



Attendance Policy

Date Reviewed: September 2024

Date of Next Review: September 2025

“Reducing absence and persistent absence is a vital and integral part of schools’ and local authorities’ work 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; and*
- ❖ *Ensure that pupils have access to the widest possible range of opportunities when they leave school.”*

(Department for Children, Education and Families)

Aim/Purpose

This policy sets out the principles, procedures and practices followed by Shaw Primary Academy in managing, monitoring and improving attendance in a clear and co-ordinated way.

Parents have the prime responsibility for sending their children to school regularly and on time, whilst every member of staff in the school has a responsibility and duty to promote good attendance.

In order for this policy to be effective it must be consistently applied.

Schools have a responsibility to identify and understand reasons for poor attendance and support the family in improving – offering support from services such as the Prevention and Support Service, Young Carers, School Health and the local Children’s Centre.

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Equality Act 2010
- The Education (Pupil Registration) (England) Regulations 2006 (As amended)
- The Children (Performances and Activities) (England) Regulations 2014
- Children and Young Persons Act 1963
- DfE (2022) ‘Working together to improve school attendance’
- DfE (2023) ‘Keeping children safe in education (KCSIE) 2023’
- DfE (2016) ‘Children missing education’
- DfE (2023) ‘Providing remote education’

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Complaints Procedures Policy
- Behaviour for Learning Policy
- Inclusion - SEND and Disability Policy
- Supporting Pupils with Medical Conditions Policy
- Pupils with Additional Health Needs Attendance Policy

Responsibilities and Expectations of Parents/Carers and Pupils

- Every child of compulsory school age must be registered at school or alternative arrangements need to be made to provide a suitable education
- Parents/carers have a duty to ensure that their children attend school regularly and on time
- Parents/carers are responsible for ensuring their child arrives at school, on time, suitably dressed and in a fit condition to learn
- Parents/carers are responsible for contacting school on the first day of a child's absence, providing a reason for absence and an expected return date
- Wherever possible, parents/carers should make appointments for visits to doctor and dentist outside school hours
- Parents/carers should keep the school informed of any change in circumstances that may affect attendance
- Parents/carers should support the school in their endeavour to improve attendance by ensuring their children attend school every day that they are fit enough to do so and by not taking term time leave
- Parents/carers should request term time leave only in exceptional circumstances. This can be done by using a 'Term Time Leave Request Form' accompanied by a supporting letter and evidence, if available.

Roles and Responsibilities of School Staff

Governors

- Agree policy
- Monitor attendance data for the school and vulnerable groups and challenge where appropriate

Headteacher

- Appoint an Attendance Manager to manage and implement the policy
- To undertake all Stage 3 meetings and decide when progression to court action should be initiated Meetings delegated to DHT where necessary.
- To support the Attendance Manager by meeting regularly to discuss individual cases.
- Linking data on predicted attainment and achieved attainment for pupils whose attendance is erratic.
- Apply for Penalty Notices
- Make decisions about term time leave applications

Family Partnership Support Officer (Attendance Manager)

- Conduct 1st day absence calls in the case of non-notified absence
- Ensure absences are coded appropriately
- Instigate letters requesting details and reasons for absence
- Undertake a 3 weekly review of individual pupil attendance and punctuality
- Implement the school's Scale of Escalation.
- Implement the school's reward systems.
- To undertake all Stage 2 meetings identifying issues that may be affecting attendance and offering support services where appropriate.
- Promote the importance of regular attendance and punctuality to pupils and parents via assemblies and the monthly newsletter
- Regularly and routinely monitor attendance trends within the school
- Prepare attendance data for teachers to share with parents at our termly Parent's Evenings.
- To assist the Education Welfare Service in completing register checks
- Prepare appropriate paperwork in relation to penalty notices and prosecutions when required.

Office Staff

- Log any notifications of absence or late arrivals

Class Teachers

- Conduct electronic registration twice daily at the beginning of the morning and afternoon sessions
- Ensure that the register is marked accurately
- Raise concerns regarding the attendance of individual pupils with the Family Partnership Support Officer
- Liaise with parents and discuss concerns/issues re attendance where relevant.

Registration Procedures including Punctuality/Lateness

- School starts at 8.45am. Children enter the building through the doors closest to their classroom and meet their teachers at 8.40am to ensure a prompt 8.45am start.
- If children arrive after the children have gone in and doors have been shut, either they, or their parent, should go to the school office to ensure that an attendance mark and lunch is recorded
- Registrations are completed at least twice a day at the start of both sessions – morning and afternoon

- The registers are currently ‘open’ for 10mins. Children arriving during this period (but after the register has been called) are marked with an ‘L’ for late – this mark can be recorded by the teacher, school office or the Family Partnership Support Officer
- Arrival after the ‘close’ of registers is recorded with a ‘U’ and classified officially as an unauthorised absence. This mark can only be recorded by the Family Partnership Support Officer or school office.

Authorised and Unauthorised Absence

Absence for the following reasons could be authorised where parents have confirmed the absence to the school office

- Sickness
- Unavoidable medical/dental appointments (appointment cards should be made available, if requested)
- Days of religious observance
- Exceptional family circumstances i.e. bereavement
- If permission for absence has been granted, in advance, by the Headteacher.
- Transport arranged by the local authority has failed to arrive where the pupil lives beyond statutory walking distance

Absence:

- Arrival at school after the register has closed
- Not attending the registered school for any reason

Unauthorised absence:

- Parents keeping children off school unnecessarily or without reason
- Truancy before or during the school day
- Absences which have never been properly explained
- Arrival at school after the register has closed
- Absence due to shopping, looking after other children or birthdays
- Absence due to day trips and holidays in term-time which have not been agreed
- Leaving school for no reason during the day

Persistent absence (PA):

- Missing 10 percent or more of schooling across the year for any reason

Missing education

- Not registered at a school and not receiving suitable education in a setting other than a school

Exclusions/Alternative Provision

Exclusion is treated as an authorised absence. If a pupil is found alone in a public place during a period of exclusion, a Penalty Notice may be issued in line with Thurrock Council's Code of Conduct.

If full-time provision is made for a child to attend elsewhere during the exclusion period and they do not attend, a decision will be made by the Headteacher as to whether the absence is authorised or not depending on the reason given. This applies equally to children who may be attending an alternative provision for a 'time-out' placement.

Staff at Alternative Provision (AP) providers monitor attendance of all pupils on roll, but pupils attending are primarily the responsibility of their 'home school'. The Family Partnership Support Officer will make daily contact with the AP provider to ensure the child has attended. Pupils on roll at an AP are more likely to be disaffected, and for this reason attendance is monitored very closely. Intervention may occur at an earlier stage.

Penalty Notices

Shaw has adopted the Thurrock Council Code of Conduct (the code) as part of its Attendance Policy see Appendix 1. Penalty Notices may be applied for:

- in line with 'the code' for Irregular Attendance
- for unauthorised leave of absence/time leave
- if an excluded child is found in a public place, without their parent, during the first 5 days of a formal exclusion from school.

Penalty Notice's for School Attendance are changing!

With the introduction of the new National Framework for Penalty Notices, the following changes will come into force for Penalty Notice Fines issued after 19th August 2024.

Per Parent, Per Child

Penalty Notices are issued to each parent, for each child.

For example: 3 siblings absent for term time leave, would result in each parent receiving 3 separate Penalty Notices.

National Threshold

There will be a single consistent national threshold for when a penalty notice must be considered in England of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period.

These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence.

The 10-school week period can span different terms or school years.

First Offence

The first time a Penalty Notice is issued for unauthorised absence the amount will be:

£160 per parent, per child paid within 28 days.

Reduced to £80 per parent, per child if paid within 21 days.

Second Offence

(within 3 years)

The Second time a Penalty Notice is issued for unauthorised absence the amount will be:

£160 per parent, per child paid within 28 days.

Third Offence and Any Further Offences (within 3 years)

The third time an offence is committed a Penalty Notice will not be issued and the case may be presented straight to the Magistrate's Court. Prosecution can result in criminal records and fines of up to £2,500.

Cases found guilty in Magistrates' Court can show on the parent's future DBS certificate due to 'failure to safeguard a child's education'.

Unauthorised Leave of Absence (ULA) / Exceptional Term Time Leave

Parents/carers do not have a right to take children on holiday in term time. If pupils are going to be absent for any reason, other than sickness/medical appointments, their parents/carers must complete an 'Application for Term Time Leave'. Each application will be considered on an individual basis and the outcome given to parents.

If the absence is not authorised and the holiday or term time leave is taken, a Penalty Notice may be issued for £160 (or £80 if paid within 21 days) to each parent for each child taken out of school if the qualifying criteria is met.

If a child returns to school after a period of absence and the school believe they have been on holiday a Penalty Notice may be issued for £160 (or £80 if paid within 21 days) to each parent for each child taken out of 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."*

Other Circumstances when a Penalty Notice may be issued including Irregular Attendance (IA)

Penalty Notices can only be issued in cases of unauthorised absence, and in one or more of the following circumstances. In the first 3 cases parents will be sent a letter warning that a Penalty Notice could be issued and allowing them 30 days to evidence a commitment to improving their child's attendance.

- At least 10 sessions of unauthorised absence are recorded against the pupil's name within 120 available consecutive sessions. One session is a half day.
- The parent does not appear to be willing to take responsibility for securing their child's attendance and has not co-operated with any proposed voluntary or supportive measures.
- The Headteacher believes that issuing a Penalty Notice could avoid further absence, in the early stages of an existing case, for example, where a parent continually fails to provide an explanation for a pupil's absence when requested to do so.
- An excluded child is found in a public place, without their parent, during the first 5 days of a formal exclusion from school.

Registers/Recording

- Registration is completed electronically in SIMS by the class teacher at the beginning of the morning and afternoon sessions.
- First day calls are made to ascertain reasons for absence, a brief log of contact is recorded including 'no response' or 'left message' and any subsequent attempts made.
- A text message will be sent to parents who have not provided a reason for absence.
- Letters are issued in response to absence for which no explanation has been given. If no response is given in 5 school days, then the absence is recorded as unauthorised.
- The school logs the attendance for Nursery pupils and uses the same rewards as the main school to encourage good attendance patterns before children come into full-time school.

Rewards

- Each school term an Attendance Challenge is set for the new term, each child who receives 100% attendance for that term will be given a certificate and small prize as well as being celebrated in the role of honour in the school's newsletter.
- Each class is set a weekly 96% attendance target. Classes reaching their target are rewarded with extra Golden Time and are recognised in our weekly Celebration Assembly and on the newsletter.
- Weekly attendance figures for the best attaining class are calculated, communicated and celebrated in assembly with a certificate, stickers and a prize for each class member – their success is also celebrated on the school newsletter
- We also calculate Class of the Half-Term and Class of the Year with winners receiving a certificate and celebrated in our newsletter.
- Identified children have daily sticker charts to help them to focus on earning a reward at the end of the set time. They will also receive a certificate.

Monitoring/Escalation Process

- The Headteacher and Family Partnership Support Officer undertake attendance monitoring every 3 weeks identifying families/individuals with attendance concerns – all children with attendance below 96% are monitored
- Individual cases are scrutinised with consideration made regarding reasons given, historical attendance patterns, previous interventions and any family circumstances. Actions can include the following:
 - Close monitoring and supervision of attendance
 - Involvement of other support agencies e.g. TTAS for Traveller families or the School Health Team for children experiencing developmental/health issues.
 - Initial letter sent to parents (Stage1) explaining that attendance is below our expectation.

- A general 'advice' letter – detailing the current attendance and encouraging parents to contact if there are any circumstances which may be affecting attendance.
 - An informal meeting with the Family Partnership Support Officer (Stage 2) to discuss concerns, establish clear expectations, consider whether a referral to the Prevention and Support Service is appropriate and to investigate if any other support can be offered via a CAF form or Parental Outreach Worker support at home could be referred. At this stage medical evidence is requested to support any future absence due to illness e.g. doctor's note, appointment card, prescribed medicines or receipts for medicines purchased over the counter.
 - A decision may be made to issue a Penalty Notice Warning Letter or apply for a Penalty Notice should absence meet the criteria set out by the Local Authority.
 - A Stage 3 meeting with the Headteacher to discuss ongoing concerns, support strategies and set clear expectations. Realistic targets in terms of attendance will be set and monitored.
 - A decision may be made to refer the case to the Local Authority for prosecution.
 - If a prosecution takes place, the school will undertake a further 6-week intensive monitoring programme to ensure that attendance remains at a high level. Improvement will lead to the case reverting to Stage 2 but failure to maintain good attendance will lead back to Stage 3.
- Children who are deemed mature enough to understand the importance of attendance may be invited to attend at least part of the attendance meetings with their parents.
 - All meetings with parents will include a 3-year historical picture of their child's attendance so that a fully informed discussion can take place.
 - Targets, if issued, are given both in terms of % of attendance required and the number of days' attendance this equates to over a given time.
 - Attendance contracts can be established between the school, parent and child.
 - Letters are written or certificates given to acknowledge positive steps made in addressing attendance concerns/issues.
 - Reward schemes can be set up with individual children, parents, small groups or classes to promote attendance.

Other Monitoring/Reporting

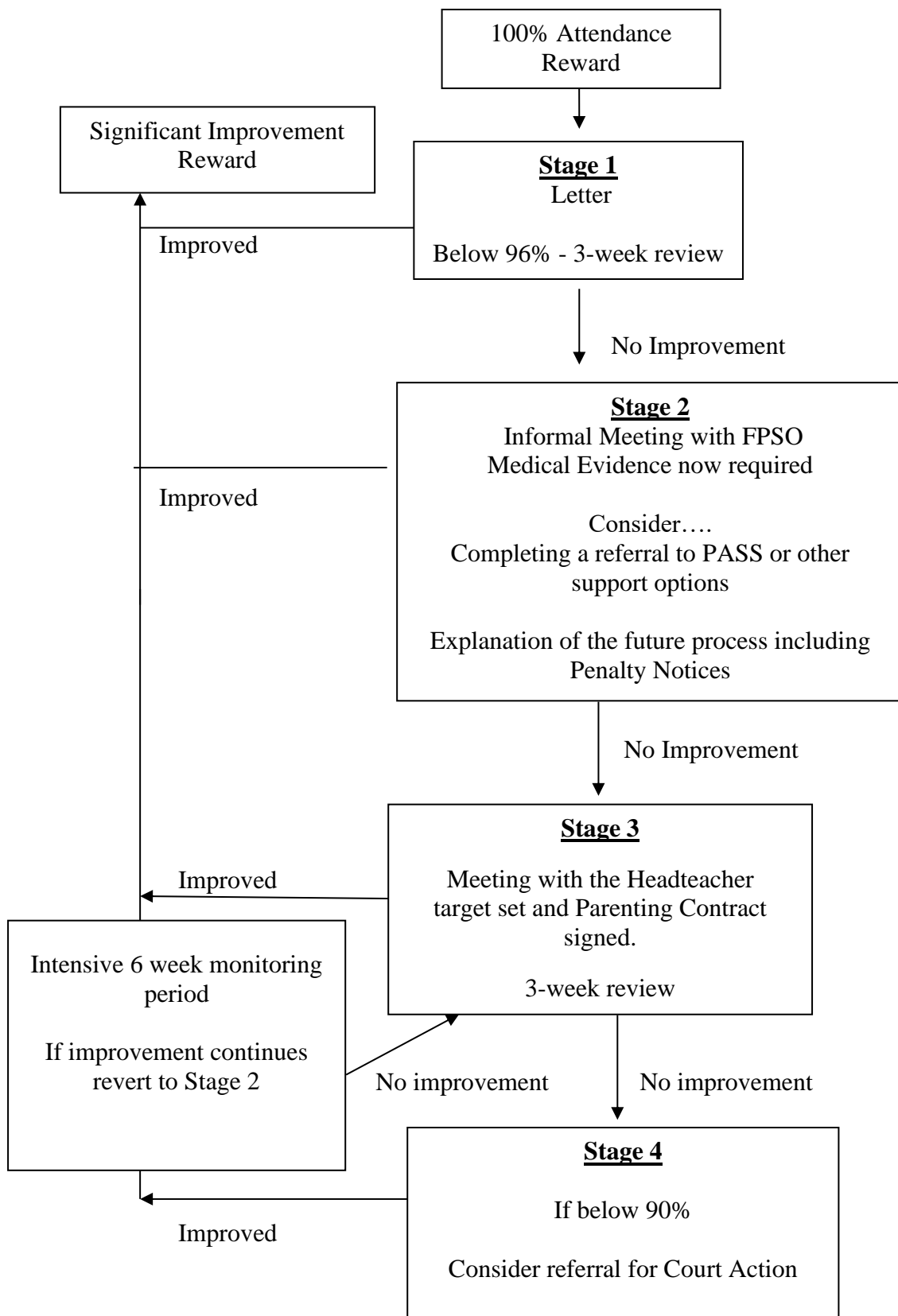
- Parents are informed of their child's attendance every term by their child's class teacher at Parent's Evening and via an attendance certificate which is included in their end of year report
- The Family Partnership Support Officer and Headteacher review the Attendance Policy bi-annually and, subject to ratification to the Governing Body, advises the staff and parents of any major changes via an 'Attendance Matters' booklet/flyer.
- The Family Partnership Support Officer ensures that the registers meet the legal requirements and works with the Schools Attendance Support Team to perform register checks when required.

- Monitoring and tracking of school attendance data enables realistic annual school targets to be set and allows specific groups or areas of attendance to be targeted e.g. addressing 1 day unexplained absences or reducing holiday absence

Punctuality

- The school monitors punctuality regularly. Letters are sent home to parents outlining expectations. If there is no improvement, then a meeting is arranged with the Family Partnership Support Officer and this may escalate to the Headteacher if deemed appropriate.
- More than 2 lates in a week will receive a late letter to inform the parents/carers that it is being monitored.
- To help us monitor lateness the school office logs the times of arrival and reasons for lateness given by parents. These details are transferred into SIMs daily. Punctuality is regularly monitored by the Headteacher and Family Partnership Support Officer as part of their 3-weekly individual reviews

Scale of Escalation



Appendix 1 – Thurrock Council’s Penalty Notice Code of conduct

Thurrock Code of Conduct for issuing Penalty Notices for School Absence

Foreword:

The law entitles every child of school age to an efficient full time education and it is the legal responsibility of every parent to ensure their child receives that education (Section 7, Education Act 1996).

The Department for Education (DfE) document “Working Together to improve school attendance, August 2024, states ‘Improving attendance is everyone’s business. The barriers to accessing education are wide and complex both within and beyond the school gates and often specific to individual pupils and families.’”

Schools will work with children, families, the local authority and other partners to identify barriers to good attendance and offer support as appropriate. In cases where this offer of support fails to improve a child’s attendance statutory action may become necessary. This Code of Conduct sets out the circumstances in which a Penalty Notice application can be made.

“Education is the most powerful weapon we can use to change the world”

– Nelson Mandela



Sheila Murphy, Corporate Director of Children's Services

1. The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across Thurrock. The code sets out the arrangements for administering penalty notices in Thurrock and must be adhered to by anyone issuing a penalty notice for school absence in this area. The code complies with relevant regulations and the Department for Education's national framework for penalty notices as set out in the 'Working together to improve school attendance' statutory guidance and takes effect from 19th August 2024.

2. This Code of Conduct replaces the Penalty Notice Code of Conduct for Unauthorised Absence from School dated September 2022.

Compliance with the Code

3. 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.

4. The following partners were consulted on the 2022 Code of Conduct and agreed to its provisions:

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

Legal basis

5. 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
- A suspended or excluded pupil is found in a public place, without reasonable justification, during the first 5 school days of a formal exclusion from school

6. Penalty notices may be issued to a parent as an alternative to prosecution for irregular school attendance under s444 of the Education Act 1996. They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, AP academies, and certain off-site places as set out in section 444A(1)(b).

7. The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.

8. A penalty notice can only be issued by an authorised officer: in Thurrock, the agreement is that this process is managed by the School Attendance Support Team.

9. The national framework for penalty notices is published in statutory guidance 'Working together to improve school attendance'. It provides further national guidance on the operation of penalty notice schemes for school absence in England.

10. A parent includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent or parents with day-to-day 3 responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

Rationale

11. 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.

12. 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.

13. Research published by the Department for Education in May 2022 found pupils with higher attainment at KS2 and KS4 had lower levels of absence over the key stage compared to those with lower attainment.

14. For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.

15. 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.

16. Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the statutory guidance 'Working together to improve school attendance', only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

17. The national framework for penalty notices is based on the principles that penalty notices should only be used in cases where:

- Support is not appropriate – for example, a term-time holiday – or where support has been provided and not engaged with or not worked
- They are the most appropriate tool to change parental behaviour and improve attendance for that particular family

When a penalty notice for absence may be appropriate

18. When a school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not. The national threshold has been met when a pupil has been recorded as having incurred unauthorised absences for 10 sessions (usually equivalent to 5 school days) within 10 school weeks¹, with one of, or a combination of the following:

- This can be made up of a combination of any type of unauthorised absence, such as 4 sessions of holiday taken in term time plus 6 sessions of arriving late after the register closes, all taken within any 10-school week period
- The unauthorised absence sessions can be consecutive – for example, 10 sessions of holiday in one week – or not – for example, 6 sessions of unauthorised absence in 1 week and 1 per week for the next 4 weeks
- The 10-school week period may span different school terms or academic years and is considered to be a rolling period
- 5 separate days of absence (10 sessions) taken over a number of weeks – for example, a pupil who fails to attend school on Fridays on five separate occasions within a 10-school week period

19. If a headteacher does not authorise a request from a parent for term time leave of absence and the parent takes the leave the expectation is that the school will apply for a penalty notice to be issued. 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.

20. 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 notice to improve is required. 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.

21. If in an individual case the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

22. If repeated penalty notices are being issued and they are not working to change behaviour they are unlikely to be most appropriate tool. The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, a prosecution under section 444 of the Education Act 1996 will be considered.

23. The 3-year period and applicable escalation begins from the date on which the first penalty notice is issued. For example, if the first penalty notice is issued on 18th September 2024, charged at £80 if paid within 21 days and doubling to £160 if paid between days 22 to 28, any second penalty notice issued to that parent in respect of that child, on or before the 17th September 2027, would be charged at £160, payable within 28 days. A third penalty notice could not be issued to that parent in respect of that child within the 3-year timeframe and, in cases where the national threshold is met for a third or subsequent time, alternative action should be considered.

24. For the purposes of the escalation process, penalty notices issued under the provisions set out within paragraph 38 of this Code of Conduct (suspended or excluded pupils) will not be included.

25. Any penalty notices issued before 19 August 2024 will not count towards the 2 penalty limit per child, per parent within a rolling 3-year period. 5

26. Previous penalty notices include those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) but not those which were withdrawn.

Key considerations prior to the issue of a penalty notice for school absence

27. The following considerations will be made before issuing a penalty notice to ensure consistency of approach:

- in cases where support is not appropriate – for example, for holidays in term time – consider on a case-by-case basis
 - Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
 - Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010?
 - For local authorities only – Is it in the public interest to issue a penalty notice in this case given the local authority would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment?
- In cases where support is appropriate, consider on a case-by-case basis:
 - Has sufficient support already been provided? Sufficient support will usually include:
 - Communication to the parent/s in writing, notifying them of the concerns in relation to their child's attendance
 - The opportunity for the parent/s to attend an informal meeting to discuss the barriers to attendance and to explore if a Common Assessment Framework (CAF) is appropriate
 - The offer of a formal meeting, as a further opportunity for the parent/s to discuss the barriers to their child's attendance and what support may be available
 - Where appropriate, the voice of the child has been considered
 - If there is parental engagement, it is expected that any agreed actions are reviewed, and the outcome of the review clearly recorded
 - Where support has been identified, a period of time has been given to allow for the parent and/or child to engage with this

- Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010?
- (For local authorities only) Is it in the public interest to issue a penalty notice in this case given the local authority would be responsible for any resulting prosecution for the original offence in cases of non-payment?

If the answer to the above questions is 'yes', then a penalty notice (or a notice to improve in cases where support is appropriate) will usually be issued.

Notice to improve

28. A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued.

29. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a notice to improve should usually be sent to give parent/s a final chance to engage in support. An authorised officer can choose not to use one in any case, including cases where support is appropriate, but they do not expect a notice to improve would have any impact on a parent's behaviour – for example, because the parent has already received one for a similar offence.

- Schools should follow a robust attendance management process, and this should be included in a published School Attendance Policy. If attendance fails to improve, and parents are not engaging with the school, and/or the support in place, a 'Notice to Improve' will be issued by the school. The expectation is that this notice to improve includes an invitation to attend a meeting, allowing the parent a further opportunity to discuss the barriers to their child's attendance, and what, if any support may be required in order to improve this.
- The notice to improve will warn parent's that statutory action could be considered which may include a penalty notice. The notice to improve will allow them 30 school days to evidence a commitment to improving their child's attendance (Appendix A).
- If no further unauthorised absences are incurred, it is hoped the notice to improve has been effective in improving attendance. Absences will only be included up to the end of the notice period.
- The penalty notice application must be submitted within four school weeks of the end of the 30-day notice period.
- Applications submitted after this date and/or inaccurate or incomplete applications will be rejected and returned to the sender.

30. If a child's attendance is less than 50% they are considered to be severely absent and a penalty notice is unlikely to be considered suitable in such cases.

Suspended or excluded pupils

31. When a child is suspended/excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first 5 days of each and every fixed period suspension or permanent exclusion without reasonable justification (section 103 Education and Inspections Act 2006). 7

32. When requesting a penalty notice in respect of a suspended/excluded pupil, schools must be able to evidence that the following criteria have been met/considered:

- The parent must have been notified of the exclusion in writing by the school and the days to which it applies

- The school must have informed the parent of their duty and warning when a penalty notice could be issued
- It is expected that the school has challenged the parent and/or child at the time and recorded evidence of this will be provided with the penalty notice application
- If the parent is not with the child, when seen, they should be notified, in writing of the offence, and informed a penalty notice application will be submitted (Appendix B)
- If a penalty notice is issued, this will be per parent, per child
- Where the child has been permanently excluded, the responsibility for issuing a penalty notice would fall to the local authority in which the child resides

Procedure for Issuing a penalty notice

33. All penalty notices are issued per parent per child.
34. Once a person is issued with a penalty notice they must pay a penalty.
35. All penalty notices must be paid in full. Instalment payment is not acceptable.
36. 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.
37. 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.
38. The first penalty notice issued within the 3-year rolling period is set by regulation at £160, reduced to £80 if paid within 21 calendar days (after the date of issue). If paid after 21 calendar days but within 28 calendar days £160 is due.
39. The second penalty notice issued within the 3-year rolling period is set by regulation as an immediate £160 if paid within 28 days. There is no opportunity to pay at the reduced amount of £80.
40. There is no limit to the number of penalty notices that can be issued in respect of suspensions/exclusions.
41. The 3-year rolling period does not apply to penalty notices in respect of suspended/excluded pupils. They will be charged at £60 if paid within 21 days, doubling to £120 if paid between days 22 to 28. All other points apply.

Circumstances in which a penalty notice may be withdrawn

42. 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
43. The decision to withdraw the penalty notice will be confirmed to the parent, by the school.
44. At the end of every term, the LA will inform the school about whether penalty notices are paid, withdrawn or cases referred for prosecution in respect of non-payment.

45. Where pupils move between local authority areas, Thurrock can be contacted on crossborder.penaltynotice@thurrock.gov.uk to find out if penalty notices have been issued previously.

46. Where pupils attend school in Thurrock but live in a different LA, Thurrock will liaise with the home LA and the school, as applicable, in respect of any support needed or being provided by the home LA.

Non-payment of penalty notices

47. 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.

48. The prosecution is not for non-payment of the penalty notice but is a prosecution for irregular school attendance under section 444 of the Education Act 1996, or, in the case of suspended/excluded pupils under section 103 Education and Inspections Act 2006.

49. In the event of a prosecution the School Attendance Support Team will prepare the court paperwork. The Head teacher/Principal will be required to sign the Certified Extract and schools are expected to co-operate with this process in respect of any questions or clarification needed.

50. 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.

General points

51. Schools must apply to the local authority (currently the School Attendance Support Team) to issue a penalty notice on its behalf. 9

52. Penalty Notice applications must be submitted within 4 school weeks of the child's return to school (in cases of term time holiday).

53. Penalty Notice applications must be submitted within 4 school weeks of the end of the 30- day notice to improve period, or 4 school weeks from the date a suspended/excluded pupil was seen to be in a public place.

54. It is the role of the Head teacher/Principal to designate the responsibility for making applications. All applications must be signed, dated and signatory role made clear.

55. Applications must include a copy of the notice to improve (where appropriate), the Pupil Attendance Record (PAR) pertaining to the penalty notice period and evidence of any other relevant interventions. In cases of term time holidays, the PAR must show the child's return to school. Schools must be prepared to provide a copy of the PAR showing all tracked changes if requested.

56. 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.

57. Where no application for leave has been submitted by parent/s and the leave was taken without prior discussion/knowledge of the school (e.g. where a parent has called to report their child as too unwell to attend school and the pupil is later found to have been absent due to a holiday during term time), the local authority should be provided with the communications between the school and parent/s, clearly showing that parent/s have been

made aware of the school's intention to apply for a penalty notice as a result of the unauthorised absences that have been recorded.

58. Penalty notice applications must be sent via AVCO or secure email to sast@thurrock.gov.uk – all necessary documentation should be sent as 1 attachment and not as separate files.

59. There are no restrictions on the number of times a parent may receive a notice to improve that a penalty notice may be issued.

60. 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.

61. Where a Police Officer or Police Community Support Officer stops a suspended/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 School Attendance Support Team to issue a penalty notice. The School Attendance Support Team will establish, as soon as practicable, whether the relevant criteria are met, and if so, will issue the notice.

62. 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 spent on attendance support.

63. The School Attendance Support Team will maintain a record of all applications and outcomes.

Appeals

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

65. 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 therefore encouraged to make payment at the earliest opportunity whilst liaising with the school. Should the Head teacher/Principal decide to retrospectively authorise the absence(s) the School Attendance Support Team must be informed, and the penalty notice withdrawn. If payment of the penalty notice has already been made, a full refund will be arranged.

66. Parents who believe the penalty notice has been issued outside of the Code of Conduct, ought not to have been issued to the recipient, or contains any material defects, must make written representation to the Principal Education Engagement Officer, via email to: sast@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 earliest opportunity whilst their representation is considered. If it is concluded that the penalty notice should be withdrawn, any payments already made will be refunded in full.

Data protection

67. 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

68. This code of conduct will next be reviewed in the summer term of the 2025/26 academic year, unless local needs or changes to the national framework require otherwise

11. 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>

For further information or advice
please contact:

School Attendance Support Team

www.thurrock.gov.uk

01375 652 568