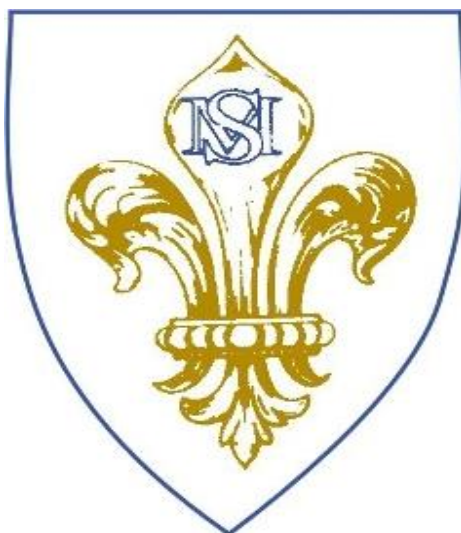


St. Mary's Catholic Primary School and Nursery

Part of The Christus Catholic Trust



Attendance Policy

Respect Ourselves, Respect
Others, Respect our World,
Love God

This school is committed to safe guarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment



Policy Name: **Child Protection and Safeguarding Policy**

Reviewer:
V
McBrown

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Contents	
Mission Statement	3
Legislation and Guidance	3
Introduction and Background	4
Promoting Regular Attendance	4
Understanding Types of Absence	5
Absence Procedures	6
Lateness	7
How we Manage Lateness	7
Understanding Barriers to Attendance	8
Local Authority School Attendance Support Team	8
School Attendance and the Law	8
Attendance Management Process	10
Penalty Notices	12
Deletion from Roll	12
Absence Data	13
Summary	13
Appendix 1 – Summary of Responsibilities	14
Appendix 2 – Green Attendance Reward Letter Template	17
Appendix 3 - Stage 1 Letter Template	18
Appendix 4 - Stage 2 Letter Template	19
Appendix 5 - Stage 3 Letter Template	20
Appendix 6 - Parenting Contract	22
Appendix 7 – Meeting Minute Template	25
Appendix 8 – Penalty Warning Notice Letter	27
Appendix 9 – Thurrock Code of Conduct	29

Mission Statement

Respect Ourselves, Respect Each Other, Respect Our World, Love God

School Aims

At St Mary's we instil a love of learning, inspire curiosity, fascination and encourage the discovery of our God given talents. Through worship, by nurturing our spirituality and cultivating an atmosphere of tolerance and respect, our school community embodies the Catholic faith in all we do.

The school aims are:-

That together with our Parish, God is at the centre of our learning. We support our children to a greater understanding of the Catholic faith whereby they have confidence to share their beliefs in the wider world.

To love one another demonstrating kindness and mutual respect.

To offer an environment where each individual is cherished, loved and feels safe.

To provide a broad and balanced curriculum which is engaging. Through the acquisition of knowledge, skills and concepts our children broaden their horizons impacting their lives beyond our school gates and for many years to come.

To develop resilience and independence in our learning, resulting in excellent outcomes bespoke to each individual within our school community.

Legislation and Guidance

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 meets the requirements of the school attendance guidance from the Department for Education (DfE), and refers to the DfE's statutory guidance on school attendance parental responsibility measures. These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of The Education Act 1996
- Part 3 of The Education Act 2002
- Part 7 of The Education and Inspections Act 2006
- The Education (Pupil Registration) (England) Regulations 2006 (and 2010, 2011, 2013, 2016 amendments)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)

This policy also refers to the DfE's guidance on the [school census](#), which explains the persistent absence threshold.

Introduction and Background

St Mary's Catholic Primary School and Nursery recognises that positive behaviour and good attendance are essential in order to raise standards of pupil 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 either by attendance at a school or by education otherwise than 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.

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

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

It has been developed in consultation with school 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 school's commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

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

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued;
- Raising awareness of the importance of good attendance and punctuality;
- 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 school, on time, every day the school is open unless the reason for the absence is unavoidable. It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the headteacher, not the parent, who can authorise the absence.

Promoting Regular Attendance

At St Mary's Catholic Primary School and Nursery, we believe in developing good patterns of attendance and set high expectations for the attendance and punctuality for all our pupils from the outset. It is a central part of our school's vision, values, ethos, and day to day life. We recognise the connections between attendance, attainment, safeguarding and wellbeing.

The name and contact details of the senior leaders responsible for the strategic approach to attendance in our school is: **Mrs L Nixon and Mrs V McBrown and our Attendance Officer is Mrs A Bishop.**

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

To help us all to focus on this we will:

- Give parents/carers details on attendance in our newsletters;
- Report to parents/carers annually on their child's attendance with the annual school report;
- Contact parents/carers should their child's attendance fall below the school's target for attendance, at least on a termly basis;
- Celebrate excellent attendance by announcing the highest weekly class attendance.
- Individual termly 100% attendance certificates/letters home.

Understanding Types of Absence

Children have only 190 school days to make the academic and social progress that is required of them each year. Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil'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 cannot be booked out of school time, emergencies or other unavoidable cause.

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 e.g. sick, unwell;
- 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 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 headteacher - 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;
- other leave of absence in term time which has not been agreed.

All students have been set a minimum attendance target of 97% and therefore we will not be approving holidays, family days out or events during term time or study leave for the 11+ or any other exams.

We understand that there may be one off family emergencies or bereavements and we ask you to communicate these with us as soon as possible. We understand that for some of our families, this may include the possibility of overseas travel for a period of time, and this will no longer be authorised.

Appointments e.g. dentist, opticians also need to be arranged out of school hours where possible. We know this is not always possible or that you may be issued with hospital appointments that you have no control over. In order for an absence for an appointment to be authorised, we need to see the written appointment letter or card. Children will be expected to attend school before and/or after their appointments also. No written evidence will result in the absence being recorded as unauthorised.

Persistent Absenteeism (PA) - A pupil 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 authorised or unauthorised absence. Absence at this level will cause considerable damage to any pupil's education and we need the full support and co-operation of parents to resolve this.

Absence Procedures

We monitor all absence, and the reasons that are given, thoroughly. The name and contact details of the school staff member pupils and parents should contact about absence on a day-to-day basis is: Mrs Bishop or Mrs Macovei.

If a child is absent from school the parent must follow these procedures:

Contact the school on the first day of absence before 9.20 am, either by telephone, schoolcomms or email.

- When reporting a child's absence we will no longer accept messages that state 'sick' or 'unwell' and these will be classified as unauthorised absences. Please give specific symptoms when stating your child's absence.
- Home visits may take place from the third day of absence, if there is not supporting medical evidence.
- Contact the school on every further day of absence, again before 9.20 am
- Ensure that your child returns to school as soon as possible and you provide any medical evidence, if requested, to support the absence.

If your child is absent we will:

- If we have not heard from you daily, we will telephone you on the first day and then every subsequent day of absence - however, it is your responsibility to contact us daily
- 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 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 96%, or where punctuality is a concern
- Invite you into school to discuss the situation with the Attendance Leads if absences persist
- Create a personalised action/support plan to address any barriers to attendance
- Signpost support to other agencies or services if appropriate
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates below 90% following the above actions
- Refer the matter to the Local Authority whereby there is persistent absence due to illness

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 school life and out into the wider world.

Pupils 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.

The times of the start and close of the school day for all pupils are:

Gates open: **8.40am**

Registration closes: **8.50 am**

End of the school day: **3.15 pm**

Late collection at the end of the day, if you have not made alternative arrangements for the collection of your children or informed us of your lateness, may result in Thurrock Children’s Social Care or the Police.

How we manage lateness:

- The school gates open at **8:40am** and the playground is supervised.
- The school day starts at **8.50am** when children begin to come into school.
- Children arriving after **8.50am** are required to come into school via the school office. **A parent/carer they must** sign them into our ‘Late Book’ and provide a reason for their lateness which is recorded. Pupils arriving independently must sign themselves in.
- Registration commences at **8.45am** and your child will receive a late mark ‘L’ if they are not in by the time the registers have been completed at **8:50am**.
- At **9am** 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.
- The school may contact parents/carers regarding lateness.
- From time to time a member of school staff will undertake a ‘Late Gate’ check, greeting late arrivals at the main entrance to the school

Unauthorised lateness could result in the school 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 Attendance Leads, but you can approach us at any time if you are having difficulties getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

Children will be marked as late if they arrive after 8:50am and will be marked as receiving an unauthorised absence if arriving after 9am. If your child has 12 or more unauthorised absences (due to lateness) in a period of 120 school days, and you have not engaged with us in trying to improve this, both parents will be issued with a fixed penalty notice.

Understanding barriers to attendance

Whilst any child 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, our school counsellor or the relevant Local Authority team/s. Where outside agencies are supporting the family, you may be invited to complete a Common Assessment Framework (CAF) form to consider what is working well and what needs to improve. This would be sent to Thurrock Social Care Prevention and Support Service (PASS) where an individualised early help plan will be agreed and subsequently reviewed.

Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long-term medical conditions or who have special educational needs and disabilities, or other vulnerabilities. High expectations of attendance remain, however, we will work with families and pupils 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 appendices for summary tables of responsibilities for school attendance.

Local Authority School Attendance Support Team (Thurrock SAST)

Local Authority School Attendance Support Team (Thurrock SAST) 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 school 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 school 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 appendices for the Thurrock 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 £2500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

See appendices for the Thurrock Code of Conduct.

There is no entitlement in law for pupils 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 (Pupil 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 a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Head Teacher, irrespective of the child's overall attendance. Only the Head Teacher 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 school. 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 this school in accordance with the Thurrock Code of Conduct.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions (a session is half a day) of unauthorised absence for the purpose of a holiday, however, due to the importance of pupils 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 St Mary's Catholic Primary School and Nursery, '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 headteacher). 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 school's calendar affecting your child.

- when a pupil'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 school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

Attendance Management Process

Our attendance management processes will begin when attendance falls below 96%. The process below is not rigid and is intended to offer a guide on what steps could be taken to work with families to improve attendance before consideration is given to referring to the Local Authority for statutory action. Where appropriate, additional steps will be taken to work with pupils in school to identify the barriers to attendance and to offer support. There will be a period of agreed time between each stage for the intervention to be effective.

When following this process, casework should include all 'parents'. For the purpose of this guidance, a parent means:

- all natural parents, whether they are married or not;
- any person who has parental responsibility for a child or young person; and,
- any person who has care of a child or young person (i.e. lives with and looks after the child).

STAGE	DETAILS
<p>Stage 1 - Letter to parent.</p> <p>Bring to their attention that their child's attendance has fallen below 96%</p>	<p>Letter 1 is an opportunity to invite the parent to contact the school to discuss any barriers to their child's full attendance at school.</p> <p>If there is a positive response from a parent, and barriers to attendance are identified schools should seek support to remove the barriers at the earliest opportunity.</p>
<p>Stage 2 - Letter to parent.</p> <p>Highlight that attendance has not improved/deteriorated further since the stage 1 letter.</p> <p>Letter to include invite to a pre-arranged meeting in school.</p>	<p>The purpose of this meeting is to discuss barriers to attendance and to complete a CAF to seek additional support.</p> <p>Letter to include the requirement of the parent to provide medical evidence to support all future absences due to illness.</p> <p>The meeting should be minuted and the actions of the pupil, parent and school to be clearly recorded and a review date set. Parents to be provided with a copy.</p> <p>If consent is not obtained to complete a CAF this is to be recorded.</p> <p>If the parent fails to attend the meeting this should be acknowledged and recorded.</p>
<p>Review of Stage 2 meeting.</p>	<p>This meeting should be arranged at the stage 2 meeting to review the attendance and actions agreed. Minutes should be taken and shared with the parent.</p> <p>It will depend on the attendance and/or engagement with support offered as to whether a further review meeting is</p>

	set, or whether the matter proceeds through the escalation process to Stage 3.
<p>Stage 3 - Letter to parent.</p> <p>Highlight that attendance has not improved/deteriorated further since the stage 2 meeting.</p> <p>Letter to include invite to a pre-arranged meeting in school.</p>	<p>The letter should set out the purpose of the meeting and include a formal warning of the risk of statutory action.</p> <p>The letter should reference whether the parent has engaged with any support that was offered/agreed at the last meeting.</p> <p>The expectation is that you explore a Parenting Contract which can be completed at this meeting. It should be made clear to the parent that failure to comply with the terms of the Parenting Contract, and if attendance deteriorates further the matter will be referred to the Local Authority for consideration for statutory action.</p> <p>The targets set should be SMART, the parent should sign the agreement and be given a copy. A review date should be agreed at this meeting.</p> <p>If a Parenting Contract is not considered to be appropriate you need to record the reason for any future action.</p> <p>It is at this stage that a Penalty Notice should be considered, and a warning letter issued, if appropriate.</p> <p>If the parent fails to attend the meeting this should be acknowledged and recorded.</p>
Review of Parenting Contract/Agreed actions.	<p>This meeting should be arranged at the stage 3 meeting to review the attendance and if completed, the terms of the Parenting Contract. Minutes should be taken and shared with the parent.</p> <p>It will depend on the attendance and/or engagement with the Parenting Contract as to whether a further review meeting is set, or whether the matter proceeds through the escalation process to Stage 4.</p> <p>The outcome of any reviews and any decision to proceed to prosecution must be recorded.</p>
Stage 4 – Referral to Local Authority and Letter to Parent	<p>If attendance has not improved, and the support offered has had little impact and/or not been engaged with, statutory action should be considered.</p> <p>Application to be made for a Penalty Notice to be issued OR referral made for Prosecution.</p> <p>If the referral is made for prosecution, letter to be sent to parent notifying them of this.</p>

Examples letters are included in the appendices.

Penalty Notices

Penalty notices are an alternative to prosecution under Section 444 of the Education Act and enable parents to discharge their potential liability for conviction for that offence by paying a penalty. Penalty notices should only be requested when it is believed that to do so will prevent any further deterioration in a pupil's attendance or discourage such absence in the future. Their primary use is not to punish parents.

In respect of irregular attendance; with effect from September 2022 in accordance with the DfE guidance schools will be expected to have engaged with families to identify the barriers to attendance and have offered a number of supportive measures before considering any statutory action.

It remains a matter for the Head Teacher whether to authorise absence or not and, in the case of unauthorised leave of absence (term time holiday,) whether the absence is considered to be due to exceptional circumstances.

In the event that a penalty notice is not paid the local authority will prosecute for the offence to which the notice applies, save for in very limited circumstances when the notice may be withdrawn. For this reason, when requesting a penalty notice, schools and academies must ensure that there is sufficient evidence for a prosecution under, at the very least, Section 444(1) of the Education Act 1996.

In the event of a prosecution the Head Teacher will be required to provide a signed certified extract of the attendance record. The witness statement must be written by the member of staff that has had the most involvement with the attendance management of the case. The Head Teacher must be available to appear in court as a witness for the prosecution as they may be required to describe to the magistrates the circumstances around the decision not to authorise the absence and to apply for the notice.

Deletion from Roll

For any pupil leaving St Mary's Catholic Primary School, other than at the end of year 6, parents/carers are required to inform the school in writing with the following information:

- Child's name
- class
- current address
- date of leaving
- new home address
- name of new school
- address of new school

This information is essential to ensure that we know the whereabouts and appropriately safeguard all of our pupils, even those who leave us.

It is crucial that parents keep school 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 pupil 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 pupil, and in any event no later than the time at which the pupil's name is deleted from the register. This duty does not apply when a pupil's name is removed from the admission register at a

standard transition point – when the pupil has completed the final year of education normally provided by that school.

Absence data

We use data to monitor, identify and support individual pupils or groups of pupils when their attendance needs to improve. Persistently absent pupils 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 school has a legal duty to publish its absence figures to parents and to promote attendance. Equally, parents have a duty to make sure that their children attend school, on time, every day.

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

Appendix 1 – Summary of Attendance Responsibilities

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>

Appendix 2 – Green Attendance Congratulations Letter Template

Dear Parents



Our current attendance target range for all children is 96%-100% and we are delighted to advise that your child is currently meeting this target.

Therefore, we'd like to take this opportunity to commend you on your child's attendance which is currently within our highest standard - Green Standard.

GREEN Pupils with attendance from 96% to 100%
AMBER Pupils with attendance from 90% to 95.9%
RED Pupils with attendance Below 90%

Many thanks for your continued support, it is greatly appreciated. If you would like an opportunity to discuss your child's attendance at any point in the year, please do not hesitate to contact me.

Yours sincerely

Mrs N Nixon
Attendance Lead

Appendix 3 - Stage 1 Letter Template

Date

Address

Dear Parent/Carer

Re: **Child's name. Date of birth**

School attendance is the essential foundation to positive outcomes for all pupils. There is a clear link between school attendance, a child's academic achievement, their wellbeing and wider life chances. As a school we are committed to fulfilling our responsibility to proactively manage and improve attendance across our school community. We regularly review the attendance of all pupils in accordance with our Attendance Policy, a copy of which is published on our school website, Add electronic link to the policy on your website.

The purpose of this letter is to bring to your attention that **Child's name** attendance is currently ...% which is below the school attendance target of ...%. A Pupil Attendance Record (PAR) is included for your information.

We understand there may be valid reasons for **Child's name** absence, and you may have already conveyed these to us. There may; however, be circumstances that we are unaware of.

We welcome the opportunity to discuss with you, any issues affecting **Child's name's** attendance as there may be support that can be offered to remove any barriers to full attendance that you or your child are experiencing.

Please do not hesitate to contact the school office to arrange an appointment for an informal meeting.

Child's name attendance will continue to be monitored.

Yours sincerely

Appendix 4 - Stage 2 Letter Template

Date

Address

Dear Parent/Carer

Re: **Child's name. Date of birth**

Further to our letter dated... notifying you that **Child's Name** attendance had fallen below the school attendance target and was being monitored.

Following a recent review, it is disappointing to note that **Child Name** has incurred further absences and their attendance is now ...%. A Pupil Attendance Record (PAR) is included for your information.

It is important for us to discuss **Child's name's** absences from school and the impact on their learning and we therefore invite you to meet with ...(staff name) in school on **Date**, at **Time**.

At this meeting, with your consent we will complete a Common Assessment Framework (CAF) to identify the barriers to **Child's Name** full attendance and explore what support could be offered to you.

If this appointment is not convenient for you, please contact the school immediately to make alternative arrangements. Should you fail to attend the appointment without notification the matter may have to be escalated in accordance with our attendance management processes, as set out in our Attendance Policy.

Please be advised that future absences due to illness will no longer be authorised unless medical evidence is provided. This can include evidence of attendance at a medical appointment, a copy of a prescription for your child which clearly states their name and the date prescribed and/or a letter from your child's Doctor.

Yours sincerely

Appendix 5 - Stage 3 Letter Template

Date

Address

CRIMINAL JUSTICE AND COURTS SERVICES ACT 2000
ANTI SOCIAL BEHAVIOUR ACT 2003
EDUCATION ACT 1996
CHILDREN ACT 1989

Dear

Re: School attendance warning to parent/carer of child name (date of birth)

We have been trying to work with you to improve **Child's Name** attendance since (date of stage 1 letter) when you were first notified that their attendance had fallen below the school target.

You were invited to attend a Stage 2 meeting on ... to identify the barriers to **Child's Name's** attendance at school and to explore what support was available to you.

You now need to be specific for each individual case.

- a) You attended this meeting and consented to the completion of a Common Assessment Framework (CAF) which was submitted to Thurrock Multi Agency Safeguarding Hub (MASH). *Detail support offered and comment on engagement/non-engagement.
- b) You attended this meeting but did not give your consent to the completion of a Common Assessment Framework (CAF) in order to seek support for you and your family.
- c) You did not attend this meeting and you made no contact to make alternative arrangements.

Please include here the details of any other support that has been offered e.g. reduced timetable, buddy in school, named member of staff, time out card, toilet pass etc.

Child's Name attendance has deteriorated further and is now unacceptable being only ...%.

*If attendance is below 90% include: The Department for Education considers any attendance below 90% to be 'persistently absent'. A Pupil Attendance Record (PAR) is included for your information.

**If attendance is below 50% include: The Department for Education considers any attendance below 50% to be 'severely absent'. A Pupil Attendance Record (PAR) is included for your information.

It is your legal responsibility to ensure that your child attends school regularly and punctually. Failure to ensure your child's attendance may result in a referral to the Local Authority for statutory action to be taken against you. Action may include a Penalty Notice being issued (up to £120 per parent per child), consideration for an Education Supervision Order through the Family Court or application to the Magistrates Court for a summons to begin legal proceedings against you. In this matter the Courts may impose a Fine of up to £2500 and/or up to 3 months custodial sentence.

We must now consider whether to refer your child's case to the Local Authority for statutory action. Before doing so, we invite you to meet with ...(Designated Senior Leader for Attendance) in school on **Date**, at **Time**. At this meeting you will have a further opportunity to discuss the barriers to **Child's Name's** attendance and to explore whether a Parenting Contract would be beneficial and encourage an improvement in their attendance.

If this appointment is not convenient for you, please contact the school immediately to make alternative arrangements. Should you fail to attend the appointment without notification the matter will be escalated in accordance with our attendance management processes, as set out in our Attendance Policy.

Yours sincerely,

Appendix 6 – Parenting Contract Template

School Name Parenting Contract - Section 19 Anti-Social Behaviour Act 2003

Child Details					
Child Name		DOB		Year Group	
Child Address		Attendance %		Date of meeting	

Parent/Carer 1 Details					
Parent Name		DOB		Relationship to Child	
Contact Number		Email		Parental Responsibility	Yes <input type="checkbox"/> No <input type="checkbox"/>
Address					

Parent/Carer 2 Details					
Parent Name		DOB		Relationship to Child	
Contact Number		Email		Parental Responsibility	Yes <input type="checkbox"/> No <input type="checkbox"/>
Address					

School Details					
Staff Name 1		Role		Contact number	
Staff Name 2		Role		Contact number	

Section 19 – Anti-Social Behaviour Act 2003:

A parenting contract is a document which contains—

(a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and

(b) a statement by the local education authority or governing body that it agrees to provide support to the parent for the purpose of complying with those requirements.

Support/Interventions to date	
Give details of any support/interventions that have already been offered to encourage better attendance.	• • • •
What has worked well/not so well?	• • • •

Parent/Carer's Views	
What are the reasons for your child's absences from school?	• • • •
Is there any support that you require in order to secure your child's regular and punctual attendance?	• • • •

Child's Views (if applicable)	
What are the reasons for your absences from school?	• • • •

Is there any support that you need <u>in order to</u> attend school more regularly?	<ul style="list-style-type: none"> • • • •
-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------

Parent/Carer Actions: I agree to ...		
What (action)	How	When
E.g: I will ensure CHILD NAME attends school every day and on time.		
I will contact the school on the first day of my child's absence if they are unable to attend by unavoidable cause.		
I will provide medical evidence to support future absences due to illness.		
I will contact STAFF NAME if I am aware of anything my child is experiencing that may impact on their regular attendance.		
I will attend any meetings arranged to discuss my child's attendance at school.		

Child Actions (If appropriate): I agree to ...		
What (action)	How	When
E.g: Attend school every day and on time.		
Speak to STAFF NAME if I am experiencing anything in school that may affect my regular attendance.		

School Actions: The school agrees to ...		
What (action)	How	When

This Parenting Contract is a formal written agreement between the Parent/Carer, School and Pupil (where applicable), intended to address irregular attendance at school.

A Parenting Contract is not legally binding, but is a formal plan intended to provide support, and is considered as an alternative to prosecution.

The actions set out in this Parenting Contract will be reviewed. If the parent/carer fails to comply with the agreed actions the school will notify the parent/carer that the Parenting Contract is to be terminated and another course of action pursued. Should the child continue to incur unauthorised absence, the school may have no alternative but to refer the matter to the Local Authority for consideration of Prosecution through the Magistrates Court. There is no criminal sanction for a parent/carer's failure to comply with the Parenting Contract, but this may be presented as evidence should statutory action become necessary.

Parent/Carer's consent

In accordance with Data Protection Legislation, we must inform you that by signing this form you are giving your consent to process the information we collect from you for the purposes of this contract and providing support.

I agree to the information about my family being shared for the purpose of this contract to ensure that we receive the support we need.

You have a right under Data Protection legislation to withdraw your consent at any time. Please note that withdrawal of consent may affect the support we are able to provide to you and your family. Should you wish to withdraw your consent, or if there are any other changes to your family circumstances, please contact the school immediately.

Parent/carer 1 Name		Signed		Date	
Parent/Carer 2 Name		Signed		Date	
Child Name (if applicable)		Signed		Date	
Staff Name 1		Signed		Date	
Staff Name 2		Signed		Date	

Review date set for:

Parenting Contract review			
Date of Review:		Attendance %	
Attendees:			

Parent/Carer Actions:	
What (action)	Comments
E.g: I will ensure CHILD NAME attends school every day and on time.	
I will contact the school on the first day of my child's absence if they are unable to attend by unavoidable cause.	

I will provide medical evidence to support future absences due to illness.	
I will contact STAFF NAME if I am aware of anything my child is experiencing that may impact on their regular attendance.	
I will attend any meetings arranged to discuss my child's attendance at school.	

Child Actions (If appropriate):	
What (action)	Comments
E.g: Attend school every day and on time.	
Speak to STAFF NAME if I am experiencing anything in school that may affect my regular attendance.	

School Actions:	
What (action)	Comments

Outcome of review meeting:

Appendix 7 – Meeting Minute Template

School Name Stage 2 Attendance Meeting - Action Plan			
Child Name:		Attendance %:	
Parent/Carer Name:		Date of meeting:	
Those present:			
Is attendance impacting attainment?	Details:		
Reason(s) for absence:			
<ul style="list-style-type: none"> • • • • 			
Other discussion points: Include any advice or guidance given.			
<ul style="list-style-type: none"> • • • • 			

Agreed summary of actions What:	How	Who	When

Are the Parents/Carers aware of the need to provide medical evidence from now on?	Yes/No
Have the Parents/Carers been advised of our attendance management processes and what happens if attendance/punctuality does not improve?	Yes/No
Did the parent consent to a CAF?	Yes/No
Was a CAF completed?	Yes/No

Comments:

Review date:

Signed (school) Date:

Signed (Parent/Carer) Date:

A copy of this action plan should be provided to the parent and a copy retained on the child's record.

Appendix 8 – Penalty Warning Notice Letter Template

Date

Parent Name and Address

*(Warning Letter should be issued per parent per child)

CRIMINAL JUSTICE AND COURTS SERVICES ACT 2000

ANTI SOCIAL BEHAVIOUR ACT 2003

EDUCATION ACT 1996

CHILDREN ACT 1989

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

Dear

PENALTY NOTICE WARNING to parent of Child Name (DOB:)

Education Provision: Name of School

We have been working with you to encourage improved school attendance.

Elaborate here on what support has been offered and whether this has been accepted and what the outcome was.

For example: We have offered to complete with you a CAF (Common Assessment Framework) to seek additional support for you and your family however you declined/failed to engage with the support offered to you.

You signed a parenting contract containing actions that you, Child Name and the school would take in order to improve your child's attendance, but you have failed to adhere to do this.

Any other support offered, please detail here.

Unfortunately Name of Child attendance has not improved to a satisfactory level. I am enclosing a copy of the most recent attendance printout for your information.

It is your legal responsibility under the Education Act 1996 to ensure that your child attends school regularly and punctually and failure to do so may result in statutory action being taken against you.

In this case; the first action will be to make an application to the local authority to issue you with a Penalty Notice.

The Penalty, which can be issued per parent per child, is £60 and must be paid within 21 days. If paid after 21 days but within 28 days the penalty is doubled to £120. Such payment will mean you will no longer be criminally liable for the period of poor attendance. Non-payment will result in a prosecution in the adult criminal court.

You now have a period of 30 school days in which to evidence your commitment to ensuring your child's regular attendance. Further unauthorised absences may result in the Penalty Notice being issued without any further reference to you.

Yours sincerely

Head teacher/Principal

School Name

Appendix 9 – Thurrock Code of Conduct

Thurrock Penalty Notice Code of Conduct for Unauthorised Absence from School

Introduction

This is the Code of Conduct for issuing Penalty Notices in cases of unauthorised absence from any school or alternative provision in Thurrock. It is intended to comply with the relevant law, to be easy to use and to ensure that Penalty Notices are administered fairly across the local authority.

It applies to all schools within Thurrock, including academies, free schools and establishments where alternative provision is arranged under Section 19 of the Education Act 1996. It is effective from 1 September 2022.

Each local authority must draw up a Code of Conduct to ensure consistency in the issuing of Penalty Notices within its area. Penalty Notices must also be issued in accordance with the Human Rights Act 1998 and the Equality Act 2010. All prosecutions are brought by the local authority. The Education Welfare Service will be able to clarify queries.

Background

Regular and punctual attendance at school is a legal requirement (Section 7 of the Education Act 1996) for pupils and is essential if pupils are to maximise the opportunities available to them. It is a parent's responsibility to ensure that their child attends regularly.

A child is of compulsory school age from the start of the term after their 5th birthday up until the last Friday of June in year 11.

An offence occurs:

If a parent fails to ensure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school; or

An excluded child is found in a public place, without reasonable justification, during the first 5 school days of a formal exclusion from school.

Section 576 of the Education Act 1996 defines "parent" as "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 means that person with whom the child lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a parent in education law."

Schools have a range of strategies available to them to encourage good attendance. The local authority is required by law in some circumstances to take statutory action to improve attendance and as a last resort may prosecute.

A Penalty Notice is an alternative to prosecution and offers parents the opportunity to discharge their responsibility for the period of non-attendance by payment of a penalty rather than by prosecution through the Criminal Court. The use of a Penalty Notice should be considered at the earliest opportunity; if it is believed it will address the non-attendance before it becomes entrenched.

Please note, Penalty Notice applications by relevant schools and partners in respect of Year 11 pupils will be accepted up until the end of Spring Term 1 ONLY. This is due to time limitations for prosecution should the Penalty Notice remain unpaid after 28 days.

Compliance with the Code

Penalty Notices issued in Thurrock must comply with this code. Failure to do so may result in the Penalty Notice being invalid and ultimately withdrawn.

The following partners have been consulted on this Code of Conduct and agree to its provisions:

Thurrock Council (the LA)
Governing Bodies, Head teachers and Principals of Thurrock Schools
Essex Police

Circumstances in which a Penalty Notice may be issued; Irregular Attendance
Penalty Notices can only be issued in respect of unauthorised absence, when the following criteria are met:

At least 12 sessions of unauthorised absence are recorded against the pupil's name within 120 available sessions. (One session is a half day)
Parents must first be sent a letter warning that a Penalty Notice could be issued and allowing them 30 school days to evidence a commitment to improving their child's attendance (Appendix A).

We recommend that the warning is sent before the criteria are met; at 8-10 unauthorised sessions. After 30 days, if no further unauthorised absences are incurred it is hoped the Penalty Notice warning has been effective in improving attendance.
Absences will only be included up to the end of the warning period.

The Penalty Notice application must be submitted within two school weeks of the end of the 30 day warning period.

Applications submitted after this date and/or inaccurate or incomplete applications will be rejected and returned to the sender.

Unauthorised Leave of Absence (term time holiday)

The Education (Pupil Registration) (England) Regulations 2006 were amended in 2013 so that references to family holiday (including reference to headteachers allowing up to 10 school days for a term time holiday) and extended leave were removed. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days the child may be away from school if the leave is granted.

Penalty Notices can only be issued in respect of unauthorised absence and must meet the following criteria.

If a headteacher does not authorise a request from a parent for term time leave of absence and the parent takes the leave. In such circumstances, it is good practice for the school to notify parents of the intention to apply for a Penalty Notice and how the action conforms to the school's attendance policy.

There must be at least 10 consecutive sessions of unauthorised term time leave.

It is expected that the school's position on unauthorised leave and the use of Penalty Notices will be clearly communicated to all parents through the School Attendance Policy and newsletters.

This is considered to be adequate warning therefore no individual warning letter is needed. However, it is good practice to inform parents that the absence was not authorised and of the intention to ask for a Penalty Notice to be issued.

The Penalty Notice application must be submitted within four school weeks of the pupil's return to school following the unauthorised leave of absence.

Applications submitted after this date and/or inaccurate or incomplete applications will be rejected and returned to the sender.

Exclusions

Where a pupil of compulsory school age who has been excluded from school, either for a fixed period or permanently is found to be present in a public place during school hours in the first five days of the exclusion, without reasonable justification. The parent must have been notified in writing by the school at the time of the exclusion of this and the days to which it applies.

It is expected that the school has challenged the parent at the time and recorded evidence of this will be provided with the Penalty Notice application.

Who can issue a Penalty Notice?

In accordance with this Code of Conduct a Penalty Notice will only be issued by the following individuals:

Authorised local authority officers – in Thurrock, these are currently members of the Education Welfare Service.

Headteachers, in respect of pupils registered at their school may make application to the local authority to issue.

Deputy and assistant headteachers, as authorised by their headteachers may do the same. A Police Officer or Police Community Support Officer (PCSO) in the case of an excluded pupil being in a public place.

Procedure for Issuing a Penalty Notice

Schools will adopt a policy that ensures parents receive an appropriate warning in relation to any unauthorised absence or persistent lateness.

Prior to issuing a Penalty Notice in respect of irregular attendance it is a requirement that a final warning letter be sent to the parent allowing the parent 30 school days to evidence a commitment to improving their child's attendance.

Attendance will be monitored by the school. If, after schools have followed a robust attendance management process, there is no satisfactory improvement in the levels of attendance application can be made for a Penalty Notice to be issued.

When issuing a Penalty Notice the authorised individual must ensure that there is sufficient evidence for a prosecution under section 444(1) or 444(1a) of the Education Act 1996. For the avoidance of doubt, a Penalty Notice issued under the provisions of this Code will be sufficient for a prosecution under, at the very least, section 444(1) of the Education Act 1996.

Penalty Notices are issued per parent per child.

No more than 1 Penalty Notice in respect of irregular attendance will be issued to a parent within a 12 month period. If the law continues to be broken around school attendance consideration should be given to other action including immediate prosecution through the Criminal Court under Section 444(1) or 444(1a).

There is no limit to the number of Penalty Notices that can be issued in respect of unauthorised leave of absence (term time holiday).

There is no limit to the number of Penalty Notices that can be issued in respect of Exclusions.

To ensure all evidential requirements are in place and to safeguard officers; Penalty Notices will not be issued as 'on the spot' action and will only be issued via First Class Post.

Once a person is issued with a Penalty Notice they must pay a penalty. This is set by regulation at £60 if paid within 21 calendar days (after the date of issue), rising to £120 if paid after 21 calendar days but within 28 calendar days.

Penalty Notices must be paid in full. Instalment payment is not acceptable.

If the recipient fails to pay in full within 28 calendar days the local authority will prosecute for the offence to which the notice applies, save for in very limited circumstances when the notice may be withdrawn.

Circumstances in which a Penalty Notice may be withdrawn

A Penalty Notice may be withdrawn by the local authority in any case in which the authority determines that:

It has not been issued in accordance with the Code of Conduct.
It ought not to have been issued to the person named as the recipient.
It appears to the local authority that the notice contains material errors.

The Penalty Notice has not been paid in full after 28 calendar days of issue, but it is not appropriate to prosecute the recipient for the offence in connection with which the notice was issued.

The decision to withdraw the notice must be confirmed in writing to the recipient of the original notice.

Non-payment of Penalty Notices

If the Penalty Notice is not paid in full by the end of the 28 calendar day period, the local authority must 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 under section 444(1) or 444(1a) of the Education Act 1996. In the event of a prosecution the school will be required to submit to the Education Welfare Service, via secure email or AVCO a 'bundle' containing the following documents:

Certified Extract signed by the Head teacher
Section 9 Witness Statement signed by the Head teacher
Exhibit Labels and relevant exhibits which will include, as a minimum:

The Pupil Attendance Record (PAR) covering the relevant prosecution period
Penalty Notice Warning Letter (in respect of irregular attendance)
Copy of the Penalty Notice issued
Copy of the Intent to Prosecute letter
Correspondence/ letters relating to the prosecution period
NPA01 (444 (1a) matters)
Annex F, PNC Names Enquiry Form (444 (1a) matters)

These documents **will be required within 10 school days of the request**. This is due to legaltime limitations in laying the matter before the Courts.

In the event of a prosecution and, in particular if the defendant enters a 'not guilty' plea; headteachers/school staff must be available to appear as a witness for the prosecution and be prepared to give evidence in court. Therefore, in addition to the documentation in section 8.3 details should be submitted of dates to be avoided.

General points

Schools must apply to the local authority (currently the Education Welfare Service) to issue a Penalty Notice on its behalf.

Applications must include a copy of the initial warning letter (where appropriate) and the Pupil Attendance Record pertaining to the Penalty Notice period. Schools must be prepared to provide a copy of the Pupil Attendance Record showing all tracked changes if requested.

For Penalty Notices issued in the case of unauthorised leave of absence, or absences in excess of the period determined by the headteacher, clear documentary evidence must be provided that demonstrates that the parent understood that permission had not/would not be given.

Penalty Notice Applications must be sent via secure email or AVCO to EWS@thurrock.gov.uk All necessary documentation should be sent as 1 attachment and not as separate files.

There are no restrictions on the number of times a parent may receive a formal warning that a Penalty Notice may be issued.

It is not appropriate to issue a Penalty Notice if this conflicts with other legal action already being taken or, in most cases, where the pupil is in the care of the local authority.

Where a Police Officer or Police Community Support Officer stops an excluded pupil in a public place during the school day and the pupil has no reasonable justification to be there a request can be made by the officer for the Education Welfare Service to issue a Penalty Notice. The Education Welfare Service will establish, as soon as practicable, whether the relevant criteria are met, and if so, will issue the Notice.

The local authority retains sums paid in respect of Penalty Notices, and these go towards the cost of administering the scheme and resulting legal action. In the unlikely event that the local authority receives more income from Penalty Notices than it spends on administering the scheme, the excess income must be paid to the Secretary of State.

The Education Welfare Service will maintain a record of all applications and outcomes.
Appeals

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

If a parent wishes to challenge whether their child's absence(s) ought to have been authorised they must contact the school directly. The local authority is unable to 'pause' the process and parents are encouraged to make payment at the reduced amount of £60 whilst liaising with the school. Should the Head teacher decide to retrospectively authorise the absence(s) the Education Welfare Service must be informed, and the Penalty Notice withdrawn. If payment of the Penalty Notice has been made, a full refund will be arranged.

Parents who believe the Penalty Notice has been issued outside of the Code of Conduct may, make written representation to the Principal Education Welfare Officer, via email to: EWS@thurrock.gov.uk setting out reasons why a Penalty Notice should not have been issued. This must be made within 10 calendar days of the date of the notice. Please note: this does not apply to those parents who believe the absence should be authorised (see point above). The parent will be notified of the outcome in writing, within 5 working days of the submission, and a copy sent to the school. The local authority is unable to 'pause' the process and parents are encouraged to make payment at the reduced amount of £60 whilst their representation is considered. If it is concluded that the Penalty Notice was issued outside of the Code of Conduct, the Penalty Notice will be withdrawn, and any payments made refunded in full.

Relevant legislation:

Anti Social Behaviour Act 2003 <https://www.legislation.gov.uk/ukpga/2003/38/section/23>

Children's Act 1996 <https://www.legislation.gov.uk/ukpga/1989/41/contents>

Crime and Disorder Act 1998 <https://www.legislation.gov.uk/ukpga/1998/37/section/16>

Education Act 1996 Section 444A

<https://www.legislation.gov.uk/ukpga/1996/56/section/444A>

Section 444B <https://www.legislation.gov.uk/ukpga/1996/56/section/444B>

Section 576 <https://www.legislation.gov.uk/ukpga/1996/56/section/576>

Section 7 <https://www.legislation.gov.uk/ukpga/1996/56/section/7>

Section 19 <https://www.legislation.gov.uk/ukpga/1996/56/section/19>

Education and Inspections Act 2006

<https://www.legislation.gov.uk/ukpga/2006/40/section/103>

Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

Human Rights Act 1998 <https://www.legislation.gov.uk/ukpga/1998/42/contents>

The Education (Penalty Notices) (England) Regulations 2004

<https://www.legislation.gov.uk/uksi/2004/181/made>

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

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

Data Protection

We will use the information you have supplied us to provide an appropriate, timely and effective service. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to thurrock.gov.uk/privacy. Get free internet access at libraries and community hubs.