



**Fierté Multi Academy Trust**

**Ankermoor Primary Academy**

*Learn Together, Achieve Together*



At the heart of our Trust are both the UNICEF Rights Respecting values and articles. Through these, we aim to put **children's rights** at the heart of our schools. We work together to embed children's rights in our ethos and culture; to improve well-being and develop every child's talents and abilities to their full potential. We aspire to give children a sense of pride and achievement in all that they undertake.

# Ankermoor Primary Academy

## Attendance Policy

Adoption Date: September 2017

Review: September 2018

## **Attendance Policy**

### **Rationale:**

Regular and punctual attendance at school is a legal requirement and is essential for pupils to maximise their educational opportunities. In recognition of this the law makes it an offence for a parent or carer to fail to secure regular attendance of their child at school without good reason or agreement of the school.

### **Key Points**

- Our Schools expect regular attendance, although we recognise the problems of individual families and children.
- Lateness is discouraged.
- Where a pupil is absent without prior permission an explanation is required. If one is not forthcoming the absence will be treated as unauthorised.
- Schools are not obliged to accept parental notes where there is reasonable doubt as to the validity of the explanation.
- Parents should not expect, as of right that the school will agree to holidays in term time. Each application will be considered on its merits – further information is included.
- Even where absence is authorised the school will be alert to emerging patterns of absence which may seriously disrupt continuity of learning.
- In promoting regular attendance our school works closely with our Education Welfare Officer (EWO).

### **Responsibilities of parents/carers**

- The term “parent” refers to one parent, both parents or the child’s carer.
- Under Section 7 of the Education Act 1996, 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 the child may have. This can be by regular attendance at school or by education otherwise (the parent can elect to educate their child at home.)
- Compulsory school age is defined as beginning from age five when a child should attend school from the start of the term commencing on or after his fifth birthday. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach 16.

- Full-time education – Circular 7/90 Management of the School Day suggests as a guide to good practice the following recommended minima for weekly taught time is 21 hours for pupils aged 5-7 years (key stage 1) and 23 hours and 30 minutes for pupils aged 8-11 years (key stage 2).

Parents and carers are responsible for informing school of any absence by **contacting the school office before 9.30am on the first day of absence** and on any subsequent days. They should state the nature of the illness and when the child is expected to return to school. All absences from school require a note from home.

Children should be at school, every day the school is open, unless the reason for the absence is unavoidable or alternative arrangements for their education are made. Permitting absence from school without a good reason is an offence by the parent.

At times some children are reluctant to attend school. Any problems with regular attendance should be discussed between the school, the parents and the child. If a child is reluctant to attend school, absences should never be covered up and parents should not give in to pressure to excuse their child from attending. This gives the impression that attendance does not matter and will often make things worse.

Every half-day absence from school has to be classified by the school, (not by the parents), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of each absence is always required, preferably in writing.

Authorised absences are mornings or afternoons away from school for a good reason like illness or other unavoidable cause.

Unauthorised absences are those, which the school does not consider reasonable and for which no “leave” has been given.

This includes:

- Parents keeping children off school unnecessarily
- Truancy before or during the school day
- Absences which have never been properly explained
- Children who arrive at school too late to get a mark

An Ankermoor Primary Academy ensures that parents are:

- reminded of their statutory duties
- aware of our school’s requirements as regards notification of absence
- aware of our school’s requirements for requesting leave of absence

### **Procedures**

Pupils are registered twice daily. The school uses RM Integris to maintain and monitor pupil attendance. Morning registration occurs between 8.55am and 9.05am. Pupils are marked present, absent or late. Official registers close at 9:15am at which any child late after this point will be marked as unauthorised. Registers are submitted and regulated by the school office immediately

and any absences are followed up that morning. Afternoon registration occurs at the start of the afternoon session. Again registers are submitted to the school office following the registration period. In order to keep children safe, office staff are very proactive by contacting all parents of children who are not in school and have not advised us of their absence.

All children who arrive late must report to the school office and complete a late response slip.

The school works proactively to promote good attendance. Children who achieve 100% attendance during the term are recognised and their achievement celebrated in the schools newsletter, they also receive a certificate and a personal letter home.

Parents or carers are contacted when reasons for absences are unknown or unauthorised. This ensures that the children's safety is established immediately and that all absences are accounted for.

Pupil's attendance and lateness is monitored carefully. Our attendance software helps us to target individuals who are unable to maintain regular or punctual attendance. The parents or carers of these children are then contacted. If this does not resolve the issue the matter is referred to the school's EWO.

All children who arrive late or have to leave early (for appointments) **MUST** be accompanied by an adult and must be signed in/out of school.

**The school's attendance target for 17-18 is 96%.**

The school reports its attendance statistics to the governing board every term in the Headteacher's Report to Governors and to parents every year in the school profile DN check this is needed.

Monthly printouts are made of attendance data and kept in an annual volume which is kept for three years.

The LA is notified (through the EWS office) of all children removed from the Admission Register. The LA is also notified of all children with more than two weeks unauthorised absences.

### Pupils

Pupils are encouraged to take growing responsibility for their own regular and punctual attendance at school. The benefits of regular attendance are reinforced regularly through morning assemblies, day to day class based discussions, and, when appropriate, one to one dialogue with the class teacher or appropriate member of staff.

### **Guidance Notes for Parents requesting Leave in Term Time**

1. Parents who want the school to consider granting leave of absence in school term time should read these notes carefully, **complete the attached form and send it to the head teacher**. This form should be sent to the school in time for the request to be considered **well before** the desired period of absence. Parents are strongly advised not to finalise any booking arrangements before receiving the school's decision regarding their request. Head teachers cannot authorise any leave of absence unless the request is received before the period of absence begins.
2. The Department for Education makes it clear that head teachers may not grant any leave of absence during term time unless there are **exceptional circumstances**. Head teachers now also determine the number of school days a child can be away from school if the leave is granted.
3. There is no automatic right to any leave in term time.
4. Staffordshire County Council understands the challenges that some parents face when booking holidays particularly during school holidays. However, we believe that, in order to ensure children receive the best education and prospects, that they should be in school during term time.
5. Each case will be considered individually and on its own merits. Parents need, therefore, to consider very carefully before making any request for leave of absence. In considering a request, the school will take account of: -
  - the **exceptional** circumstances stated that have given rise to the request
  - the stage of the child's education and progress and the effects of the requested absence on both elements
  - the overall attendance pattern of the child
  - frequency of similar requests
  - whether the parent made the request in advance
  - students/pupils on examination courses or due to take SATS will **not** normally be granted leave of absence.
6. Where parents have children in more than one school a separate request must be made to each school. The head teacher of each school will make their own decision based on the factors relating to the child at their school. However head teachers may choose to liaise with each other as part of their decision-making process.

7. Should the school decide to grant leave of absence, but the child **does not return to school at the time s/he was expected to** (i.e. following the expiry of the granted leave of absence period) and no information is available to the school to explain/justify the continuing absence this absence will be recorded as unauthorised.
8. Should the school decide **not to grant leave of absence** and parents still take their child out of school, the absence will be recorded as **unauthorised**, which may be subject to a Penalty Notice fine of £60 **per parent\* per child**. This fine will increase to £120 if not paid within 21 days. Failure to pay the £120 fine within the period 22 to 28 days may lead to Court proceedings.
9. The Local Authority will continue to monitor all school absences during term time and support head teachers in challenging parents who ignore the law.

\* Generally the DfE states that parents include all those with day to day responsibility for a child.

### Procedure

Parent/carer should arrange a meeting with the Headteacher in the first instance then if deemed necessary, complete a holiday request form and submit this to the school at least two weeks prior to the intended period of absence; school will respond to the request within one week. If school is aware of any language difficulties that may preclude a request form being completed appropriate support should be offered to the parent/carer.

- If the Local Authority has begun legal proceedings (i.e. has sent an Advisory letter) holiday should not be authorised and this should be recorded on the form.
- Parents should be made aware (perhaps in the school handbook) that holidays which have not been agreed in advance will lead to the pupil being marked with unauthorised absences and that this may be referred to the Local Authority for consideration of a Penalty Notice or other action.
- Pupil should be marked H (authorised absence) for the agreed period of holiday leave.
- Pupil should be marked G (unauthorised absence) in the register if the holiday absences have **NOT** been authorised by the school or for days taken in excess of an agreed period.

“when an individual pupil’s attendance falls below 90% in any term without good reason, a referral to the EWS will be made by the school. Following investigation, any unresolved issues could result in the parent receiving a Penalty Notice or ultimately a prosecution under s.444 of the Education Act (1996)”

If absence is agreed the school should:

- Confirm agreement in writing.
- Seek to establish, and make explicit if appropriate, the potential educational value of the visit.

- Explain what work the child will miss in school, how it can be made up on return if necessary and how the parents could help the child.
- Enquire whether work can be given for the child to do (with parental support) who he/she is with.
- Prepare a study pack.
- Ask the pupil to make notes/observations in relation to a class topic (current or for the following term).
- Go through any work that has been done by the pupil on return.
- Share the experience of the visit in a positive way with other children and the class teacher on return.
- Inform parent/carer of the possibility of the pupil's removal from the school roll if the pupil does not return within ten days of the agreed date and no reasonable explanation is forthcoming.

If holidays of more than two weeks duration are planned to visit family members living overseas, it would be most helpful if parents would contact school to discuss:

- The most appropriate time to take such a holiday.
- How to minimise adverse effect on your child's education.
- Possible ways to maximise the educational aspects of such a trip.

**Please note that authorised absence will not be given during SATs tests or during the first two weeks in September.**

Any absence from school will require a note from home. When the attendance of a child falls below 90% a letter expressing concern will be issued by the school. Attendance rates falling below 90% will result in a referral to the Education Welfare Officer (EWO) linked to the school.

### **The Education Welfare System**

LA's are charged in law with enforcing school attendance, Staffordshire LA can apply to the courts for an education supervision order and, where necessary, they can prosecute parents.

The school Education Welfare Officer (EWO) is informed of attendance problems. All continuous absences are reported and reports are made on those pupils who fail to attend regularly, except where such absences are covered by a medical certificate.

## **Additional Information**

**Illness, medical and dental appointments:** Such absences are considered authorised providing that the school is satisfied that the illness, appointments etc. are genuine.

**Lateness:** Lateness is discouraged. Registers are kept open until 9.05am. Where pupils miss registration and fail to provide an adequate explanation they will be marked as unauthorised absence for that session if not in school by 9.15am. Names of children who arrive late and miss registration will be noted for the purpose of emergency evacuation.

**Family bereavement:** The school responds sensitively to requests of absence to attend funerals or associated events. Such absences are usually authorised. Where a pupil is absent for more than the agreed period, early contact is made with the family.

**Days of religious observance:** An offence is not committed where the absence results from participation in a day set aside for religious observance by the religious body to which the parents belong.

**Traveller children:** Travellers are protected from prosecution if they can show that the nature of their trade requires travel from place to place and that the child has attended school as regularly as possible, also where the child has attained the age of six years and has made at least 200 attendances during the previous twelve months.

**Public performance:** Leave of absence may be granted to participate in an approved public performance. If the pupil is then absent from the performance then this will constitute unauthorised absence.

**Off-site activities:** these fall into two categories, school directed e.g. educational visits and individual activities, e.g. music examinations. School activities will be registered as present. Where the activity is of a more individual nature the school will usually authorise the absence although proof of attendance may be required.

**Excluded pupils:** Where a pupil has been temporary excluded he or she will remain on the school roll. This will be treated as authorised absence. If a pupil has been permanently excluded his or her absence should be authorised until after review. If the exclusion is confirmed, he or she should be struck off the school roll.

**STAFFORDSHIRE COUNTY COUNCIL**  
**Families First Targeted Services**

**STAFFORDSHIRE LOCAL AUTHORITY**  
**Code of Conduct for issuing Penalty Notices (September 2017 update)**

**Rationale**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school.

Penalty Notices are one of the sanctions available for this offence and offer a means of swift intervention, which can be used to combat attendance problems early, before they become entrenched.

Parents and children should also be supported by their school to overcome barriers to regular attendance, through a range of intervention strategies.

Therefore, Penalty Notices and other legal sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will also be used as a means to support and challenge parents to meet their legal responsibilities and where there is a reasonable expectation that their use will secure improved school attendance.

In April 2012, the Government accepted the Charlie Taylor report recommendation to challenge the culture of expectation to term time holiday and set out a clear expectation that term time leave should only be granted in exceptional circumstances.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 made an amendment to the Education (Pupil Registration) (England) Regulations 2006 to: clarify that leave of absence shall not be granted by schools unless there are “exceptional circumstances”.

The Supreme Court judgement on the *Isle of Wight v Platt* case on the 6th April 2017, has brought clarity to the issue of what regular attendance means and the use of penalty notices. Lady Hale gave the conclusion that “regularly” means “in accordance with the rules prescribed by the school”, she went on to say that there are many examples where a very minor or trivial breach of the law can lead to criminal liability. For instance, it is an offence to steal a milk bottle, to drive at 31 miles per hour where the limit is 30. The answer in such cases is a sensible prosecution policy. In some cases, of which this is one, this can involve the use of fixed penalty notices, which recognise that a person should not have behaved in this way but spare them a criminal conviction.

With specific regard to leave during term time, the judgement stated (this interpretation is also consistent with the provision in section 444(3)(a) and (9)) that a child is not to be taken to have failed to attend regularly if he is absent with the leave of a person authorised by the governing body or proprietor of the school to give it. Unlike sickness or unavoidable cause, leave is not a defence. It is part of the definition of the offence. A child is required to attend in accordance with the normal rules laid down by the school authorities for attendance but the school can make an exception in a case.

### **Legal Framework:**

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as deputy and assistant head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

- The Education (Penalty Notices) (England) Regulations 2007
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child's regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

The Regulations also require each local authority to publish a code of conduct for issuing penalty notices, after consultation with governing bodies, head teachers and the police. Guidance from the Secretary of State states that this "should set out the criteria that will be used to trigger the use of a penalty notice".

The legal framework governing attendance is set by the Education Acts and their associated regulations. Section 7 of the Education Act 1996 states that:

***The parent of every child of compulsory school age shall cause him/her to receive efficient, full-time education suitable to his/her age, aptitude and ability and to any special educational needs he/she may have either by regular attendance at school or otherwise.***

When an individual pupil's attendance level falls below 90% in any term without good reason, a referral to the Local Support Team may be made by the school. Following investigation any unresolved issues could result in the parent receiving a Penalty Notice or ultimately a prosecution under the Education Act 1996 s.444.

Should the school decide **not to grant leave of absence** and parents still take their child out of school, the absence will be recorded as **unauthorised**, which may be subject to a Penalty Notice fine of £60 **per parent\* per child**. This fine will increase to £120 if not paid within 21 days. Failure to pay the £120 fine within the period 22 to 28 days may lead to Court proceedings.

### **Circumstances where a Penalty Notice may be issued:**

- A Penalty Notice can only be issued in cases of unauthorised absence.
- The presence of an excluded child in a public place at any time during school hours in the first five days of exclusion.

### **Penalty Notices may be considered appropriate if one of following criteria are met:**

- There is unauthorised persistent absence. “Persistent” means at least 20 sessions of unauthorised absence over a period of twelve school weeks, excluding holidays. These absences do not need to be consecutive.
- There is a period of absence not authorised by the head teacher or in excess of the period authorised by the head teacher.(e.g. family holiday)
- Persistent late arrival at school, i.e. after the register has closed. “Persistent” means at least 10 sessions of unauthorised late arrival over a period of 12 school weeks, excluding holidays. These late episodes do not need to be consecutive.
- The presence of an excluded child in a public place at any time during school hours in that child’s first five days of exclusion. An “excluded child” is one who has been excluded from school for a given period under the Education and Inspections Act 2006.
- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used.

### **Other conditions**

- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year.

The Local Authority will only issue Penalty Notices requested by a school in response to an unapproved leave of absence (Inc. holiday related) resulting in unauthorised absence where the school has informed the LST prior to the unauthorised absence of its intention to request a Penalty Notice and has provided the necessary paperwork.

**Leave not authorised by the head teacher or in excess of the period determined by the head teacher.**

The Local Authority will only issue Penalty Notices requested by a school in response to an unapproved leave of absence (including holiday related) resulting in unauthorised absence where the school has provided the necessary paperwork.

This paperwork should comprise:

- A copy of any school information available to parents which clearly states that parents may receive a Penalty Notice for unauthorised leave (holiday) in term time.
- A copy of the leave of absence (holiday) request form submitted by the parent (s), and a copy of the response sent to the parent(s) by school. In the event the leave of absence (holiday) request is being denied the school's response should state the reason why the request is unauthorised and should again advise parent (s) that they may receive a Penalty Notice if they take their child out of school and that the Local Authority will be advised of the unauthorised leave of absence.
- In cases where the unauthorised leave of absence occurs without prior request from the parent (s), or is due to unauthorised absence beyond that which was agreed, the school should include all correspondence sent to the parent(s) to explore the unauthorised absence.
- Relevant pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance during the period was unauthorised.
- Completed and signed penalty notice request form. (Appendix A).

**Pupil who has persistent unauthorised absences/lateness**

As part of this process the parent(s) will first be issued with a 20 day notice period, clearly advising that if unauthorised absence / lateness occurs in this 20 day period, a Penalty Notice may be issued. This is to allow the parents a further period to address their child's irregular attendance by working with the school or other agencies. It is part of a scaled approach, and affords the parents an opportunity to avoid receiving a penalty notice. This is seen as good practice and integral to a proportionate response.

Therefore, the process is as follows:

- School completes and signs a penalty notice request form. (Appendix A).
- School provides pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance / lateness during the period was unauthorised.
- School provides an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance / punctuality.
- The local authority issues a 20 day Warning Notice to the parent (s) advising them of the possibility of a Penalty Notice being issued and that the child must have no unauthorised absence / lateness during the set period.
- If there are unauthorised absences / lateness in the period and after due consideration of the facts of the case with the school, issue a Penalty Notice through the post.

Please note:

Where the Penalty Notice is requested from a school in response to a leave of absence (holiday) related unauthorised absence, or is in relation to an offence under section 103 of the Education and Inspections Act 2006, the formal warning letter and 20 day improvement period will not apply.

All Penalty Notices are entered onto a database maintained by Families First to ensure that no duplicate Penalty Notices are issued.

Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year.

### **Excluded Pupils**

The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day that he / she is excluded, up to and including the first 5 days or, where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates.

If the excluded pupil is present in a public place at any time during school hours on a school day specified above the parent commits an offence under section 103 of the Education and Inspections Act 2006 and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

In such cases the school should provide:

- A copy of the letter required to be sent to parent(s) pursuant to s.104 of the Education and Inspections Act 2006 warning them to ensure that the child is not permitted to be present in a public place in the first five days of exclusion.
- Robust and reliable evidence in the form of a witness statement, stating how the child is known to the witness, where the child was seen including the date and time.

Please note if the case is contested the witness may be required to give evidence in court.

### **Who may issue / request a Penalty Notice**

A Penalty Notice may only be issued by authorised LA staff. In Staffordshire this will be members of Families First, Education Welfare.

A Penalty Notice may be requested by a head teacher / principal and school staff authorised by them, a police officer during a truancy sweep under the provision of Crime and Disorder Act 1998. The LST will respond to all requests within 10 school days of receipt or if part of ongoing casework, and where satisfied that all of the relevant criteria are met.

### **Procedure for issuing Penalty Notices:**

The designated officers within Families First will be the only individuals permitted to issue Penalty Notices in the Staffordshire area. This will ensure consistent and equitable delivery, avoid duplication of issue and allow schools to maintain good relationships with parents and ensure that they reinforce other enforcement sanctions.

Penalty Notices will only be issued by post and never as an instant action, e.g. during a truancy sweep. This will enable officers to ensure that all evidential requirements are in place, duplication of issue is avoided and to limit the health and safety risks associated with delivering such notices by hand.

Where Schools, Police or neighbouring local authorities ask Staffordshire County Council to issue a Penalty Notice, their request will be investigated and actioned by Families First provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct.
- The pupil is registered at a Staffordshire School;
- All necessary evidence is provided to Families First to establish an offence under Section 444(1) of the Education Act 1996 has been committed.
- Issuing a Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed; and
- There is an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance (not required in the case of unauthorised leave of absence).

Families First will respond to all requests within 10 school days of receipt.

### **Truancy Sweep**

A Penalty Notice will only be issued after due consideration, when all facts are known and the threshold for serving the notice has been met.

Information should be given to anyone stopped on a truancy sweep (pupil and/or parent) about the possible support and sanctions used to address non-attendance.

### **Criteria for withdrawing Penalty Notices:**

Once issued a Penalty Notice may be withdrawn if Families First is satisfied that:

- The Penalty Notice was issued to the wrong person;
- The use of the Penalty Notice did not conform to this Code of Conduct.
- The Penalty Notice contained material errors.
- The evidence demonstrates that the Penalty Notice should not have been issued, e.g. medical evidence;

## **Representation**

There is no statutory right of appeal against the issuing of a Penalty Notice.

However, the parent will be advised when they receive the warning that they may make representation to the County Manager for Education within Families First if they believe one of the above criteria has been met. This will then be investigated and the parent(s) informed of the outcome either to withdraw or uphold the penalty notice.

Please note - in the case of a material error the penalty notice may be re-issued with the appropriate corrections made.

## **Payment of Penalty Notices:**

- Arrangements for payment will be detailed on the Penalty Notice; (Appendix B).
- Payment of a Penalty Notice discharges the parent's or carer's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice;
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120; and
- The County Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

Payments will not be accepted in part or by instalments.

## **Non-payment of Penalty Notices:**

Non-payment of a Penalty Notice will result in the withdrawal of the Penalty Notice and will trigger the fast-track prosecution process under the provisions of section 444(1) of the Education Act 1996.

## **Policy and Publicity**

- Identifying information about Penalty Notices issued to particular parents or specific children should not be made public;
- Issuing of Penalty Notices as a sanction is included in the Authority's Attendance Policy;
- School attendance policies should include information on the issuing of Penalty Notices and this should be available to parents;
- The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional or public information material.

## **Reporting & Review:**

Families First will:

- Report at regular intervals to the head teacher forum groups (Primary, Secondary, Middle and Special) and Staffordshire Police on the deployment and outcomes of Penalty Notices;
- Make regular reports to Staffordshire County Council on attendance matters which will include Penalty Notice use; and
- Review Penalty Notice use at regular intervals and amend the Protocol as appropriate.

### **Flowchart – Unauthorised Leave of Absence Authorisation Procedure**

- Parent / carer requests absence.
- School ensures that the request is made in writing (SEE APPENDIX 1).
- School(s) make decision regarding written application (school may wish to liaise with other schools if there are other children in the family at neighbouring schools).

- Leave is authorised because exceptional circumstances are accepted.
- Letter is issued by school to parent.  
(SEE APPENDIX 2 – school letter leave authorised)

- Leave request denied – circumstances are deemed not to be exceptional.

Pupil returns to school on agreed date.

Attendance is monitored

Pupil does not return to school on agreed date.

Absence is recorded as unauthorised 'G' code school send letter to parents requesting an explanation and warning of Penalty Notice.

If no acceptable explanation given, school follow process to request a Penalty Notice.

- The head teacher (deputy or assistant head) should inform parent/carers in writing that the request has been denied giving the reason why, also that if the absence occurs it will be unauthorised and a Penalty Notice may be issued. (SEE APPENDIX 3 – school letter – leave not authorised).

- School must be aware that they may be called as a witness in court.**
- Where unauthorised leave of absence occurs, the school must determine whether or not the case meets the criteria for issuing a Penalty Notice (see page 2 of the Code of Conduct). The EWW may advise school if needed.

Does the student meet criteria for Penalty Notice?

NO

Record absence as unauthorised and monitor for any future unauthorised absences with a view to future action if appropriate

YES

School complete Penalty Notice request paperwork as detailed on page 3 of the Code of Conduct and sends to LST inbox with accompanying Request for penalty notice form.

Families First process the request, and if appropriate issue a Penalty Notice. School are informed of action taken

### **Guidance Notes for Parents requesting Leave in Term Time**

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2. The Department for Education makes it clear that head teachers may not grant any leave of absence during term time unless there are **exceptional circumstances**. Head teachers now also determine the number of school days a child can be away from school if the leave is granted.
3. There is no automatic right to any leave in term time.
4. Staffordshire County Council understands the challenges that some parents face when booking holidays particularly during school holidays. However, we believe that, in order to ensure children receive the best education and prospects, that they should be in school during term time.
5. Each case will be considered individually and on its own merits. Parents need, therefore, to consider very carefully before making any request for leave of absence. In considering a request, the school will take account of: -
  - the **exceptional** circumstances stated that have given rise to the request
  - the stage of the child's education and progress and the effects of the requested absence on both elements
  - frequency of similar requests
  - whether the parent made the request in advance
  - students/pupils on examination courses or due to take SATS will **not** normally be granted leave of absence.
6. Where parents have children in more than one school a separate request must be made to each school. The head teacher of each school will make their own decision based on the factors relating to the child at their school. However head teachers may choose to liaise with each other as part of their decision-making process.
7. Should the school decide to grant leave of absence, but the child **does not return to school at the time s/he was expected to** (i.e. following the expiry of the granted leave of absence period) and no information is available to the school to explain/justify the continuing absence this absence will be recorded as unauthorised.
8. Should the school decide **not to grant leave of absence** and parents still take their child out of school, the absence will be recorded as **unauthorised**, which may be subject to a Penalty Notice fine of **£60 per parent\* per child**. This fine will increase to £120 if not paid within 21 days. Failure to pay the £120 fine within the period 22 to 28 days may lead to Court proceedings.
9. The Local Authority will continue to monitor all school absences during term time and support head teachers in challenging parents who ignore the law.

\* Generally the DfE states that parents include all those with day to day responsibility for a child.

**Request for leave during term time (TEMPLATE LETTER)**

To: The head teacher of:..... (School) Date.....

I request a leave of absence from school during term time for:

my child (full name) .....

for the period from (date) ..... to (date) .....

The **exceptional** circumstances and reason for this request are: -

.....  
.....  
.....

I have (an)other child(ren) in (an)other school(s) as follows

Child(ren) (full name(s) ) .....School(s) attended .....

.....  
.....

(Signature of 1<sup>st</sup> parent/carer(s) ..... Print Name.....

(Signature of 2<sup>nd</sup> parent/carer(s) ..... Print Name.....

**Please return completed form to the school office. The school will write to you and inform you of the decision on whether the request is authorised or not.**

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**For Office Use Only**

Current Attendance.....%

Number of school sessions taken as leave during term time .....(this academic year)

**Agreed/Not Agreed**

Request for leave is agreed/is not agreed for the above student to take leave during term time between the above dates.

Rationale to decline request : .....

Signed .....Head teacher . Date .....

Notification of decision: Date letter sent to parent/carer.....

**School Letter Leave Agreed (TEMPLATE LETTER)**

(Parent/carer(s) name and address)

Date

Dear (Parent/carer(s) name)

(Child's name and date of birth)

Thank you for your letter dated (date) requesting permission for (pupil's name) to be absent from school from ..... to .....

You will be aware that the Department of Education made important changes to the law for families wanting to request leave of absence in term time. The changes made it clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. The Local Authority and school governors support this; therefore students will only be given permission to take leave in term time if there are exceptional circumstances.

Having looked at your application, I feel that your request can be supported in this instance.  
**Therefore, the absence to include the dates requested will be authorised.**

Our key priority is to ensure that your child(ren) are as successful as possible and are able to achieve (his/her) full potential. I would therefore ask that you support your child in catching up on the time they will miss in school.

Please note: If your child does not return to school on the date agreed above then you will need to provide a further reason for this absence otherwise it will be recorded as unauthorised and you may then be liable to receive a Penalty Notice.

Yours sincerely

(Name)

**Head teacher**

**School Letter Leave Not Agreed (TEMPLATE LETTER)**

(Parent/carer(s) name and address)

Date

Dear (Parent/carer(s) name)

(Child's name and date of birth)

Thank you for your letter dated (date) requesting permission for (pupil's name) to be absent from school from .....  
to .....

You will be aware that the Department of Education made important changes to the law for families wanting to request leave of absence in term time. The changes made it clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. The Local Authority and school governors support this; therefore students will only be given permission to take leave in term time if there are exceptional circumstances.

I have considered your application very carefully. Although I understand the reason for your request, I am unable to approve leave of absence in this instance, as I believe the circumstances are not exceptional. **Therefore, if your child is away from school during this period it will be recorded as Unauthorised Absence.**

As a school we are obliged to inform you that you may be subject to a Penalty Notice if your child's absence from school is unauthorised. This is in line with Staffordshire County Councils Code of Conduct.

The Penalty Notice fine would be :-

- £60 per parent, per child if paid within 21 days, rising to
- £120 per parent, per child if paid between 21-28 days.
- If the fine is not paid within 28 days you may be prosecuted under S444.1 of the Education Act 1996.

I must advise you that if the prosecution takes place, the maximum fine is £1,000 per parent, per child. This reflects the seriousness of unauthorised absence from school.

Our key priority is to ensure your child(ren) are as successful as possible, are able to reach his/her full potential and gains maximum benefits from his/her educational experience.

I would hope that upon reflection you are able to support this decision in line with the Local Authority and Government policy, that leave should be restricted to the 13 weeks school holidays except in exceptional circumstances.

Yours sincerely

(Name)

**Head teacher**

## PENALTY NOTICE REQUEST

### Reason for Penalty Notice

- ☐ Unauthorised Persistent absence Choose an item.
- ☐ Excluded pupil Choose an item.
- ☐ Unauthorised Leave of absence Choose an item.
- ☐ Truancy Sweep (Police Only) Choose an item.

Registered pupil at: .. .....School

### Pupil Details:

Name: .... MALE / FEMALE Choose an item. D.O.B. ....

Address: .. ..

.....Postcode: ..

Telephone No: .. Mobile No: ....

- Does the pupil have any statement of Special Educational needs? Yes / No / NA Choose an item.
- Does the pupil have a Disability under the Equality Act 2010? Yes / No / NA Choose an item.

### Parent/Carer (please add any additional parent/carers)

**Name:**  
.....

Relationship to pupil... ..

Address (if different from above):  
.....

..... Postcode: ..

Telephone No: . Mobile No: .

**Name:**  
.....

Relationship to pupil... ..

Address (if different from above): ..  
 ..... Postcode: .....  
 Telephone No: .. Mobile No: ..

### Dates of unauthorised absence

The named pupil had unauthorised absence from school for the period of:

... to ...

And this absence is recorded in the school register as unauthorised.  
 (Please attach a signed attendance certificate showing the period).

### Declaration

I am the Head Teacher/Acting Head Teacher of the School named. I certify that this request for a Penalty Notice has been considered in line with the School Attendance Policy.

#### PN Holiday

- Parent requested leave?  
 Yes / No Choose an item. - enclose copy if Yes
- School sent letter to parents?  
 Yes / No Choose an item. - enclose copy if Yes

#### PN Persistent Absence/lateness

- Assessment of need and plan in place for child to address issue?  
 Yes / No Choose an item. - enclose copy if Yes
- Is there evidence of work undertaken with the child and family?  
 Yes / No Choose an item. - enclose copy if Yes
- The school is not beyond the statutory limits for walking, but if so, transport was amicable. The limit of two miles for pupils under 8 years old : 3 miles for pupils aged 8+ over?  
 Yes / No Choose an item.
- Has the school informed Parents of this referral to the Local Authority?  
 Yes / No Choose an item. - enclose copy if Yes

PN Excluded Pupil in Public Place

- School issued letter to parents informing them of responsibilities during first 5 days of exclusion?  
Yes / No / NA Choose an item.
- Evidence can be provided to substantiate the child has been in a public place during school hours?  
Yes / No / NA Choose an item.

Signed copy of the register is required with any submission.

**PLEASE ATTACH COPIES OF ALL CORRESPONDENCE WITH REQUEST, AND SEND TO THE LOCAL SUPPORT TEAM.**

Name: ... Position ...

Signature .. Date: ..

**Penalty Notice****S.444 Education Act 1996****(Insert by S23 of the Anti Social Behaviour Act 2003)**

Please read the notes overleaf carefully

**PART 1**

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence under S.444 Education Act 1996.

To:

Of:

You are a parent of (called in this notice "the pupil") who is a registered pupil at .

Between and the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £60/£120 in accordance with the table overleaf. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days from date of issue. If paid after 21 days but within 28 days the penalty is doubled to £120. Payment should be made to **Staffordshire County Council** and can be made in person at **Staffordshire County Council Offices, Staffordshire Place One, Tipping Street, Stafford, ST16 2DH** between 9am and 5pm Monday to Thursday, 4.30pm on Fridays, or by posting this notice with a cheque or postal order to this address. **NO CASH PAYMENTS.** If you wish to pay by **debit/credit** card then please call 01785 278927 / 277409 with your card details.

Late, cash or part payments will not be accepted and no reminders will be sent. **If payment is not received by , you may be prosecuted for the offence and could be subject to a fine of up to £1,000.**

This notice is issued by Karl Hobson, County Manager for Targeted Services, on behalf of Staffordshire County Council.

Date of issue:

**PART 2**

Please complete the following and return this notice with your payment to Staffordshire County Council:

Name:

Address:

Child's Name:

I attach payment in the sum of £

**NO CASH PAYMENTS ACCEPTED**

Signed:

Date:

**NOTES****1. Contact Details**

If you have any queries about this notice, please email [karl.hobson@staffordshire.gov.uk](mailto:karl.hobson@staffordshire.gov.uk) or you can put it in writing using the address below.

**2. Amount of Penalty**

The amount of the penalty is as follows:

**When paid****To be paid by:**

Within 21 days      £60

Within 28 days      £120

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**Address payment to be sent to:**

Families First, Penalty Notice Administration  
Staffordshire County Council  
Targeted Services  
Staffordshire Place One  
Tipping Street  
Stafford  
ST16 2DH

### 3. Code of Conduct

This notice is issued in accordance with a local code of conduct drawn up by Staffordshire County Council. Any questions or correspondence about the code should be addressed to the Strategic Lead – Targeted Services at Staffordshire County Council, Staffordshire Place One, Tipping Street, Stafford, Staffs, ST16 2DH.

### 4. Withdrawal

This notice may be withdrawn by Staffordshire County Council if it is shown that it should not have been issued to you, it has not been issued to you in accordance with the local code of conduct or you did not receive the notice e.g. sent to wrong address. If you believe that the notice was wrongly issued you must contact the County Council to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The County Council will consider your request and will contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

### 5. Payment

You should complete the notice above and send or deliver it to Targeted Services, Staffordshire County Council at the address given. Office opening hours: Monday to Thursday 9am - 5pm, Friday 9am – 4:30pm.

### 6. Prosecution

If you do not pay the penalty, and the notice is not withdrawn, you will be prosecuted for the offence of failing to ensure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be able to defend yourself and you would be advised to seek legal representation; in some circumstances you may be entitled to legal aid.