

# Attendance Policy 2023

## Canon Sharples CE Primary School & Nursery



Reviewed – June 2023

To be Reviewed – June 2025

## Vision and Ethos

Canon Sharples C of E Primary School and Nursery is a Voluntary Aided Church of England School.

Our school vision statement **Trust God, Love Always** and **Aim High** encapsulates our Christian distinctiveness and is underpinned by our 6 core Christian Values of **Fellowship, Friendship, Respect, Trust, Peace** and **Love**.

We ask all of our staff and pupils to embrace and uphold our school Christian values so that we can all flourish individually as well collectively as a school. Our ethos supports The Church of England's vision for Education with Jesus' promise of 'life in all its fullness' at its heart.

## Rationale

Canon Sharples CE Primary School is committed to providing a full and efficient education to all pupils and embraces the concept of equal opportunities for all. We endeavour to provide an environment where all pupils feel valued and welcome.

For a child to reach their full educational achievement, a high level of school attendance is essential. We will consistently work towards a goal of 100% attendance for all children. Every opportunity will be used to convey to pupils and their parents or carers the importance of regular and punctual attendance.

School attendance is subject to various Education Laws and this school attendance policy is written to reflect these laws and the guidance produced by the Department for Education.

Each year the school will examine its attendance figures and set attendance targets. These will reflect both National and Wigan attendance figures.

The school will review its systems for improving attendance at regular intervals to ensure that it is achieving its set goals.

This policy will contain within it the procedures that the school will use to meet its attendance targets.

## School Procedures

Any child who is absent from school at the morning or afternoon registration period must have their absence recorded as being authorised, unauthorised or as an approved educational activity (attendance out of school). Only the Executive Headteacher or a member of staff acting on their behalf can authorise absence. If there is no known reason for the absence at registration, then the

absence must be recorded in the first instance as unexplained, if the absence is still unexplained after a 2-week period, this will be changed to unauthorised.

### **Lateness**

The classroom doors open at **8.45am** and the class teacher is responsible for manually documenting the morning registration, which closes at **9.00am**. This is completed using a computerised system (SIMS). If the usual class teacher is not present (i.e. there is a supply teacher) then a paper register can be requested from the school office who will then enter the attendance data in to the system.

If a child is absent, the class teacher will leave the register blank and the appropriate authorised absence code will be entered by the administration officer.

Pupils arriving after the close of registration **must** report to the school office. Pupils arriving before **9.30am** will be treated, for statistical purposes, as present, but will be coded as Late (before registers close).

Pupils arriving late after **9.30am** will be marked as U (after registration closes), unauthorised absence.

Pupils arriving from a medical appointment will be given a 'medical mark'. A medical mark is an authorised absence but does affect the pupils' overall attendance percentage.

The afternoon registration will be at **1.00pm** and will close five minutes later, **1.05pm**. The class teacher is responsible for manually recording the correct mark.

Continuous lateness is monitored by the Executive Headteacher (or another nominated person) during each half term. A letter (Appendix 1a) will be sent to all parents and carers, whose child has a high number of late sessions (five or more), during a half term. If lateness improves, no further action will be taken. If the number of late sessions continues, and parents and carers have not been in contact with school, the Executive Headteacher (or another nominated person) will request a meeting with parents and carers to establish the reason for lateness, and to offer support.

### **First Day Absence**

Parents and carers should keep children at home if they are acutely unwell. Parents will be encouraged to send children in to school if there is a possibility of doing so. In this case, school will closely monitor the child and send home if necessary.

On the **first day** of absence, school should be notified by parents/carers, either in person, by telephone or by email, as soon as practical giving reasons for why their child is unable to attend.

On the **second day** of absence, again, school should be notified by parents/carers, either in person, by telephone or by email, as soon as practical giving reasons for why their child is unable to attend.

On the **third day** of absence, a welfare/home visit will be conducted by a designated member of staff from school to provide support.

From the **fourth day** onwards, school will continue to expect regular communication from parents/carers and will monitor the absence closely, providing support if necessary.

### **Unexplained Absences/Unable to Contact Parents or Carers**

If the school has not been informed of a child's absence on the **first day** of absence, a telephone call to the child's parents/carers will be made by the administration officer before 10.30 am, to ensure they are absent with their permission, and to establish the reason for absence.

If there is no answer on either parent's contact numbers, a message will be left for them by the administration officer, stating why they are calling and asking them to contact the school as soon as possible.

If the child does not attend school for a **second day**, and parents/carers have not contacted school, the administration officer will contact **all** of the named contacts for the child and send an email requesting an urgent telephone conversation.

For safeguarding reasons, if the child does not attend school on the **third day** of the absence and parents/carers have not contacted school, a home visit will be arranged. If, after a home visit, no reason for the absence has been established, school may request a police welfare check. If a member of staff completes a home visit and there is no response, a note will be left informing parents/carers that school has tried to make contact. This will be repeated on the **fourth day** if school have still not had communication from parents.

If, on the **fifth day** of absence, the child does not attend school and there has been no communication with parents/carers, school will complete and submit a 'Child Missing in Education' Form.

### **Persistent Absence (defined in legislation as 10% or more absences; either authorised or unauthorised)**

A child who is persistently absent is at risk of failing to achieve their full potential within the school environment. Any pupil with attendance below 90% will be closely monitored and appropriate interventions will be implemented to raise attendance above the Persistent Absence threshold.

This initially will include parents/carers receiving a '**white letter**' (Appendix 1b), stating their child's attendance figure (below 90%) for up to that half term and an attendance certificate will be enclosed.

The attendance of children with attendance below 90% will be carefully monitored throughout the following half term.

If attendance improves and the cumulative attendance is above 90% at the end of the following term, parents/carers will receive a '**green letter**' (Appendix 1c).

If attendance improves, but the cumulative attendance remains below 90% at the end of the following term, parents/carers will receive a '**yellow letter**' (Appendix 1d).

If attendance does not improve and remains below 90%, parents/carers will receive a '**red letter**' (Appendix 1e), and will be contacted by school to discuss how they can be supported to improve their child's attendance.

If a child's attendance drops between 91%-95% then parents/carers will receive a '**blue letter**' (Appendix 1f) which states that their child's attendance is at risk of becoming persistent absence.

### **Frequent Absence/Attendance Support Meeting**

It is the responsibility of the relevant school attendance staff to be aware of and bring attention to any emerging attendance concerns.

In cases where a pupil begins to develop a pattern of absences, the school will try to resolve the problem with parents and carers. In the first instance, where a child receives 2 consecutive red letters OR attendance remains a significant concern, parents will be invited to school to an 'Attendance Support Meeting' (see Appendix 2) with the Attendance Officer and/or a member of the Senior Leadership Team. During this meeting, all stakeholders will identify how attendance can be improved and agree the support required. This will be reviewed on a regular basis (suggested timescale will be 4 weeks in most cases). If this plan is unsuccessful, school may open an Early Help and/or contact Startwell, who may offer family support.

Where attendance and punctuality are a concern, absences will only be authorised with proof of any illness or appointments requiring time away from school.

### **Welcome Back**

It is important that on return from an absence, that all pupils are made to feel welcome. This should include ensuring that the pupil is helped to catch up on missed work and brought up to date on any information that has been passed to the other pupils.

### **Absence Notes/Emails**

Notes and emails received from parents explaining absence will be kept for the remainder of the academic year and recorded on Cpoms. If there are attendance concerns about a specific pupil, then the notes will need to be retained for a longer period in case they are required for further investigation.

### **Medical Appointments**

Parents/carers may request to take children out of school for medical appointments. Routine appointments such as GP, dentist and optician appointments should be made outside of school hours, where possible.

## **Holidays in Term Time**

Term time holidays and extended leave are not allowed and will not be authorised as stated in the Education (Pupil Registration) (England) (Amendment) Regulations 2013.

The school will only grant leave of absence in exceptional circumstances that are not related to holidays.

Parents/carers must complete a '**Leave of Absence in Term Time Request Form**' (Appendix 3), which is on the school website, to the Executive Headteacher in good time (at least 6 weeks before a planned absence) to request permission to take their child out of school during term time. The 6-week time period is necessary in order for the school to give due consideration to the request.

If the request is denied, school will inform the parent/carer of the reason by letter (Appendix 4). If the parent/carer chooses to continue with the planned absence, it will be recorded as an **unauthorised absence** and could result in an Education Penalty Notice.

In the rare circumstances when the Executive Headteacher is satisfied that there are genuine reasons for an absence, they will determine the number of days a child can be away from school and the leave will be granted as **authorised** (Appendix 5).

## **Penalty Notices**

Wigan LA are informed of unauthorised absences by school and will take appropriate action, which may include issuing an Education Penalty Notice to parents/carers or court action. Parents/carers are informed of the criteria for Education Penalty Notices at the beginning of each school year (Appendix 6).

Section 23 of the Anti-Social Behaviour Act 2003 empowers designated LA officers, Headteachers and the Police to issue penalty notices in cases of unauthorised absences from school. The Education (Penalty Notices) (England) Regulations 2004 came in to force on 27 February 2004) and were amended in the Education (Penalty Notices) (England) (Amendment) Regulations 2013.

A Penalty Notice may be issued if a child falls within one or more of these categories within a 12-week period:

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- persistently arrives late for school after the close of registration

### The registration system

The School will use a computerised system for keeping the school attendance records. Class teachers will enter attendance data in to the computerised system (SIMS) in the classroom.

In some circumstances, where the usual class teacher is not present, a teacher can request a paper copy of the register which will then be completed and returned to the school office. The attendance data will then be entered on to the system.

**The following national codes will be used to record attendance information:**

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Educated off site (NOT Dual registration)	Approved Education Activity
C	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised absence
D	Dual registration (i.e. pupil attending other establishment)	Approved Education Activity
E	Excluded (no alternative provision made)	Authorised absence
F	Extended family holiday (agreed)	Authorised absence
G	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised absence
H	Family holiday (agreed)	Authorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J	Interview	Approved Education Activity
L	Late (before registers closed)	Present
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Unauthorised absence (not covered by any other code/description)	Unauthorised absence
P	Approved sporting activity	Approved Education Activity
R	Religious observance	Authorised absence
S	Study leave	Authorised absence
T	Traveller absence	Authorised absence
U	Late (after registers closed)	Unauthorised absence
V	Educational visit or trip	Approved Education Activity
W	Work experience	Approved Education Activity
X	Untimetabled sessions for non-compulsory school-age pupils	Not counted in possible attendances
Y	Enforced closure	Not counted in possible attendances
Z	Pupil not yet on roll	Not counted in possible attendances
#	School closed to pupils	Not counted in possible attendances

## **Categorisation of Absence**

**Any pupil who is on roll but not present in the school must be recorded within one of these categories.**

1. Unauthorised Absence
2. Authorised Absence
3. Approved Educational Activity

### **1. Unauthorised absence**

This is for those pupils where no reason has been provided, or whose absence is deemed to be without valid reason. Unauthorised absences affect attendance figures.

### **2. Authorised absence**

This is for those pupils who are away from school for a reason that is deemed to be valid under the Education Act 1996. Authorised absences also affect attendance figures.

### **3. Approved Educational Activity**

This covers types of supervised educational activity undertaken off site but with the approval of the school.

**Note Pupils recorded in this category are deemed to be present for attendance returns purposes.**

This would include:

- Work experience placements;
- Field trips and educational visits;
- Sporting activities;
- Link courses or approved education off site;
- Most types of dual registration.



Registers by law must be kept for at least 3 years.

The school will use a computerised system for keeping the school attendance records.

### **The Law**

The Education Act 1996 Part 1, Section 7 states:

The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable-

[a] To his/her age, ability and aptitude and

[b] To any special needs he/she may have.

Either by regular attendance at school or otherwise.

For educational purposes the term parent is used to include those that have parental responsibility and/or those that have the day to day care of the child.

The legislation that appertains to children who are of compulsory school age and are registered at school is contained within this Act.

Part V1 Section 444 contains the details of when an offence is committed if a child fails to attend school.

Register and Admission Roll keeping.

The legal requirements are found in:

The Education [Pupil Registration] (England) Regulations 2006

Wigan Council Guidance and Code of Conduct for Education Penalty Notices can be found in Appendix 7 & 8.

## **Attendance Awards**

Individual attendance certificates and awards are given for 100% attendance each half term.

Children will also receive a certificate and a reward for achieving 100% attendance during the full academic year.

Attendance is celebrated on a weekly basis in the form of a class attendance certificate in which the class with the highest percentage attendance wins a reward. (The reward can be decided by the class teacher and may include an extra playtime, 15 minutes of Golden Time etc)

In some circumstances, teachers/support staff may award an attendance certificate if a class has significantly improved their attendance.

If children complete a full half term without any absences or late marks children will be classed as having '**perfect attendance**' for that half term. This means their name is entered in to a prize draw where they may win a prize.

Attendance will be high priority around school and celebrated through Displays, Newsletters and through Social Media.

## APPENDICIES

### Appendix 1a - Late Letter

Date

**Re: Attendance of (insert child's name)**

Dear Parents/Carers,

During the last half term, your child arrived at school after 9.00am and received a late mark on x **occasions.**

Your child's attendance and punctuality will be closely monitored during the next half term. I enclose a copy of the attendance certificate for your information.

When a child is late for school, they will miss valuable learning time, which could have a detrimental impact on your child's progress and attainment. They may also miss key information and messages from their class teacher. Arriving late for school can affect a child's routine and wellbeing.

If you would like to discuss any issues regarding this, please contact the school office to arrange a convenient appointment with your child's class teacher.

Yours sincerely,

**Mrs. J. Woodcock**  
**Executive Headteacher**

## **Attendance Letters**

### **Appendix 1b - White Letter**

Date

**Re: Attendance of ... Class ...**

Dear Parents/Carers,

For a child to reach their full educational achievement, a high level of school attendance is essential. As a school we consistently work towards a goal of 100% attendance for all children. Systems are in place to carefully monitor attendance and we aim to communicate with parents when there are any concerns over attendance figures. The Local Authority consider any attendance below 90% as 'Persistent Absence'.

During the academic year so far, your child's attendance is %.

As this is below 90%, your child's attendance will be closely monitored during the next half term.

I enclose a copy of the attendance certificate for your information.

If you would like to discuss any issues regarding this, please contact the school office to arrange a convenient appointment with your child's class teacher.

Yours sincerely,

**Mrs. J. Woodcock**  
**Executive Headteacher**

Date

**Re: Attendance of ... Class ...**

Dear Parents/Carers,

During the academic year so far, your child's attendance is %.

I am pleased to inform you that there has been an improvement in your child's attendance.

Your child's attendance figure is now above 90%, which is the Local Authority Threshold for Persistent Absence. We hope that this remains above this threshold and your child's attendance continues to improve.

I enclose a copy of the attendance certificate for your information for your information.

Many thanks for your support.

Yours sincerely,

**Mrs. J. Woodcock**  
**Executive Headteacher**

Date

**Re: Attendance of ... Class ...**

Dear Parents/Carers,

During the academic year so far, your child's attendance is %.

I am pleased to inform you that there has been an improvement in your child's attendance.

However, the attendance figure remains below 90%, which is the Local Authority Threshold for Persistent Absence. Therefore, we will continue to monitor your child's attendance during the next half term and I hope that it continues to improve.

I enclose a copy of the attendance certificate for your information for your information.

If you would like to discuss any issues regarding this, please contact the school office to arrange a convenient appointment with your child's class teacher.

Yours sincerely,

**Mrs. J. Woodcock**  
**Executive Headteacher**

Date

**Re: Attendance of ... Class ...**

Dear Parents/Carers,

During the academic year so far, your child's attendance is %.

There has been no improvement in your child's attendance since the last half term and the attendance figure remains below 90%, which is the Local Authority Threshold for Persistent Absence. Therefore, we will continue to closely monitor your child's attendance during the next half. I enclose a copy of the attendance certificate for your information.

You will be contacted by school to discuss how we can support improving your child's attendance.

For a child to reach their full educational achievement, a high level of school attendance is essential. As a school we consistently work towards a goal of 100% attendance for all children. Systems are in place to carefully monitor attendance and we aim to communicate with parents when there are any concerns over attendance figures.

Yours sincerely,

**Mrs. J. Woodcock**  
**Executive Headteacher**

Date

**Re: Attendance of ... Class ...**

Dear Parents/Carers,

For a child to reach their full educational achievement, a high level of school attendance is essential. As a school we consistently work towards a goal of 100% attendance for all children. Systems are in place to carefully monitor attendance and we aim to communicate with parents when there are any concerns over attendance figures. The Local Authority consider any attendance below 90% as 'Persistent Absence'.

During the academic year so far, your child's attendance is %.

As this falls between 91% and 95%, your child's attendance will be closely monitored during the next half term to ensure they do not become 'persistently absent' from school.

I enclose a copy of the attendance certificate for your information.

If you would like to discuss any issues regarding this, please contact the school office to arrange a convenient appointment with your child's class teacher.

Yours sincerely,

**Mrs. J. Woodcock**  
**Executive Headteacher**



## Appendix 2 – Attendance Support Meeting Pro-Forma

Name of Child

Class

Persons Attending:

- 1.
- 2.
- 3.

### Meeting Outline

The focus of the meeting is to consider how we can improve the attendance of (name of child). We will consider what currently works well for (name of child) and what challenges are faced. This is an opportunity for everyone to share ideas about how the (name of child) and the family can be supported to improve attendance. At the end of the meeting, everyone will have a clear plan of the way forward with an agreed timescale and actions.

**Current Cumulative Attendance - %**

Attendance Support Plan – Initial Meeting			
What is Currently Working Well?			
What are the Current Challenges?			
What actions are to be put in place to improve attendance?			
Cumulative Attendance Target for the next 4 weeks	%	Review Date	
Signed (School)		Date	
Signed (Parent)		Date	

### Review Meeting

Date of Meeting –

<b>Attendance at previous Attendance Support Meeting</b>	<b>Target Set for Cumulative Attendance</b>	<b>Current Cumulative Attendance</b>
<b>%</b>	<b>%</b>	<b>%</b>

<b>Attendance Support Plan - Evaluation</b>			
<b>What has worked well?</b>			
<b>What challenges/barriers still exist?</b>			
<b>What further actions are needed?</b>			
<b>Parental Comments</b>			
<b>Cumulative Attendance Target for the next 4 weeks</b>	<b>%</b>	<b><i>Review Date</i></b>	
<b>Signed (School)</b>		<b><i>Date</i></b>	
<b>Signed (Parent)</b>		<b><i>Date</i></b>	

### **Appendix 3 - Leave of Absence in Term Time Request Form**

Date

Dear Parents/Carers,

#### **Re: Leave of Absence Requests**

As I am sure you appreciate, regular school attendance is essential if your child is to maximise their educational opportunities. Interruptions in school attendance not only disrupts your child's education, it makes it harder to catch up on work missed, and it can also affect their social life within school.

It is the school's responsibility to provide the best education possible. We can only do this if your child attends regularly.

From September 2013 amendments to the 2006 School Attendance Regulations make it clear that Headteachers may not grant any requests for holidays in term time.

#### **Additionally**

- All requests for leave in term time must be in writing on the Leave of Absence Request Form (see reverse).
- Any granting of leave does not set a precedent for similar future requests and the frequency/duration of such leave periods will be considered as factors in any decisions.
- Requests will be considered by the Executive Headteacher.
- Any approved leave must be subject to a contract/agreement between parents and the school stating what leave has been granted and the pupil's date of return to school.
- School will not provide work for children for unauthorised absences.
- If a request for a Leave of Absence during term time is unauthorised, you may receive a fixed penalty notice.

Yours sincerely

**Mrs. J. Woodcock**

**Executive Headteacher**

**Term Time Holiday Request Form\***

Child's name: \_\_\_\_\_ Class: \_\_\_\_\_

Date(s) of absence: \_\_\_\_\_

Length of absence: \_\_\_\_\_

Reason for absence: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Parent/Carer Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date requested: \_\_\_\_\_

---

**NOTE**

**\*Please be advised that, by taking this term time holiday you may incur a fine from the local authority/attendance enforcement service (Educational Penalty Notice – EPN). For further details please refer to the school's Attendance Policy – available on request or via the school website, thank you.**

All term time holidays are all unauthorised therefore: Absence code =

G

Signed: \_\_\_\_\_

Mrs J. Woodcock (Executive Headteacher)

Date:

Filed:

The Executive Head Teacher will consider the following points before authorising leave:-

- The pupil's previous attendance history
  - The age of the pupil
  - the child's stage of education
  - time of the year (SATS/Exams)
- The nature/reasons for the absence

#### **Appendix 4 - Leave of Absence in Term Time Outcome Letter: Unauthorised**

Date

Dear (insert name of Parents/Carers),

From September 2013 amendments to the 2006 School Attendance Regulations make it clear that Headteachers may not grant any requests for holidays in term time.

Unfortunately, I am **unable** to grant your request for (insert child's name) to be absent from school during term-time on/from (insert dates requested) as it does not meet the agreed criteria.

I assure you that I have made this decision with the best interests of your child in mind and, I therefore, will not authorise this absence.

The importance of school attendance is such that leave of this kind will only be granted where the circumstances are exceptional. This is in line with Local Authority's Policy on absence during term-time.

Wigan LA are informed of unauthorised absences from school if your child falls into one or more of the following categories within a 12-week period:

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- persistently arrives late for school after the close of registration

Wigan LA may take appropriate action, which could include issuing Fixed Penalty Notices or Court Action.

It is essential that your child attends school regularly to benefit fully from their education.

Yours sincerely

**Mrs. J. Woodcock**

**Executive Headteacher**

## **Appendix 5 Leave of Absence in Term Time Outcome Letter: Authorised**

Date

Dear (insert name of Parents/Carers),

We have agreed that your child will be absent from school on (insert date) as per the Leave of Absence Request Form submitted recently.

The granting of this period of leave does not set any precedent for future applications.

It is also understood that if he/she does not return by the agreed date without suitable reason, any further absence may be recorded as unauthorised.

Yours sincerely,

**Mrs. J. Woodcock**

**Executive Headteacher**

## Appendix 6 – Information letter regarding Education Penalty Notices

Date

Dear Parents/Carers,

### **Education Penalty Notice Warning for Non-School attendance**

Under the Education Act 1996, parents and carers have a duty to make sure their children regularly attend school. If parents or carers fail to do this, they can be prosecuted.

Working within a Code of Conduct the Local Authority can issue a penalty notice to parents or carers if a child has missed a number of sessions without permission from the school.

If your child falls within one or more of these categories within a 12-week period

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- persistently arrives late for school after the close of registration

You could receive a Penalty Notice of £60 which will increase to £120 if not paid within 21 days. The Penalty Notice will need to be paid in full before 28 days of the notice being served. Failure to pay a penalty notice may result in prosecution (a separate penalty notice may be issued to each parent for each child).

In law, an offence is committed if a parent fails to secure a child's regular attendance at school. Wigan Council Attendance Service, in conjunction with schools, will use these powers as an early deterrent to prevent patterns of unauthorised absence developing.

You may also receive a Penalty Notice for the offence of failing to secure regular school attendance under the following circumstances:

- Your child is stopped on a truancy sweep
- You fail to ensure that your child is not in a public place during the first 5 days of a fixed term or permanent exclusion.



The Local Authority and schools are committed to providing the best possible future for your child. If you have concerns about your child's attendance at school or if you are experiencing any difficulties please contact your child's class teacher and ask for support.

Yours sincerely,

**Mrs. J. Woodcock**

**Executive Headteacher**



# Education Penalty Notice Guidance Notes for Schools

August 2018

These guidance notes have been produced to assist schools and Wigan Council officers with the process of requesting an Education Penalty Notice for unauthorised absences, and should be read in conjunction with Code of Conduct for Education Penalty Notices.

Education Penalty Notices for unauthorised absence can only be requested in accordance with the Education Penalty Code of Conduct, using the request form available.

An Education Penalty Notice request must be authorised by the Headteacher.

### **Schools expected attendance level**

As stated in the school's attendance policy and in correspondence to the parent if the child's attendance is above the schools expected level of attendance an Education Penalty Notice cannot be requested. Following the Supreme's Court decision on 6<sup>th</sup> April 2017, a child attends regularly if she/he attends as prescribed by the school rules.

### **Early Help, Children's Social Care & other agency involvement**

In most cases, Education Penalty Notices are not always an appropriate measure if a child concerned currently requires interventions from another service. However, there are exceptional circumstances in which legal measures may be used as part of a multi-agency intervention to achieve outcomes. In these circumstances, a request for an Education Penalty Notice must be agreed by the professional who is working with the family or at multi-agency meetings. Written evidence of such an agreement or decision should be presented with the Education Penalty Notice request form in order for this to be issued.

### **Completion of an Education Penalty request form**

*The Headteacher must authorise this request.*

#### **Education Penalty Notice details**

Please note that you cannot request an Education Penalty Notice if the child has had less than 10 sessions unauthorised absence. Please use other information box to provide any background information about the child or family e.g parents have poor literacy or have language barriers, child is subject to an Education Health Care Plan (EHCP), Encompass reports etc.

#### **School information**

Please provide the school's details.

#### **Referrer information**

Please provide the details of the person that should be contacted in the case of queries and notifications, including an email address.

#### **Pupil information**

Please provide pupil's legal name in full (include details of any other surname they are known by), date of birth and year group. If you have not had confirmation from the parent(s) within the last 3 months of the pupil's address then please check this before submitting the Education Penalty Notice request form. ***If the school is aware that the child's address has changed and do not give the correct address on the EPN request the Education Penalty Notice will be withdrawn.***

### **Siblings**

Where a school is aware that there are siblings they should answer Yes, where the schools are not sure they should endeavour to find out and answer Yes or No accordingly. Where a sibling attends the same school advise Yes or No as to whether an EPN has been requested for each sibling. Where the sibling attends another educational establishment the requesting school should liaise with that establishment to discover if an EPN will also be requested for the sibling (s) before submitting their EPN request.

### **Parent/Carer information**

Please include anyone who has day to day care of the child (see S576 Education Act 1996 for full definition)

Full details of all parents are required e.g Mother, Father, Step-parent, carers.

If the parents are separated please include details of both parents and their whereabouts. If the schools has no knowledge of an additional parent/carers please note this on the EPN request.

***If you have not had a data collection form returned confirming parents address/es in the last 3 months then to check their address before submitting the EPN request.***

### **Registration certificates**

Please attach an up to date attendance certificate showing evidence of 10 or more unauthorised sessions with below 90% attendance.

The absence should clearly be 'O' and/or 'U'. For unauthorised holiday use code 'G'

Please make sure there are no missing marks or code 'N' recorded on the registration certification you submit.

This document must be sent with the EPN request.

### **Other documents required**

Education Penalty Notice request to be fully completed.

Evidence of actions taken i.e letters, notes of meeting(s), conversations with parent/carers to address the concerns around the pupil's attendance, school strategies, multi-agency meetings. Please ensure the school has acted in accordance with their own Attendance Policy.

A copy of the Education Penalty Notice warning that was sent to parent(s) informing them of potential consequence. This letter should be sent to all parent(s) at the beginning of term & subsequent terms informing them of this.

Written confirmation to be obtained from the Lead Professional involved stating that there are exceptional circumstances in which legal measures may be used, as part of a multi-agency intervention to achieve outcomes.



# Education Penalty Notice Code of Conduct

August 2018

## Rationale

Regular and punctual attendance at school is a legal requirement under Section 444 of the Education Act 1996. It is essential that parents maximise the educational opportunities available for their children and provide the best possible start in life.

Under previous legislation, parents of a registered pupil whose child failed to attend school regularly and whose absence was unauthorised committed an offence for which prosecution was the only available sanction. With the Education Penalty Notices Regulations 2007 penalty notices were introduced as an early intervention strategy as an alternative to the previous sanction by allowing parents an opportunity to discharge potential liability for conviction for the offence. From 1<sup>st</sup> September 2013 the fine is £60 to be paid within 21 days and increased to £120 to be paid within 28 days. If the penalty remains unpaid by the end of 28 days, the Local Authority must consider the commencement of proceedings for the offence to which the notice relates. The prosecution is not for the non-payment of the notice but is for failure to ensure regular attendance at school.

**Education Penalty Notices should be used as an early deterrent** to prevent patterns of unauthorised absence developing and to supplement rather than replace the use of the wider powers already available. As with current legislative action they are to be used for the enforcement of attendance and not for use as a punishment for absence.

Schools have the first responsibility to take effective action to improve attendance. Where there is clear evidence of underlying problems within the family that require more intensive support an Early Help assessment would be advised. This could support the family to make changes that will improve school attendance and other outcomes.

Penalty notices should be used where a parent is capable of securing an improvement in their child's school attendance but is unwilling to do so.

They can only be used for periods of unauthorised absence and the defences in law replicate those already in place for enforcement actions under the provisions of Section 444 of the Education Act 1996.

A separate penalty notice will be issued to each parent for every child who is not attending school. For each child there should be an Education Penalty Notice warning letter issued to each parent during an academic year.

## Excluded pupils

Section 105 (1) of the Education and Inspections Act 2006 empowers designated Local Authority Officers, Headteachers (and Deputy and Assistant Headteachers authorised by them) and the Police to issue penalty notices in cases where an excluded pupil is in a public place during school hours at any time during the first five days of any period of exclusion from school without justifiable cause.

If the pupil was subsequently to be found out in a public place again either during the same period of exclusion or during a further exclusion within the same academic year then a penalty notice may be issued.

Non-payment of a penalty notice issued where a parent allows an excluded pupil during the first five days of any period of exclusion to be present in a public place without justifiable cause may result in a prosecution under Section 103 (3) of the Education and Inspections Act 2006.

## Legislation

Section 23 of the Anti-Social Behaviour Act 2003 introduced new powers for designated Local Officers, Headteachers and the Police to issue penalty notices for unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2004 came into force on 27<sup>th</sup> February 2004. These were updated by the Education (Penalty Notices) (England) Regulations 2007 (as amended).

Penalty Notices must be issued in a manner that conforms to all requirements of the Human Rights Act and all Equal Opportunities legislation.

### **For the purposes of the protocol, the legal definitions of ‘parent’ are:**

- Any natural parent, whether married or not.
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person.
- Any person who, although not a natural parent, has care of a child or young person

### **If a Penalty Notice remains unpaid:**

Prosecutors must take into account the **‘Code for Crown Prosecutors’** that sets out a two-stage test that prosecutors should follow when they make decisions on case:

#### **Is there enough evidence against the defendant?**

When deciding whether there is enough evidence to charge, prosecutors must consider whether evidence can be used in court and is reliable. Prosecutors must be satisfied there is enough evidence to provide a ‘realistic prospect of conviction’ against each defendant.

#### **Is it in the public interest for the CPS to bring the case to court?**

A prosecution will usually take place unless the prosecutor is sure that the public interest factors tending against prosecution outweigh those tending in favour.

## Issuing of Penalty Notices

For an Education Penalty Notice to be considered the school is responsible for issuing an Education Penalty Notice warning letter to each parent at the beginning of the academic year and then subsequently each term (Appendix 1). For any mid-year admissions to the school all parents will receive the Education Penalty Notice warning letter as part of their intake meeting.

Prior to requesting an Education Penalty Notice schools should take all reasonable steps to ensure good attendance. In cases where a school has concerns about a pupil’s attendance, the school must ensure contact has been made to parent(s) to try and resolve any issues and difficulties to prevent potential prosecution. An Education Penalty Notice should be used as a last resort.

An Education Penalty Notice may be issued following an Education Penalty Notice warning (Appendix 1) being sent.

School would complete Education Penalty Notice request form (Appendix 2) if a child falls within one or more of these categories within a 12 week period;

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- persistently arrives late for school after the close of registration

The Local Authority will consider issuing a Penalty Notice to each responsible parent.

The use of Penalty Notices shall be restricted to one per pupil, per parent in any single academic year.

**Wigan Local Authority will consider requests to issue Penalty Notice only if;**

- An Education Penalty Notice request form (Appendix 2) is completed with all necessary information and the supporting relevant documentation is provided.
- The period of absence is not being considered for proceedings according to Section 444 (1) or (1A) of the Education Act 1996.
- The issue of an Education Penalty Notice does not conflict with other intervention strategies in place by the Local Authority or by other agencies where the circumstances are known to the Local Authority.

To ensure consistent delivery of Education Penalty Notices the request form (Appendix 2) will require completion by the school and the following documentation provided:

- A copy of the pupil's up to date attendance certificate showing a minimum of ten sessions (5days) with below 90% attendance
- A chronology of intervention; i.e details of meetings, letters, phone calls with the parent(s) and has parent(s) been informed that criteria has been met
- Evidence of the Education Penalty Notice warning being issued to the parent(s)
- Clear agreement and consent from Headteacher

The Local Authority will consider each request and may deem it appropriate to take one of the following actions;

- Advise schools to refer to supporting agencies
- Issue an Education Penalty Notice
- Advise the school to refer to the Attendance Service



## Payment of Penalty Notices

The payment of an Education Penalty Notice will be £60 if paid within 21 days, increasing to £120 to be paid within 28 days.

## Non-payment of Education Penalty Notices

If payment is not received within 28 days, the Local Authority will consider prosecution for the unauthorised absence to which the Education Penalty Notice relates.

Non-payment of an Education Penalty Notice may result in legal action being taken by the Local Authority. These actions will be considered where a significant improvement of school attendance is not apparent.

The instigation of legal proceedings for unauthorised absence from school under Section 444 (1) of the Education Act 1996 may also be considered where it is deemed to be appropriate.

In these circumstances, the school is required to provide the Local Authority with a signed school attendance record of the pupil.

## Procedure for withdrawal

Once an Education Penalty Notice has been issued it can only be withdrawn in the following circumstances:

- It has been established that the notice was issued in error.
- The notice had been issued to the wrong person.
- The circumstances of the absence do not comply with the conditions of Wigan Council Local Authority's code of conduct and the Education (Penalty Notices) (England) Regulations 2007.
- The parent/carer provides evidence that would constitute a statutory defence.

## School and Local Authority policy documents

All schools should include clear reference to the Local Authority School Attendance Code of Conduct in their attendance policies and this should be brought to the attention of all parents through prospectus material. In addition the Education Penalty Notice warning is issued to parents at the beginning of the academic year and subsequently each term. Where early patterns of unauthorised absence are occurring the sending of advisory letters is an action that schools should normally undertake, alongside having conversations regarding absence with parents and reinforcing the potential implications.

## Monitoring and review

The Local Authority will monitor and evaluate the outcomes of Education Penalty Notices in terms of improvement in school attendance, payment and any subsequent legal action. The use of the notices will be reviewed at regular intervals and the enforcement strategy of the Local Authority may be amended accordingly.

Service reports include data on the deployment and outcomes of their use.