other types of term-time absence as far in advance as possible of the requested absence. Go to section 5 to find out which term-time absences the school can authorise.

## 4.4 Lateness and punctuality

At QE2 school, routines, regulation, and relationships are essential for the successful engagement in learning. Arriving on time is an essential element for our pupils. The morning sessions ensure pupils have a soft start to the day where sensory, physical, and emotional needs can be met. Late arrival prevents pupils from accessing this essential part of the day and is disruptive to their peers.

A pupil who arrives late:

- Before the register has closed will be marked as late, using the appropriate code.
- After the register has closed will be marked as absent, using the appropriate cod.

- Parents arriving after 9.10 are required to register pupils' arrival at the school office via the INVENTORY system, recording a reason for lateness.
- You will be contacted for a discussion about the causes for increasing lateness if your child is late 5 times within a 12-week period. The school aim is supporting families to manage barriers to attendance and punctuality. A support plan will be agreed with parents and be put in place for a minimum of half a term.  
**See Appendix 1**
- In cases of persistent lateness (at least 10 sessions of unauthorised lateness over a period of 10 weeks, not including school holidays) Truancy Penalty Notice (also known as Fixed Penalty Notices) warnings may be issued if there is not an exceptional circumstance recognised.
  - From August 2024, the cost of a FPN is raising to £160 with the opportunity to pay this at a lower rate of £80 in the first 21 days. This will relate to any unauthorised absence which occurs after 19 August 2024. Absence prior to this date will lead to FPNs being issued at the £120 rate with an opportunity to pay at a lower rate of £60 if paid within the first 21 days.
  - In some circumstances, the ability to pay the lower amount is not available.
  - An escalation process is to be introduced. When a parent has received two FPNs in a three-year period, the offer of a FPN will not be available. Instead, the matter will either be allocated to an Investigating Officer or referred to the Magistrates' court. Please note if the absence related to holidays in term time, the case is likely to go before the Magistrates' court.

#### 4.5 Following up unexplained absence.

Where any pupil we expect to attend school does not attend, or stops attending, without reason, the school will:

- Call the pupil's parent on the morning of the first day of unexplained absence to ascertain the reason. If the school cannot reach any of the pupil's emergency contacts, the school may make an Integrated Front Door (IFD) referral if there are concerns for the safety of the pupils or call 999 and request a police welfare check.
- Identify whether the absence is approved or not.
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained – this will be no later than 5 working days after the session(s) for which the pupil was absent.
- Call the parent on each day that the absence continues without explanation, to make sure proper safeguarding action is taken where necessary. If absence continues, the school will consider involving an education welfare officer.
- Where relevant, report the unexplained absence to the pupil's youth offending team officer.
- Where appropriate, offer support to the pupil and/or their parents to improve attendance.
- Identify whether the pupil needs support from wider partners, as quickly as possible, and make the necessary referrals.
- Where support is not appropriate, not successful, or not engaged with: a notice to improve, penalty notice or other legal intervention (see section 5.2 below), may be issued.

#### 4.6 Reporting to parents

The school will regularly inform parents (see definition of 'parent', as used in this policy, in section 3.7 above) about their child's attendance and absence levels. Presently this is reported in annual reviews. Over the academic year 2024-2025 the school will transition to termly attendance reporting via Individual Learning Plans (ILPs).

### 5. Authorised and unauthorised absence

## 5.1 Approval for term-time absence

The headteacher will allow pupils to be absent from the school site for certain educational activities, or to attend other schools or settings.

The headteacher will only grant a **leave of absence** to a pupil during term time if the request meets the specific circumstances set out in the [2024 school attendance regulations](#). These circumstances are:

- Taking part in a regulated performance, or regulated employment abroad
- Attending an interview
- Study leave.
- A temporary, time-limited part-time timetable
- Exceptional circumstances relating to the individual needs of the pupil.

A leave of absence is granted at the headteacher's discretion, including the length of time the pupil is authorised to be absent for.

Leave of absence will not be granted for a pupil to take part in protest activity during school hours.

The school considers each application for term-time absence individually, considering the specific facts, circumstances and relevant background context behind the request.

Any request should be submitted as soon as it is anticipated and, where possible, at least 2 weeks before the absence, and in accordance with any leave of absence request form, accessible via the school office. [office@qe2school.co.uk](mailto:office@qe2school.co.uk). The headteacher may require evidence to support any request for leave of absence.

Other valid reasons for **authorised absence** include (but are not limited to):

- Illness (including mental-health illness) and medical/dental appointments (see sections 4.2 and 4.3 for more detail). This includes EBSA (Emotionally Based School Avoidance).
- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parent(s) belong(s). If necessary, the school will seek advice from the parent's religious body to confirm whether the day is set apart.
- Parent(s) travelling for occupational purposes – this covers Roma, English and Welsh gypsies, Irish and Scottish travellers, showmen (fairground people) and circus people, bargees (occupational boat dwellers) and new travellers. Absence may be authorised only when a traveller family is known to be travelling for occupational purposes and has agreed this with the school, but it is not known whether the pupil is attending educational provision.
- If the pupil is currently suspended or excluded from school (and no alternative provision has been made)

Other reasons the school may allow a pupil to be absent from the school site, which are not classified as absences, include (but are not limited to):

- Attending an offsite approved educational activity, sporting activity or visit or trip arranged by the school.
- Attending another school at which the pupil is also registered (dual registration)
- Attending provision arranged by the local authority.
- Attending work experience
- If there is any other unavoidable cause for the pupil not to attend school, such as disruption to travel caused by an emergency, a lack of access arrangements, or because the school premises are closed.

## 5.2 Sanctions



Our school will make use of the full range of potential sanctions – including, but not limited to, those listed below – to tackle poor attendance. Decisions will be made on an individual, case-by-case basis.

### Penalty notices

The headteacher (or someone authorised by them), local authority or the police can fine parents for the unauthorised absence of their child from school, where the child is of compulsory school age, by issuing a penalty notice. At QE2 school penalty notices will be issued via West Sussex County Council as per code of conduct. (Appendix 2)

Before informing WSCC a penalty notice threshold has been reached, the school will consider the individual case, including:

- Whether the national threshold for considering a penalty notice has been met (10 sessions of unauthorised absence in a rolling period of 10 school weeks)
- Whether a penalty notice is the best available tool to improve attendance for that pupil
- Whether further support, a notice to improve or another legal intervention would be a more appropriate solution.
- Whether any obligations that the school has under the Equality Act 2010 make issuing a penalty notice inappropriate

Each parent who is liable for the pupil's offence(s) can be issued with a penalty notice, but this will usually only be the parent/parents who allowed the absence.

The payment must be made directly to the local authority, regardless of who issues the notice. If the payment has not been made after 28 days, the local authority can decide whether to prosecute or withdraw the notice.

If issued with a **first** penalty notice, the parent must pay £80 within 21 days, or £160 within 28 days.

If a **second** penalty notice is issued to the same parent in respect of the same pupil, the parent must pay £160 if paid within 28 days.

A **third** penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of the issue of the first penalty notice. In a case where the national threshold is met for a third time within those 3 years, alternative action will be taken instead.

A penalty notice may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification, during the first 5 days of a suspension or exclusion (where the school has notified the parents that the pupil must not be present in a public place on that day). These penalty notices are not included in the National Framework, not subject to the same considerations about support being provided, and do not count towards the limit as part of the escalation process.

In these cases, the parent must pay £60 within 21 days, or £120.

### Notices to improve.

If the national threshold has been met and support is appropriate, but parents do not engage with offers of support as captured in the attendance support plan ([See appendix 1](#)), the school may offer a notice to improve to give parents a final chance to engage with support.

Notices to improve will be issued in line with processes set out in the local code of conduct for the local authority area in which the pupil attends school.

They will include:

- Details of the pupil's attendance record and of the offences
- The benefits of regular attendance and the duty of parents under [section 7 of the Education Act 1996](#)
- Details of the support provided so far.

- Opportunities for further support, or to access previously provided support that was not engaged with.
- A clear warning that a penalty notice may be issued if attendance doesn't improve within the improvement period, along with details of what sufficient improvement looks like, which will be decided on a case-by-case basis.
- A clear timeframe of between 3 and 6 weeks for the improvement period
- The grounds on which a penalty notice may be issued before the end of the improvement period

## 6. Supporting pupils who are absent or returning to school

### 6.1 Pupils absent due to complex barriers to attendance

School will work closely with families and pupils to understand barriers to attendance.

Where barriers are identified school will take work to reduce and ultimately remove these where feasible.

Adaptions to start of day routines in school, e.g. being met 1:1, Zones of regulation check ins, talk time etc may be put into place.

Where specific adaptions are put into place a positive behaviour support plan (PBSP) will be generated with identified proactive strategies and responses to specific behaviours presented when feeling a barrier to accessing school.

### 6.2 Pupils absent due to mental or physical ill health

At QE2 school we understand our pupils may experience challenges that are unique to their mental or physical health. The school will work closely with the family to identify barriers to attendance and put into place appropriate support strategies. These will be put into place in consultation with parents, class teachers and the pastoral team. These may include:

Adaptions to the start or end of day routines.

Any reduction in timetable must be reported to the local authority and agreed by SENAT.

Invite a multi-disciplinary team to support identification of and strategies to address barriers to attendance.

Referral to Children's mental health nurse (CMHN)

EBSA questionnaire and support strategies to address emotionally based school avoidance.

Single Point of Access (SPoA) referrals to seek support for mental health and wellbeing from specialist support services such as CAMHS (Children and Adolescent Mental Health Services)

### 6.3 Pupils returning to school after a lengthy or unavoidable period of absence

There are many reasons a child or young person may have a lengthy or unavoidable period of absence. During the absence an identified member of staff will make regular contact with the family to maintain support for the pupil and family and support their return.

The school will facilitate appropriate support for the pupils to ensure they understand the process of returning to school. E.g. Use of social stories, visual timetables etc.

School may facilitate a home visit prior to the pupil returning to reestablish relationships with key staff where Emotional Based School Avoidance (EBSA) has been identified.

## 7. Attendance monitoring

Attendance data will be analysed and reviewed fortnightly, including punctuality. If there is an area of concern the class teacher will reach out to parents to discuss. Where concerns persist, the pastoral assistant head teacher, Anastasia O'Donoghue, or the Family Liaison officer, Holly Parsons will reach out to parents.

## 8. Reducing persistent and severe absence.

Persistent absence is where a pupil misses 10% or more of school, and severe absence is where a pupil misses 50% or more of school. Reducing persistent and severe absence is central to the school's strategy for improving attendance.

The school will:

- Use attendance data to find patterns and trends of persistent and severe absence.
- Consider potential safeguarding issues and, where suspected or present, address them in line with Keeping Children Safe in Education.
- Hold regular meetings with the parents of pupils who the school (and/or local authority) considers to be vulnerable or at risk of persistent or severe absence, or who are persistently or severely absent, to:
  - Discuss attendance and engagement at school.
  - Listen, and understand barriers to attendance.
  - Explain the help that is available.
  - Explain the potential consequences of, and sanctions for, persistent and severe absence.
  - Review any existing actions or interventions.
- Provide access to wider support services to remove the barriers to attendance, in conjunction with the local authority, where relevant
- Consider alternative support that could be put in place to remove any barriers to attendance and re-engage these pupils. In doing so, the school will sensitively consider some of the reasons for absence
- Implement sanctions, where necessary (see section 5.2, above)

## 9. Monitoring arrangements

This policy will be reviewed as guidance from the local authority and/or DfE is updated, and as a minimum yearly by Anastasia O'Donoghue, Pastoral Assistant Headteacher. At every review, the policy will be approved by the full governing board.

## 10. Links with other policies

This policy links to the following policies:

- Child protection and safeguarding policy
- Positive Behaviour policy

## Appendix 1 Attendance support plan

### Attendance support plan

Pupil:

Class:

Start date:

Review date:

End date: Number weeks

Area of concern	Attendance data

Discussion notes

Aims:

Agreed support / Actions

Review notes:

Action plan outcomes



## Appendix 1: attendance codes

The following codes are taken from the DfE's [guidance on school attendance](#).

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration
\	Present (pm)	Pupil is present at afternoon registration
L	Late arrival	Pupil arrives late before register has closed
<b>Attending a place other than the school</b>		
K	Attending education provision arranged by the local authority	Pupil is attending a place other than a school at which they are registered, for educational provision arranged by the local authority
V	Attending an educational visit or trip	Pupil is on an educational visit/trip organised or approved by the school
P	Participating in a sporting activity	Pupil is participating in a supervised sporting activity approved by the school
W	Attending work experience	Pupil is on an approved work experience placement
B	Attending any other approved educational activity	Pupil is attending a place for an approved educational activity that is not a sporting activity or work experience
D	Dual registered	Pupil is attending a session at another setting where they are also registered
<b>Absent – leave of absence</b>		
C1	Participating in a regulated performance or undertaking regulated employment abroad	Pupil is undertaking employment (paid or unpaid) during school hours, approved by the school
M	Medical/dental appointment	Pupil is at a medical or dental appointment
J1	Interview	Pupil has an interview with a prospective employer/educational establishment

<b>S</b>	Study leave	Pupil has been granted leave of absence to study for a public examination
<b>X</b>	Not required to be in school	Pupil of non-compulsory school age is not required to attend
<b>C2</b>	Part-time timetable	Pupil is not in school due to having a part-time timetable
<b>C</b>	Exceptional circumstances	Pupil has been granted a leave of absence due to exceptional circumstances
<b>Absent – other authorised reasons</b>		
<b>T</b>	Parent travelling for occupational purposes	Pupil is a ‘mobile child’ who is travelling with their parent(s) who are travelling for occupational purposes
<b>R</b>	Religious observance	Pupil is taking part in a day of religious observance
<b>I</b>	Illness (not medical or dental appointment)	Pupil is unable to attend due to illness (either related to physical or mental health)
<b>E</b>	Suspended or excluded	Pupil has been suspended or excluded from school and no alternative provision has been made
<b>Absent – unable to attend school because of unavoidable cause</b>		
<b>Q</b>	Lack of access arrangements	Pupil is unable to attend school because the local authority has failed to make access arrangements to enable attendance at school
<b>Y1</b>	Transport not available	Pupil is unable to attend because school is not within walking distance of their home and the transport normally provided is not available
<b>Y2</b>	Widespread disruption to travel	Pupil is unable to attend because of widespread disruption to travel caused by a local, national or international emergency
<b>Y3</b>	Part of school premises closed	Pupil is unable to attend because they cannot practicably be accommodated in the part of the premises that remains open

<b>Y4</b>	Whole school site unexpectedly closed	Every pupil absent as the school is closed unexpectedly (e.g. due to adverse weather)
<b>Y5</b>	Criminal justice detention	Pupil is unable to attend as they are: <ul style="list-style-type: none"> <li>• In police detention</li> <li>• Remanded to youth detention, awaiting trial or sentencing, or</li> <li>• Detained under a sentence of detention</li> </ul>
<b>Y6</b>	Public health guidance or law	Pupil's travel to or attendance at the school would be prohibited under public health guidance or law
<b>Y7</b>	Any other unavoidable cause	To be used where an unavoidable cause is not covered by the other codes
<b>Absent – unauthorised absence</b>		
<b>G</b>	Holiday not granted by the school	Pupil is absent for the purpose of a holiday, not approved by the school
<b>N</b>	Reason for absence not yet established	Reason for absence has not been established before the register closes
<b>O</b>	Absent in other or unknown circumstances	No reason for absence has been established, or the school isn't satisfied that the reason given would be recorded using one of the codes for authorised absence
<b>U</b>	Arrived in school after registration closed	Pupil has arrived late, after the register has closed but before the end of session
<b>Administrative codes</b>		
<b>Z</b>	Prospective pupil not on admission register	Pupil has not joined school yet but has been registered
<b>#</b>	Planned whole-school closure	Whole-school closures that are known and planned in advance, including school holidays



## **Code of Conduct**

Penalty Notices to Address Absences and Poor Attendance at School or Alternative Provision

### **Rationale**

1. The purpose of this Code of Conduct is to ensure that the associated powers are applied consistently and fairly across the Local Authority area and that suitable arrangements are in place for the administration of Penalty Notices.
2. Regular and punctual attendance at school, or alternative provision, is both a legal requirement and essential for children and young people to maximise their educational opportunities. Penalty Notices offer a swift intervention which West Sussex County Council (WSSCC) will use to deal with issues of unauthorised absence before they become entrenched.
3. An offence occurs if a parent/carer fails to secure a child's regular attendance at school, or alternative provision, at which they are a registered pupil and that absence is not authorised by the school, or alternative provision.
4. In addition a Penalty Notice can be used to help ensure parents fulfil their responsibilities to ensure their child is not out in a public place without reasonable justification during the first five days of every exclusion from school.

### **Authorisation**

1. The primary responsibility for the issuing of Penalty Notices rests with the Local Authority. Pupil Entitlement: Investigation (PEI) of WSSCC will therefore issue Penalty Notices in West Sussex. This ensures consistency and will prevent conflict with other enforcement sanctions.
2. Although professionals other than those with the Local Authority (e.g. Head Teachers, the Police etc.) are accredited persons within the legislation, able to issue Penalty Notices, there is no requirement for them to do so. In West Sussex it has been agreed that the Police will not issue Penalty Notices. If a Head Teacher feels it is appropriate for a Penalty Notice to be issued they must refer to the PEI. This will avoid a Penalty Notice being issued when the PEI is instigating legal intervention proceedings for irregular school attendance or where a Penalty Notice is not deemed an appropriate form of intervention.
3. Penalty Notices will be issued by First Class post to satisfy evidential requirements.
4. PEI will act upon requests to issue Penalty Notices from schools, academies, or alternative education providers and Sussex Police, provided that;
  - a) All relevant information is supplied in the specified manner;
  - b) The circumstances of the pupil's absence meets the requirements of this Code of Conduct; and
  - c) The issuing of a Penalty Notice does not conflict with other interventions strategies in place or other enforcement sanctions already in process.

### **Criteria for Issuing Penalty Notices**

1. Penalty Notices are issued to parents as defined under Section 576 of the Education Act 1996, in relation to children of compulsory school age. Under the Act the term "parent" includes;
  - All natural parents, whether they are married or not;
  - Any person who, although not a natural parent, has parental responsibility for

a child or young person;

- Any person although not a natural parent has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after a child, irrespective of what their relationship is with a child.

2. They may be issued for children at maintained schools, academies, free school and alternative provision providers in West Sussex.

3. In accordance with the definition of parent, and thereby parental responsibility for non-school attendance, more than one person may be liable for the offence. In such circumstances, separate notices will be issued to each person.

4. A minimum of 10 sessions of unauthorised absence in a 10 school week period will usually have occurred. However, a shorter period of time may be considered appropriate in some circumstances.

5. Where an authorised officer has reason to believe that a person has committed an offence under S.444(1) Education Act 1996, they may give that person a Penalty

Notice.

Penalty Notices may be issued when:

- There has been an unacceptable level of unauthorised absence from an educational establishment and enforcement is necessary to improve attendance. Unauthorised absence is absence not authorised by the school. This includes all unexplained or unjustified absences. The categories of authorised and unauthorised absence are explained in the Guidance to the Education (Pupil Registration) (England) Regulations 2006 and further clarified in "School Attendance. Guidance for maintained schools,

### **Academies and Independent schools and Local Authorities.**

In the case of a unauthorised holiday taken during term time, if;

- Parents have not sought permission from the Head Teacher before taking their child out of school for a holiday in term time.
- The Head Teacher has refused the request but the absence occurs anyway; or
- A pupil has not returned to school by the agreed date with no satisfactory explanation.
- And there have been 10 sessions of unauthorised absence in a 10 school week period.
- A pupil is persistently late to school, i.e. arrives after the register has closed;
- Under truancy sweeps carried out under Crime and Disorder Act 1998 powers, a minimum of 5 sessions of unauthorised absence may generate a Penalty Notice, if these unauthorised absences occur in the 10 school weeks (maximum) after the child was stopped on a the truancy sweep; and
- When an excluded child is present in a public place during school hours on a day which is one of the first 5 school days to which the exclusion relates or,
- where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates, under the protocol for Section 103 of the Education and Inspections Act 2006.
- No more than 2 Penalty Notices, per child, may be issued to the same parent in a twelve-month period. Alternative action may need to be considered if school attendance offences re-occur, in the light of advice from Legal Services.

6. The Penalty Notice is a notice offering a person the opportunity of discharging any liability to conviction for the offence under S.444(1) Education Act 1996 to which the notice relates by payment of a penalty in accordance with the notice.

## **Withdrawal of Penalty Notices**

Once issued a Penalty Notice can only be withdrawn in the following circumstance;

- The Penalty Notice has not been issued in accordance with the Code of Conduct.
- Evidence has been established that the Penalty Notice was issued to the wrong person.
- There are material errors in the information leading to the issue of the Penalty Notice.
- The period for payment has expired and the Local Authority does not intend to institute legal proceedings for which the Penalty Notice relates.

## **Payment of Penalty Notices**

The arrangements for the paying of Penalty Notices will be detailed on the Penalty Notice. Revenue generated from the Penalty Notices will be used to cover the costs of issuing and enforcing notices, or the cost of prosecuting recipients who do not pay.

## **Non-Payment of Penalty Notices**

The Penalty is £60 if paid within 21 days of receipt of the Penalty Notice (assumed as 2 working days following the Notice being sent by first class mail), or £120 if paid after 21 days but within 28 days of receipt of the Penalty Notice.

If the Penalty Notice is not paid in full by the end of the 28 day period, the Local Authority may prosecute for the offence to which the Notice applies. The prosecution relates to irregular school attendance under Section 444 of the Education Act 1996. Where a prosecution is an appropriate course of action a Caution may be offered by the Local Authority as an alternative method of disposal.

There is no statutory right of appeal against the issuing of a Penalty Notice. A record will be kept of all prosecutions relating to offence for which a Penalty Notice was issued.

## **Legislation**

1. Section 23 Anti Social Behaviour Act 2003 empowers authorised officers of a Local Authority, Head Teachers (and Deputy and Assistant Head Teachers authorised by the Head) and Police Officers (including Community Support Officers) to issue a Penalty Notice in cases of unauthorised absence from school, or alternative provision.
2. The Education (Penalty Notices) (England) Regulations 2004 came into force on 27<sup>th</sup> February 2004.
3. The Education (Penalty Notices) (England) Regulations 2004 require the Local Authority, in consultation with the above, to develop a code of conduct for issuing of Penalty Notices. Any person issue a Penalty Notice must do so within the terms of this code of conduct (the Code of Conduct”).
4. The Education (Penalty Notices) (England) Regulations 2005 extends the issuing of Penalty Notices to alternative provision.
5. The Education (Penalty Notices) (England) (Amendment) Regulations 2012 confirms the increase in the amount of penalty where the offence are alleged to have been wholly or partly committed after 1st September 2012.
6. Education (Penalty Notices) (England) (Amendment) Regulations 2013 confirm that the penalty of £60 must be paid within 21 days or after that period increase to £120 to be paid within 28 days.
7. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 remove all reference to family holiday and extended leave as well as the statutory threshold of 10 school days. Amendments make clear that Head Teachers may not grant any leave of absence during term time unless there are exceptional

circumstances. Head Teachers should determine the number of school days a child can be away from school if the leave is granted.

8. The education provisions of the Anti Social Behaviour Act 2003 apply to all parents who fall within the definition of parent as set out in Section 576 of the Education Act 1996.

9. Penalty Notices supplement existing sanctions currently available under Section 444 Education Act 1996 or Section 36 Children Act 1989 to enforce attendance at school or alternative provision.

10. Education and Inspections Act 2006; giving authorisation to Penalty Notices when a child has been excluded.

11. This Code of Conduct complies with the requirements set out in Sections 14-16 of the Education (Penalty Notices) (England) Regulations 2007.

12. The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Equal Opportunities legislation.