



Joyce
Frankland
Academy

Newport

Established 1588 ffree Grammer Schole of Newport

ATTENDANCE POLICY

The name and contact details of the Academy Leadership Team member who should be contacted regarding student attendance is:

- Mr Gamble (Assistant Principal)

The name and contact details of the Academy staff member students and parents should contact about attendance on a day-to-day basis is:

- Ms Cully (Attendance Officer) attendance@joycefrankland.org

Policy Reviewed:	September 2022
Policy Review Date:	September 2023
Signed:	Mr Roberts (Principal)
Signed:	Ms Beaumont

Joyce Frankland Academy, Newport

Student Attendance Policy

Introduction and Background

Joyce Frankland Academy, Newport recognises that good attendance and punctuality are essential in order to raise standards of student attainment and to give every child/young person the best educational experience possible.

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education by attendance at a school.

Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

The DfE has produced guidance for maintained schools, academies, independent schools, and local authorities: Working together to improve school attendance. Our Attendance Policy reflects the key principles of that guidance.

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

This policy is written with the above guidance in mind and underpins our ethos to:

- promote children's welfare and safeguarding;
- ensure every student has access to the full-time education to which they are entitled;
- ensure that students succeed whilst at the Academy; and
- ensure that students have access to the widest possible range of opportunities at the Academy, and when they leave school.

It has been developed in consultation with Academy governors, teachers, local Headteacher Associations, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the Academy's commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor student attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which students feel safe, secure and valued;
- Raising awareness of the importance of good attendance and punctuality; and
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

For our children to gain the greatest benefit from their education, it is vital that they attend regularly and be at the Academy, on time, every day the Academy is open unless the reason for the absence is unavoidable. **It is an Academy expectation that students must attend every day, unless there are exceptional circumstances and it is the Principal, not the parent, who can authorise the absence.**

Promoting Regular Attendance

At Joyce Frankland Academy, Newport we believe in developing good patterns of attendance and set high expectations for the attendance and punctuality for all our students. It is a central part of our vision, values, ethos, and day to day life. We recognise the connections between attendance, attainment, safeguarding and wellbeing.

Helping to create a pattern of regular attendance is the responsibility of parents, students and all members of Academy staff.

To help us all to focus on this we will:

- Celebrate excellent attendance.
- Reward good or improving attendance.
- Report to parents/carers regularly on their child's attendance.
- Contact parents/carers should their child's attendance fall below the Academy's target for attendance.

Understanding Types of Absence

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any student's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and allowing absence from school without a good reason creates an offence in law and may result in prosecution.

Every half-day absence from school has to be classified by the school (not by the parent), as either **authorised** or **unauthorised**. This is why information about the cause of any absence is always required. Each half-day is known as a 'session'.

Authorised absences are morning or afternoon sessions away from school for a genuine reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable causes.

Unauthorised absences are those which the school does not consider reasonable and for which no 'leave' has been granted. This type of absence can lead to the school referring to the Local Authority for penalty notices and/or legal proceedings.

Unauthorised absence includes, however is not exhaustive:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn;
- absences which have never been properly explained;
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes, however, it is counted as an absence for the session;
- shopping trips;
- looking after other children or children accompanying siblings or parents to medical appointments;

- their own or family birthdays;
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the Principal – this may result in school applying to the Local Authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the Local Authority;
- day trips; and/or
- other leave of absence in term time which has not been agreed.

Persistent Absenteeism (PA)

A student is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for any reason; this can be both for authorised or unauthorised absence. Absence at this level will cause considerable damage to any student's education and we need the full support and co-operation of parents to resolve this.

Absence Procedures

The name and contact details of the school staff member students and parents should contact about attendance on a day to day basis is:

Ms Cully, Attendance Officer

Email: attendance@joycefrankland.org

Tel: 01799 540237

We monitor all absence, and the reasons that are given, thoroughly.

If a child is absent from the Academy, the parent/carers must follow these procedures:

- Contact the Academy on the first day of absence before 8.30am. Parents/carers can do this by either notifying the Academy of their child's absence using the ParentMail app, emailing the Attendance inbox attendance@joycefrankland.org or by leaving a message on the Academy's absence answer phone.
- Contact the Academy on every further day of absence, again before 8.30am using the methods set out in the bullet point above.
- Ensure that your child returns to the Academy as soon as possible and you provide any medical evidence, if requested, to support the absence.

If your child is absent we will:

- Telephone or text you on the first, and every subsequent day of absence, if we have not heard from you. **However, it is your responsibility to contact us.**
- If we are unable to make contact with parents by telephone, we will telephone emergency contact numbers, send letters home and a home visit may be made in the interests of safeguarding.

- A referral will be made to Local Authority (Children Missing in Education (“CME”)) if no contact has been made with parents by the 10th day of absence (or sooner if deemed appropriate), at which point your child will be considered to be “missing from education.”

If absence continues we will:

- Write to you if your child’s attendance is below 95%, or where punctuality is a concern.
- Invite you into school to discuss the situation with our Attendance Officer, your child’s Form Tutor and Head of Year if absences persist.
- Create a personalised action/support plan to address any barriers to attendance.
- Offer signposting support to other agencies or services if appropriate.
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions.

Lateness

Poor punctuality is not acceptable and can contribute to further absence. Good time-keeping is a vital life skill which will help children as they progress through their academic life and out into the wider world.

Students who arrive late disrupt lessons and, if a child misses the start of the day, they can feel unsettled and embarrassed, miss vital work and important messages from their class teacher.

All students are expected to be on site at the Academy at the following times:

- Registration commences: 8.35am
- Registration closes: 8.50am
- End of the school day: 3.15pm

How we manage lateness:

- Registration commences promptly at **8.35am**.
- Students arriving **after 8.35am** are required to sign in at Student Reception and provide a reason for their lateness, which is recorded, together with a note of how late they are using the ‘minutes late’ function on SIMS.
- At **9.15am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time, they will receive a mark that shows them to be on site - ‘U’, but this will **not** count as a present mark and it will mean they have an unauthorised absence.
- Students who are habitually late to morning registration and/or lessons throughout the day will be placed on a Punctuality Report to their Form Tutor. Where punctuality does not improve, they may receive a consequence / intervention according to the Academy’s Behaviour Policy.
- The Academy will contact parents/carers regarding any habitual lateness.

Unauthorised lateness could result in the Academy referring to the Local Authority for sanctions and/or legal proceedings. If your child has a persistent late record, you will be asked to meet with the Academy's Attendance Officer, their Form Tutor and/or their Head of Year, but you can approach us at any time if you are having difficulties getting your child to school on time.

Understanding barriers to attendance

Whilst any student may occasionally have time off school because they are too unwell to attend, sometimes they can be reluctant to attend school. Any barriers preventing regular attendance are best resolved between the school, the parents and the child. If a parent thinks their child is reluctant to attend school, then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this, such as the School Nurse, Mental Health and Emotional Wellbeing support services, a Child and Family Support Worker or the relevant Local Authority team/s. Where outside agencies are supporting the family, you may be invited to attend a Team Around the Family meeting (TAF) to consider what is working well and what needs to improve. An individualised early help plan will be agreed and subsequently reviewed.

Some students face greater barriers to attendance than their peers. These can include students who suffer from long-term medical conditions or who have special educational needs and disabilities, or other vulnerabilities. High expectations of attendance remain and we will work with families and students to support improved attendance whilst being mindful of the additional barriers faced. We can discuss reasonable adjustments and additional support from external partners where appropriate.

See Annex A for summary tables of responsibilities for school attendance.

Local Authority attendance support services

Local Authority Attendance Specialists work strategically by offering support to schools, families, and other professionals to reduce persistent absence and improve overall attendance.

Parents are expected to work with the Academy and Local Authority to address any attendance concerns. Parents should proactively engage with the support offered, aiming to resolve any problems together. This is nearly always successful. If difficulties cannot be resolved in this way, the Academy may consider more formal support and/or refer the child to the Local Authority. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex B for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

School Attendance and the Law

By law all children of compulsory school age must receive an appropriate full-time education (Education Act 1996). Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered.

Parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

Unauthorised absence may result in the school referring to the Local Authority for sanctions and/or legal proceedings. This may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2,500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

See Annex B for the Essex Code of Conduct.

There is no entitlement in law for students to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is “in accordance with the rules prescribed by the school”.

The Education (Student Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are “exceptional circumstances” and they no longer have any discretion to authorise up to ten days of absence each academic year.

It is an Academy rule that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Principal, irrespective of the child’s overall attendance. Only the Principal or his/her designate (not the Local Authority) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the Academy. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a Penalty Notice may be requested by the Academy in accordance with the Essex Code of Conduct.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, however, due to the importance of students settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two calendar weeks of September due to a term-time holiday.

At Joyce Frankland Academy, 'exceptional circumstances' will be interpreted as:

“... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the Principal). The fundamental principles for defining ‘exceptional’ are events that are “rare, significant, unavoidable and short”. By 'unavoidable' we mean an event that could not reasonably be scheduled at another time, outside of school term time”.

We will not consider applications for leave during term time:

- At any time in September. This is very important as your child needs to settle into their new class at the start of the academic year as quickly as possible.
- During assessment and test periods in the Academy’s calendar affecting your child.
- When a student’s attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

If leave of absence is authorised, the Academy will not provide work for students to do during their absence.

Deletion from Roll

For any student leaving Joyce Frankland Academy, Newport other than at the end of Year 11 parents/carers are required to complete a 'Leaver's Exit Form' which can be obtained from either student reception or the Attendance Officer. This form provides the Academy with the following information: Child's name, year, current address, date of leaving, new home address, name of new school, address of new school and a brief reason as to why your child is leaving the Academy. This information is essential to ensure that we know the whereabouts and appropriately safeguard all of our students, even those who leave us.

It is crucial that parents keep the Academy updated with current addresses and contact details for key family members in case of emergency.

Under Pupil Regulations 2006, all schools are now **legally required** to notify their Local Authority of **every new entry** to the admission register **within five days** of the student being enrolled. In addition to this, **every deletion** from the school register must also be notified to the Local Authority, as soon as the ground for deletion has been met in relation to that student, and in any event no later than the time at which the student's name is deleted from the register. This duty does not apply when a student's name is removed from the admission register at a standard transition point, ie. when the student has completed the final year of education normally provided by that school.

Absence data

We use data to monitor, identify and support individual students or groups of students when their attendance needs to improve. Persistently absent students are tracked and monitored carefully. We also combine this with academic tracking as increased absence affects attainment.

We share information and work collaboratively with other schools in the area, Local Authorities, and other partners when absence is at risk of becoming persistent or severe.

Summary

The Academy has a legal duty to promote good school attendance. Equally, parents have a duty to make sure that their children attend school, on time, every day.

All Academy staff and the Governing Body are committed to working with parents and students as this is the best way to ensure as high a level of attendance at our school as possible.

Annex A: DfE guidance Summary table of responsibilities for school attendance. Sept 2022

All pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Ensure their child attends every day the school is open except when a statutory reason applies.</p> <p>Notify the school as soon as possible when their child has to be unexpectedly absent (e.g. sickness).</p> <p>Only request leave of absence in exceptional circumstances and do so in advance.</p> <p>Book any medical appointments around the school day where possible.</p>	<p>Have a clear school attendance policy on the school website which all staff, pupils and parents understand.</p> <p>Develop and maintain a whole school culture that promotes the benefits of good attendance.</p> <p>Accurately complete admission and attendance registers.</p> <p>Have robust daily processes to follow up absence.</p> <p>Have a dedicated senior leader with overall responsibility for championing and improving attendance.</p>	<p>Take an active role in attendance improvement, support their school(s) to prioritise attendance, and work together with leaders to set whole school cultures.</p> <p>Ensure school leaders fulfil expectations and statutory duties.</p> <p>Ensure school staff receive training on attendance.</p>	<p>Have a strategic approach to improving attendance for the whole area and make it a key focus of all frontline council services.</p> <p>Have a School Attendance Support Team that works with all schools in their area to remove area-wide barriers to attendance.</p> <p>Provide each school with a named point of contact in the School Attendance Support Team who can support with queries and advice.</p> <p>Offer opportunities for all schools in the area to share effective practice.</p>

Pupils at risk of becoming persistently absent

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered to prevent the need for more formal support.</p>	<p>Proactively use data to identify pupils at risk of poor attendance.</p> <p>Work with each identified pupil and their parents to understand and address the reasons for absence, including any in-school barriers to attendance.</p> <p>Where out of school barriers are identified, signpost and support access to any required services in the first instance.</p> <p>If the issue persists, take an active part in the multi-agency effort with the local authority and other partners. Act as the lead practitioner where all partners agree that the school is the best placed lead service. Where the lead practitioner is outside of the school, continue to work with the local authority and partners.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Hold a termly conversation with every school to identify, discuss and signpost or provide access to services for pupils who are persistently or severely absent or at risk of becoming so.</p> <p>Where there are out of school barriers, provide each identified pupil and their family with access to services they need in the first instance.</p> <p>If the issue persists, facilitate a voluntary early help assessment where appropriate. Take an active part in the multi-agency effort with the school and other partners. Provide the lead practitioner where all partners agree that a local authority service is best placed to lead. Where the lead practitioner is outside of the local authority, continue to work with the school and partners.</p>

Persistently absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continued support as for pupils at risk of becoming persistently absent and:</p> <p>Where absence becomes persistent, put additional targeted support in place to remove any barriers. Where necessary this includes working with partners.</p> <p>Where there is a lack of engagement, hold more formal conversations with parents and be clear about the potential need for legal intervention in future.</p> <p>Where support is not working, being engaged with or appropriate, work with the local authority on legal intervention.</p> <p>Where there are safeguarding concerns, intensify support through statutory children's social care.</p> <p>Work with other schools in the local area, such as schools previously attended and the schools of any siblings.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continued support as for pupils at risk of becoming persistently absent and:</p> <p>Work jointly with the school to provide formal support options including parenting contracts and education supervision orders.</p> <p>Where there are safeguarding concerns, ensure joint working between the school, children's social care services and other statutory safeguarding partners.</p> <p>Where support is not working, being engaged with or appropriate, enforce attendance through legal intervention (including prosecution as a last resort).</p>

Severely absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>Agree a joint approach for all severely absent pupils with the local authority.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>All services should make this group the top priority for support. This may include a whole family plan, consideration for an education, health and care plan, or alternative form of educational provision.</p> <p>Be especially conscious of any potential safeguarding issues, ensuring joint working between the school, children's social care services and other statutory safeguarding partners. Where appropriate, this could include conducting a full children's social care assessment and building attendance into children in need and child protection plans.</p>

Support for pupils with medical conditions or SEND with poor attendance

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Maintain the same ambition for attendance and work with pupils and parents to maximise attendance.</p> <p>Ensure join up with pastoral support and where required, put in place additional support and adjustments, such as an individual healthcare plan and if applicable, ensuring the provision outlined in the pupil's EHCP is accessed.</p> <p>Consider additional support from wider services and external partners, making timely referrals.</p> <p>Regularly monitor data for such groups, including at board and governing body meetings and with local authorities.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Work closely with relevant services and partners, for example special educational needs, educational psychologists, and mental health services, to ensure joined up support for families.</p> <p>Ensure suitable education, such as alternative provision, is arranged for children of compulsory school age who because of health reasons would not otherwise receive a suitable education.</p>

Support for pupils with a social worker

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Inform the pupil's social worker if there are any unexplained absences and if their name is to be deleted from the register.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Regularly monitor the attendance of children with a social worker in their area.</p> <p>Put in place personal education plans for looked-after children.</p> <p>Secure regular attendance of looked-after children as their corporate parent and provide advice and guidance about the importance of attendance to those services supporting pupils previously looked after.</p>

Annex B

ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent¹ must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES

The legal framework governing school attendance and the responsibilities of parents of excluded students, schools and the LA is set out in a succession of acts, regulations and other guidance.

Education Act 1996

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a

¹ All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, 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 the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

On 6 April 2017, in the case of *Isle of Wight Council v Platt* [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

Anti-social Behaviour Act 2003

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

Crime and Disorder Act 1998

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

AUTHORISATION TO ISSUE PENALTY NOTICES

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme² are authorised to do so.

² Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to students of statutory school age, which commences the term immediately following the child's 5th birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email attendancecompliance@essex.gov.uk. A response will be sent within 3 working days.

Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

Penalty notices for unauthorised leave of absence (ULA)³

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of students settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

Penalty Notices for Irregular School Attendance (ISA)

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

³ Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.

Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

Number of Penalty Notices which can be issued for students identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a student stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that student during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for students identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

Excluded children

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a student is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

PAYMENT OF PENALTY NOTICE

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

WITHDRAWAL OF PENALTY NOTICE

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors

- Where it has been issued to the wrong person named as the recipient.

CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

VERSIONS

Original Code of Conduct was introduced in September 2004.

Most recent revision - November 2017.

Revised March 2019 for implementation from April 2019.

Annex C

The correlation between absence and attainment is clear to see from the below data.

The link between absence and attainment at key stage 4

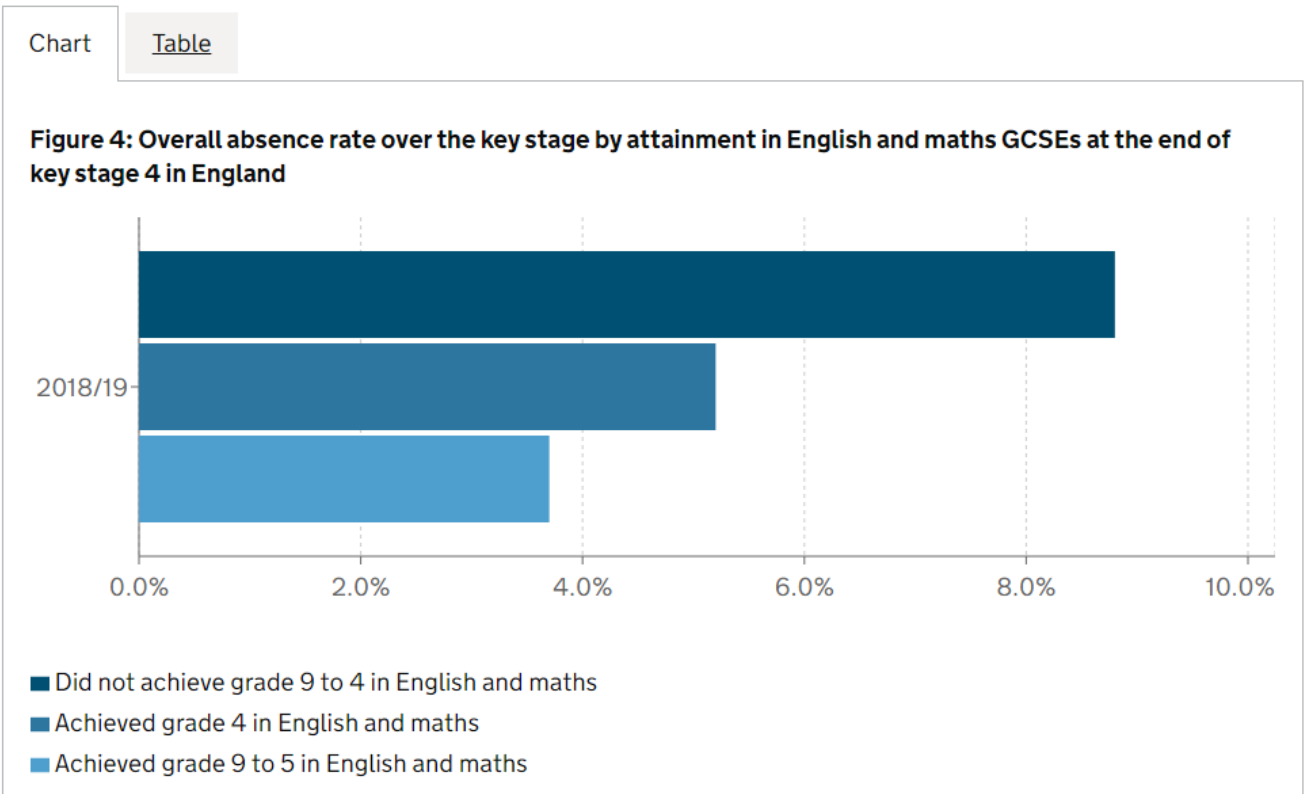
Exams are taken by pupils at the end of key stage 4 (KS4), with this key stage typically being taught over two years (from year 10 to year 11). In this release we have considered KS4 attainment in English and maths GCSEs and the English Baccalaureate (EBacc). GCSE grades range from 9-1, with 9 being the highest. The EBacc consists of five components - English, maths, science, a language and history or geography. See the [methodology](#) for further detail on how attainment is measured at the end of KS4.

Overall absence rate over the key stage by attainment in KS4

Pupils with higher KS4 attainment in 2019 had lower levels of absence over the key stage compared to those with lower attainment.

Pupils who did not achieve grade 9 to 4 in English and maths GCSEs in 2019 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and maths (see Figure 4).

Pupils who did not achieve grade 9 to 4 in all components of the EBacc in 2019 had an overall absence rate of 6.6% over the key stage, compared with 3.7% among pupils who achieved a grade 4 and 3.1% among pupils who achieved grade 9 to 5 in all components (see Figure 5).



Source: School Census and Key Stage 4 attainment data 2018/19.

Attainment in key stage 4 qualifications by levels of overall absence split into percentage point bands

The higher the percentage of sessions missed across key stage 4 (KS4), the lower the level of attainment at the end of the key stage (see Figure 6).

Persistent and severe absence

A pupil is considered persistently absent if they miss 10% or more of their possible sessions over the key stage and severely absent if they miss 50% or more possible sessions.

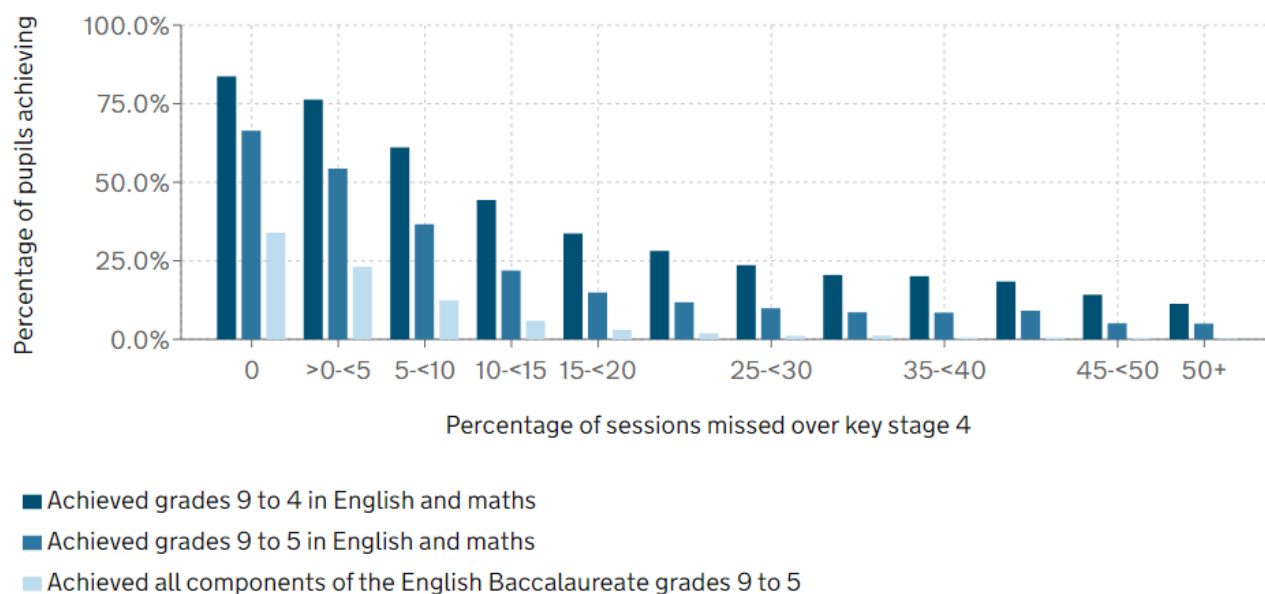
Pupils who were persistently or severely absent had lower levels of attainment at the end of KS4 than other pupils:

- Of those pupils who were persistently absent, 35.6% achieved grade 9 to 4 in English and maths. Among severely absent pupils, this figure was 11.3%. This compares to 83.7% of pupils with no missed sessions and 76.3% who missed between 0 and 5%.
- Similarly, 16.8% of persistently absent pupils and 5.0% of severely absent pupils achieved grade 9 to 5 in English and maths compared to 66.4% of pupils with no missed sessions and 54.4% who missed between 0 and 5%.
- Among persistently absent pupils, 4.0% achieved grade 9 to 5 in all components of the EBacc. This figure was 0.3% for severely absent pupils. This compares to 33.9% of pupils with no missed sessions and 23.1% who missed between 0 and 5%.

Chart

[Table](#)

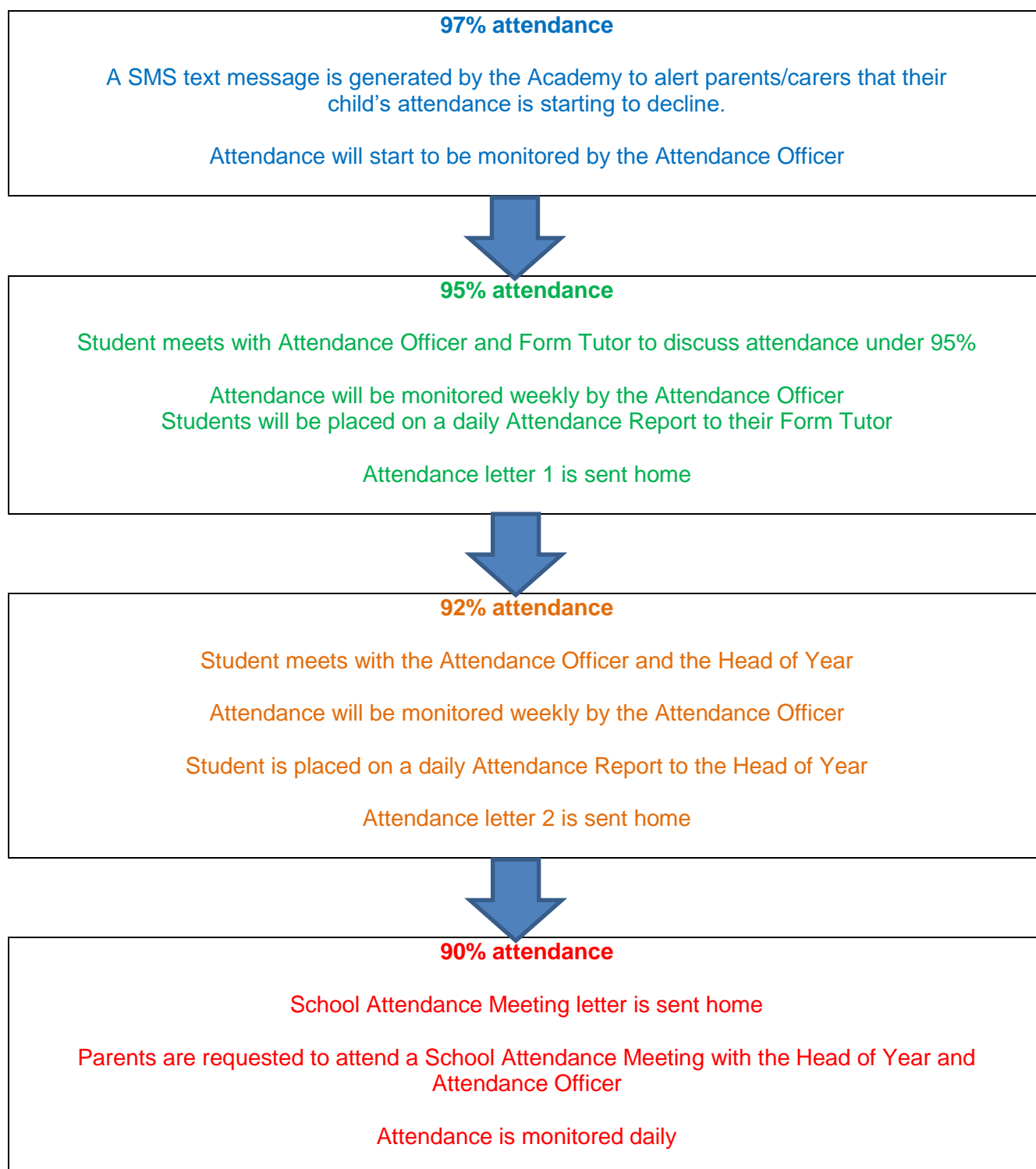
Figure 6: Overall attainment in stated qualifications at the end of KS4 by percentage of sessions missed over KS4



Source: School Census and Key Stage 4 attainment data 2018/19.

Annex D

Joyce Frankland Academy, Newport – Attendance Procedures



Annex E

Example attendance letters which will be sent to parents/carers

Attendance letter 1 – to be sent to each parent with parental responsibility when attendance falls below 95%

Dear Parent/Carer

School Attendance [Student name] - [Year and form]

We are writing in connection with [student forename's] attendance.

As an Academy, it is our responsibility to monitor student attendance closely. Whilst we acknowledge that we are aware of the reasons for [forename]'s absence, we must draw to your attention their current attendance level, which stands at []%. Enclosed is a copy of the current attendance record for your information.

We want to work collaboratively with our parents/carers to ensure the best outcomes for our children and are appreciative of your continuing support in this matter. If you do have any concerns, or wish to discuss this letter further, please do not hesitate to contact me.

Yours sincerely

Attendance letter 2 - to be sent to each parent with parental responsibility when attendance falls below 92%

Dear Parent/Carer,

School Attendance [Student name] – [Year and form] DOB []

We are writing in connection with [student name's] attendance.

[Student name] has missed [] registration sessions, equating to [] days absence, so far this academic year. Attendance is currently []% and enclosed is a copy of the current attendance record, for your information.

As an Academy, it is our responsibility to monitor student attendance closely and we have a duty to draw your child's low attendance to your attention. As an Academy, we expect children to attend every session available to them in order to benefit from the educational opportunities provided. We also have a duty to inform you that should your child miss 10% or more of the sessions available to them (attendance of 90% or below), they are classed by the government as a persistent absentee.

We would like to take this opportunity to draw your attention to Essex County Council's policy of parents / carers having a responsibility to ensure their children receive efficient, full-time education under section 7 of the 1996 Education Act. Failure to do so could result in prosecution by the Local Authority in the Magistrates Court under section 444 of the 1996 Education Act for failing to ensure regular school attendance at school.

We want to work collaboratively with our parents/carers to ensure the best outcomes for our children and are appreciative of your support with this matter. If you do have any concerns, or wish to discuss this letter further, please do not hesitate to contact me.

Yours sincerely

School Attendance Meeting request letter - to be sent to each parent with parental responsibility after having been sent Letter 1 and Letter 2 and when attendance falls below 90%

Dear Parent/Carer

School Attendance: Request for a Meeting
[Student name] – [Year and form]
DOB: []

Further to our letter dated [date], whereby we informed you that [student name]'s attendance had fallen below the school's expectations, it has been noted that [student forename] has had [number] of further sessions absence. Please find enclosed a copy of their attendance record.

Attendance at this level is a significant concern, and as such a meeting has been arranged on [day, date and time] to discuss this with you. If you are unable to attend on this date, please contact the Academy as a matter of urgency to arrange a mutually convenient time. Should you fail to attend this meeting, it will be held in your absence and the notes will be sent to you. This meeting is an opportunity to discuss any concerns; look at support and develop an action plan in order to encourage improved attendance.

I must remind you that parents / carers have a responsibility to ensure their children receive efficient, full time education under section 7 of the 1996 Education Act. Failure to do so could result in prosecution by the Local Authority in the Magistrates Court under section 444 of the 1996 Education Act for failing to ensure regular school attendance.

We look forward to meeting with you and thank you for your continued support.

Yours sincerely

Punctuality concern letter – to be sent to each parent with parental responsibility

Dear Parent/Carer

School Punctuality
[Student name] – [Year and form]
DOB: []

We are writing in connection with [student name's] punctuality in the morning. [Student name] has been late to school on [number] of occasions throughout the [term]. Should punctuality not improve, it may have a negative impact on [student name's] attainment.

All pupils on roll at the Academy are expected to arrive at school by no later than 8.40am ready to start the school day. Students arriving after 8.40am are expected to sign in as late at Student Reception and

are then marked as late on the register. This mark signals that they are present for safeguarding purposes. Students who arrive after 9.10am are marked with a 'U' code on their register which means they are absent for registration but on site for safeguarding purposes. A 'U' code has a negative impact on overall attendance.

We will therefore be monitoring [student name]'s punctuality and expect to see an immediate improvement. [Student name] has also been placed on a punctuality report. If [student name]'s punctuality fails to improve, detention sanctions may be put in place in accordance with the Academy's Attendance Policy. We may also arrange a meeting with you, which you will be expected to attend, where the reasons for such lateness and any concerns will be discussed to establish if there is any support that can be put in place.

We want to work collaboratively with parents/carers to ensure the best outcomes for our children and are appreciative of your support on this matter. If you do have any concerns, or wish to discuss this letter further, please do not hesitate to contact me.

Yours sincerely