

HARLOW FIELDS SCHOOL & COLLEGE



POLICY TITLE: **ATTENDANCE / PUNCTUALITY POLICY**


ADOPTED: September 2024

COMMITTEE: CP&R / FGB

DATE FOR REVIEW: September 2025

AUTHOR: Juniper Education /
Kathleen Faherty

POLICY NUMBER: HFP3

This policy was updated, to take effect from:	September 2024
School staff were consulted on this document and it was accepted by the personnel committee on:	N/A
It was ratified by the FGB on:	9th October 2024
Signed by the Chair of FGB:	

Relevant to: **Maintained Schools, Academies and MATs Status:**
Recommended

DATE February 2024

LAST EDITION: March 2022

REVIEW: Annual (Recommended)

Updates since last edition

Statement of Intent	Date changes	
---------------------	--------------	--

Published by:

Juniper Education

Boundary House, 4 County Place, Chelmsford, Essex CM2 0RE

0345 200 8600
enquiries@junipereducation.org
junipereducation.org

INDEX

1. Statement of Intent.....	4
2. Introduction.....	4
3. Promoting good attendance	4
4. Roles and Responsibilities.....	5
5. Absences	6
6. Lateness/punctuality	7
7. Reporting Absences – information for parents.....	8
8. Responding to pupil absences.....	8
9. 10 days’ absence	8
10. Persistent absence	8
11. Absence linked to anxiety or SEND.....	9
12. Child missing in education.....	9
13. Legal sanctions.....	9
14. Record preservation	10
15. Appendix A ...Essex County Council code of conduct Penalty Notices.....	11

1. Statement of Intent

For a child/young person to reach their full educational achievement a high level of school attendance is essential.

We are committed to providing an education of the highest quality for all our pupils and endeavour to provide an environment where all pupils feel valued and welcome. Every child/young person has a right to access the education to which he/she is entitled. Parents and teachers share the responsibility for supporting and promoting excellent school attendance and punctuality for all.

It is our duty to consistently strive to achieve high attendance for all children. We have set an annual school target of 95%, acknowledging that some absences are unavoidable for our cohort.

Every opportunity will be used to convey to pupils and their parents/ carers the importance of regular and punctual attendance.

For our children to take full advantage of the educational opportunities offered, it is vital every child is at school, on time, every day the school is open unless the reason for the absence is unavoidable.

The routines children develop around attendance and punctuality at school are the same as the expectations of any future employer in the world of work. High attainment, confidence with peers and staff, and future aspirations depend on good attendance.

2. Introduction

Department for Education (DfE) guidance -*School Attendance (2022)* states that the Government expects schools should:

- promote good attendance and reduce absence, including persistent absence
- ensure every pupil has access to full-time education to which they are entitled • act early to address patterns of absence
- parents to perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly
- all pupils to be punctual

“Regular” is defined as “in accordance with the rules prescribed by the school. We believe good attendance is important because:

- statistics show a direct link between under-achievement and attendance below 95%
- regular attenders make better progress, both socially and academically
- regular attenders find school routines, schoolwork and friendships easier to cope with
- regular attenders find learning more satisfying
- regular attenders are more successful in transferring between primary school, secondary school and higher education, employment or training.

3. Promoting good attendance

The foundation for good attendance is a strong partnership between the school, parents and the child.

To help us all to focus on this we will:

- Provide information on all matters related to attendance in our newsletter and on our website.

- Report to you on how your child is performing in school, what their attendance and punctuality rate is and how this relates to their attainment and progress.
- Celebrate good attendance by displaying individual and class achievements.
- Reward good or improving attendance through class competitions, certificates and outings/events.
- Set targets for the school and for classes for attendance and display these in the school.
- Run events when parents, pupils and staff can work together on raising attendance levels across the school.
- Liaise closely with the families of children with low or declining attendance to bring about improvements.
- Implement targeted interventions for students facing barriers to regular attendance, including support for mental health and learning difficulties.

4. Roles and Responsibilities

Headteacher

The Headteacher has overall responsibility for attendance in this school. The Headteacher is responsible for ensuring this policy is implemented consistently across the school, and for monitoring school-level absence data. The Headteacher also supports other staff in monitoring the attendance of individual pupils and may issue fixed-penalty notices, where necessary.

They will monitor and oversee the school's work in promoting regular and improved attendance by reviewing the weekly reports and the Headteacher's termly summary. They will ensure that any negative patterns of attendance are challenged and provide support to remedy this.

School attendance lead

Our attendance officer will oversee, direct and coordinate the school's work in promoting regular and improved attendance and will ensure the attendance policy is consistently applied throughout the school. This person will also ensure that attendance is both recorded accurately and analysed. They will ensure that attendance issues are identified at an early stage and that support is put in place to deal with any difficulties.

If absence is frequent or continuous, except where a child is clearly unwell, staff will discuss with parents/carers the need and reasons for their child's absence and will encourage them to keep absences to a minimum. A note or explanation from a pupil's home does not mean an absence becomes authorised. The decision whether to authorise an absence will always rest with the school.

The school may collaborate with external agencies, such as educational welfare officers and social services, for additional support where necessary.

Classroom staff

- Ensure that all pupils are registered accurately.
- Promote and reward good attendance with pupils at all appropriate opportunities.
- Liaise with the attendance lead on matters of attendance and punctuality.
- Communicate any concerns or underlying problems that may account for a child's absence.
- Support pupils with absence to engage with their learning once they are back in school.

Pupils

- Attend every day unless ill or have an authorised absence.
- Arrive in school on time.
- Take responsibility for registering at the reception desk if late or leaving the school site during school hours.

Parents/carers

Ensuring your child's regular attendance at school is a parent/carer's legal responsibility and permitting absence from school that is not authorised by the school creates an offence in law.

Parents must:

- Preferably before school commences, inform the school on the first day of absence
- discuss with the Deputy / Headteacher any planned absences well in advance
- support the school with their child in aiming for 100% attendance each year
- make sure that any absence is clearly accounted for by telephone or text on the first and subsequent days of absence, or by letter if a phone is unavailable
- avoid taking their child out of school for non-urgent medical or dental appointments • only request leave of absence if it is for an exceptional circumstance.

5. Absences

5.1 Requests for leave of absence

Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. For example, the loss of a family member.

The length of the authorised absence, as well as whether absence is authorised at all is at the Headteacher's discretion. The fundamental principles for defining *exceptional* are rare, significant, or unavoidable, which means the event could not reasonably be scheduled at another time. There is no legal entitlement for time off in school term time to go on holiday and in almost all cases, holiday will rarely be authorised.

Parents/carers wishing to apply for leave of absence need to fill in an application form (available from the school office) in advance and before making any travel arrangements.

If term-time leave is taken without prior permission from the school, the absence will be unauthorised - see the section below on legal sanctions.

Taking holidays in term time will affect your child's schooling as much as any other absence and we expect parents to help us by not taking children out during school time.

5.2 Absence through child participation in public performances, including theatre, film or television work and modelling

Parents of a child performer can seek leave of absence from school for their child to take part in a performance. They must contact the Headteacher to discuss the nature and frequency of the work, whether the child has a valid performance licence and whether education will be provided by the employer during any future leave of absence. It is, however, down to the Headteacher's discretion as to whether to authorise this and they will wish to discuss with you the nature and frequency of the absence and how learning will continue if absence occurs. Any absence recorded as part of a child's participation in a public performance is recorded as C, an authorised absence.

5.3 Absence through competing at regional, county or national level for sport

Parents can seek leave of absence from school for their child to take part in regional, county, national and international events and competitions. It is, however, down to the Headteacher's discretion as to whether to authorise this and they will wish to discuss with you the nature and frequency of the absence and how learning will continue if absence occurs. Permission for your child to leave early or arrive late to attend coaching and training sessions is also at the discretion of the headteacher and is not likely to be approved if it is a regular event, unless the sports club or association is providing an education tutor as part of their coaching.

5.4 Recording attendance

Legally the register must be marked twice daily. This is once at the start of the school day, and again at the start of the afternoon session.

5.5 Authorised and unauthorised absence

Pupils are expected to attend school every day for the entire duration of the academic year, unless there is an exceptional reason for the absence. There are two main categories of absences:

Authorised absence: is when the school has accepted the explanation offered as satisfactory justification for the absence or given approval in advance for such an absence. If no explanation is received, absences cannot be authorised.

Unauthorised absence: is when the school has not received a reason for absence or has not approved a child's leave absence from school after a parent's request. This includes:

- parents giving their children permission to be off school unnecessarily, such as for shopping, attending parents' appointments, visiting family, birthdays, to look after siblings
- truancy before or during the school day
- absences which have not been explained

Absence due to illness will be authorised unless the school has a genuine concern about the authenticity of the illness. If the authenticity of the illness is in doubt, the school may ask parents to provide medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. We will not ask for medical evidence unnecessarily. If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised, and parents will be notified of this in advance.

A school can, if needed, change an authorised absence to an unauthorised absence and vice versa if new information is presented. Any changes will be communicated to parents/carers. An example of this would be where a parent states a child is unwell but on return to school there is evidence, they have been on holiday.

Please see Registration of Pupils Policy for further guidance on the recording of absence.

6. Lateness/punctuality

It is important for pupils to be on time at the start of the morning and afternoon school sessions and to lessons. The start of school/lessons is used to give out instructions or organise work. If a child is late, they can miss work time with their class teacher getting vital information, cause disruption to the lesson for others, and it can be embarrassing leading to possible further absence.

The school day begins at 8:50am and ends at 3pm

Morning registration is at 9am and it closes 9:10am

Afternoon registration is 1:30pm and it closes at 1:40pm

DfE guidance suggests all official registers should be closed a maximum of 30 minutes after the start of school.

All lateness is recorded daily. This information will be required by the courts, should a prosecution for nonattendance or lateness be necessary.

Arrival after the close of registration will be marked as unauthorised absence and coded U as per DfE guidance. This mark shows the student to be on site but is legally recorded as an absence. Legally, punctuality is the responsibility of those with Parental Responsibility.

If a pupil is late due to a medical appointment, they will receive an authorised absence, coded M.

Please be advised that, where possible, doctors and dentist's appointments are to be made outside of school hours or during school holidays.

Pupils who are consistently late are disrupting not only their own education but also that of the other pupils. Ongoing and repeated lateness is considered as unauthorised absence and may be subject to legal action.

Collection of pupils (primary)

Parents must collect their child/ren promptly at the end of the school day. Where late collection is persistent and/or significantly late, the school is obliged to take any uncollected pupil to a place of safety and share concerns, as necessary, with other agencies. If one is available, the school may place a child into the after-school club for which the parent may be invoiced.

7. Reporting Absences – information for parents/care givers

A child not attending school is considered a safeguarding matter. This is why information about the cause of any absence is always required.

If your child is absent, you must:

- Contact us by phone as soon as early as possible on the first day of absence call into school and report to reception.
- Send a note in on the first day they return with an explanation of the absence – you must do this even if you have already telephoned us.

8. Responding to pupil absences

If your child is absent:

- We will telephone or text you on the first day of absence if we have not heard from you – this is because we have a duty to ensure your child's safety as well as their regular school attendance.
- If absence continues on the second day, then a second attempt to call will be made.
- If absence continues for a third day, then the school will make a home visit. If no contact is made, then a letter will be left.
- Where appropriate a request for a safe and well check conducted by the Police/PCSO will be made. If a Social Worker is involved with the family, then they will be informed. If there are concerns relating to safeguarding, then a CSC referral will be made.
- We will invite you in to discuss the situation with our attendance officer and/or pastoral leaders or senior member of staff if absences persist.
- We will refer the matter to the local authority's Attendance Legal Panels if absence is unauthorised and falls below 90%.

9. 10 days' absence

We have a legal duty to report the absence of any pupil who is absent without an explanation for 10 consecutive days. If the child is not seen and contact has not been established with the named parent/carer then the local authority is notified that the child is *at risk of missing*. Please be aware that the Trust expects its schools to report this unexplained absence sooner than the 10-day period, if it is deemed that there are significant concerns of harm. Children's Services staff will visit the last known address and alert key services to locate the child. Parents are expected to help us by making sure we always have an up-to-date contact number. There will be regular checks on telephone numbers throughout the year.

10. Persistent absence

We understand that some absence is unavoidable due to chronic illness for example. However, if a child misses 10% (three weeks/sessions) or more schooling across the school year, for whatever reason, they are defined by government as *persistent absentees*.

As such, we monitor all absence thoroughly and all attendance data is shared with the Trust, local authority and the DfE.

Children are sometimes reluctant to attend school for a variety of reasons. Any problems with regular attendance are best sorted out between the school, the parents/carers and the child. If a child is reluctant to attend, it is never better to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and may make things worse.

Parents should contact their child's class teacher, immediately and openly discuss any worries. Your child could be avoiding school for several reasons – difficulties with schoolwork, bullying, friendship problems, family difficulties. It is important that we identify the reason for your child's reluctance to attend school and work together to tackle the problem.

If your child has had absence and their attendance level is falling towards 90%, we will contact you and, depending on the reasons for the absence, will invite you to meet with the deputy Headteacher and attendance officer where the reasons for the absence will be discussed and if necessary, strategies to complete missed work.

The school may consider issuing a fine against those with Parental Responsibility who fail to ensure their child or children attend school on a regular basis.

11. Absence linked to anxiety or SEND

We understand that for some children absence can be due to anxiety and other mental health difficulties. These children may need adjustments to their daily routines, timetables or other school environment factors to support their needs. We aim to work with parents and other support agencies to understand and support these children rather than taking a punitive approach. Parents who are concerned their child may be suffering from school-related anxiety should speak to the school SENCO in the first instance.

12. Child missing in education

If your child is not seen and contact has not been established with any of the named parents/carers, after the first day we will make all reasonable enquiries to establish contact with parents/carers and the child, including making enquiries to known friends, wider family, and visiting the family home to try to establish contact.

If there has been no contact after three days of absence, the school will start the *child missing in education* procedures and notify relevant agencies such as the relevant LA Child Missing in Education team, the Education Welfare Officer or Police or Social Services. If the pupil is a Looked After Child, or has been identified as a vulnerable pupil, these agencies may be notified on the first day of absence.

If your child is leaving our school other than when transferring to the secondary school or leaving at the end of Year 6, parents are asked to give the attendance officer comprehensive information about their plans, including any date of a move and your new address and telephone numbers, your child's new school and the start date when known. This should be submitted to our school in writing.

If pupils leave and we do not have the above information, then your child is a *child missing in education*. This requires schools and local authorities to then carry out investigations to try and locate your child, which includes liaising with Children's Services, the Police and other agencies. By giving us the above information, these investigations can be avoided.

13. Legal sanctions

Schools can fine parents for the unauthorised absence of their child from school, where the child is of compulsory school age.

If issued with a penalty notice, parents must pay £60 within 21 days or £120 within 28 days. The payment must be made directly to the local authority.

The decision on whether to issue a penalty notice ultimately rests with the Headteacher, following the local authority's code of conduct for issuing penalty notices. This may be considered:

- A few unauthorised absences occurring within a rolling academic year.
- One-off instances of irregular attendance, such as holidays taken in term time without permission.
- Where an excluded pupil is found in a public place during school hours without a justifiable reason.

If the payment has not been made after 28 days, the local authority can decide whether to prosecute the parent or withdraw the notice.

14. Record preservation

School registers are legal documents. We will ensure compliance with attendance regulations by keeping attendance records for at least three years.

There are key policies that are relevant to pupil attendance, registration procedures, and following up on pupil absence which, for your convenience, are listed below:

- Anti-bullying
- Behaviour
- Child protection and Safeguarding
- Exclusions
- Registration of Pupils
- Missing Children

APPENDIX A

Essex County Council - Education Department Code of conduct - Penalty notices for school absence/suspended pupils Applies from 1 September 2024

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 Essex County Council's jurisdiction. The code sets out the arrangements for administering penalty notices in Essex 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' guidance.

Provisions set out within this Code of Conduct will apply to unauthorised absences recorded by schools within Essex County Council's jurisdiction from the start of the 2024/25 academic year. N.B. Absences recorded prior to 19 August 2024 may be subject to the provisions set out within the previous, locally agreed, Code of Conduct.

Consultation 1.

This code has been drawn up in consultation with Essex headteachers and governing bodies of state-funded schools and Essex police.

Legal basis 2.

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, Alternative Provision (AP) academies, and certain off-site places as set out in section 444ZA Education Act 1996. For penalty notices relating to suspended or excluded pupils, please refer to paragraph 35 (below) for the legal basis under which these penalty notices are issued.

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

4. A penalty notice can only be issued by an authorised officer: i.e. a headteacher or a deputy or assistant head authorised by them, an authorised local authority officer or a police constable. Under the community safety accreditation scheme (CSAS), authority may be granted by the police to additional approved personnel, enabling penalty notices to be issued by such personnel, in line with the national framework for penalty notices and any locally agreed practices as set out within this code of conduct.

In Essex, via the CSAS, the following companies have received accreditation to issue penalty notices in line with this code of conduct:

- Aquinas School Attendance Provisions
- Attendance Solutions Essex
- The Next Chapter

5. 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.

6. The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in Section 576 of the Education Act 1996. This defines 'parent' as:

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

- Any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is a parent in education law.

Under this code of conduct, a penalty notice can be issued to each parent believed to be liable for the offence or offences.

Rationale 7.

For pupils registered at one of the settings referenced in paragraph 3 above, regular attendance is a legal requirement and Section 444 (1) and 444 (1A) Education Act 1996 and Section 36 of the Children Act 1989 already exist to enforce attendance through the Courts in appropriate circumstances. The legal responsibility for compliance with these Acts rests with the parents and courts have the powers to fine, imprison or impose various orders.

8. 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.

9. Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the Department for Education's 'Working together to improve school attendance' guidance, 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.

10. Penalty notices will only be used in cases where support is not appropriate (e.g. a term time holiday) or where support has been provided and has either not been engaged with or has not worked.

When may a penalty notice for absence be appropriate?

11. The National Framework for Penalty Notices, which takes effect from 19 August 2024, sets out the maximum number of penalty notices which may be issued by a local authority to each parent, for each child, in any 3 year period.

12. All schools must consider whether a penalty notice is appropriate in each individual case where one of their pupils reaches the national threshold for considering a penalty notice. Schools should not have a blanket position of issuing or not issuing penalty notices and should make judgements on each individual case to ensure fairness and consistency across the country. Essex County Council supports all headteachers within Essex to exercise their discretion when considering the appropriateness of penalty notice fines, based on their knowledge of individual families' circumstances within their school community.

13. The threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. A school week means any week in which there is at least one school session. The threshold may be met with any combination of the following unauthorised absence codes – i.e. G (unauthorised leave/holiday taken during term time), O (unauthorised absence) and/or U (arriving late after registers have closed) codes. The following examples demonstrate how the national threshold of 10 sessions within a 10 school week period might be triggered (please note that this is not an exhaustive list):

- 4 sessions (2 days) of holiday taken in term time plus 6 sessions of arriving late after the register closes all within 10 school weeks.
- 10 consecutive sessions (5 school days) of holiday absence (G coded)
- 6 sessions of unauthorised absence taken in one week and 1 further session of unauthorised absence, per week, for the next four weeks.
- The period of 10 school weeks can also span different terms or school years. For example, 2 sessions of unauthorised absence in the Summer Term and a further 8 sessions recorded within the following Autumn Term.
- 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.

14. If repeated penalty notices are being issued and they are not working to change behaviour, they are unlikely to be the 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**. The national framework also sets out the escalation process which applies to such penalty notices. If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be used. In Essex, where a child's attendance has met the national threshold for a third time within 3 years and the parent/s have already been issued with 2 penalty notices within that period, consideration will be given to prosecution under section 444 Education Act 1996.

15. The three-year period and applicable escalation of fines 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 three-year timeframe and, in cases where the national threshold is met for a third or subsequent time, alternative action should be considered.

16. For the purposes of the escalation process, penalty notices issued under the provisions set out within paragraph 35 of this Code of Conduct (suspended or excluded pupils) will not be included. The following table sets out how previous penalty notices for unauthorised absence recorded after 19 August 2024, including those not paid and where prosecution was taken forward and the parent pleaded guilty or was found guilty, will count towards the national framework limit. Withdrawn penalty notices (see paragraph 18 below) and 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.

Scenario	Counts towards the limit?
Penalty notice issued by any authorised officer and paid within 21 days	Yes
Penalty notice issued by any authorised officer and paid within 28 days	Yes
Penalty notice issued by any authorised officer but later withdrawn	No
Penalty notice issued by any authorised officer. The penalty notice was not paid, and the local authority prosecuted for the original offence but the Court found the parent not guilty	No
Penalty notice issued by any authorised officer. The penalty notice was not paid, and the local authority prosecuted for the original offence and the Court found the parent guilty	Yes

17. A penalty notice may be withdrawn by the local authority under the following circumstances:

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

Key considerations prior to the issue of a Penalty Notice for school absence

18. The following considerations will be made before issuing (or requesting that another authorised officer issues) 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, under section 444 Education 1996, 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 (as appropriate on a case-by-case basis):
 - Communication/s in writing, notifying parent/s of the concerns held in relation to their child's absence levels (steps need to be taken to ensure that each "parent" is in receipt of such correspondence). Where letters are hand-delivered to parents, accurate records of date/time/person to whom letter was delivered must be available;
 - Opportunities for parent/s to meet with school staff to share/discuss the barrier/s to regular attendance and identify support strategies which aim to achieve an improvement in attendance;
 - Use of the "Let's Talk: We Miss You" toolkit and the strategies suggested via this toolkit; o Agreed "attendance contracts" making clear the role of each relevant party in improving the child's attendance levels;
 - Referrals to wider support services;
 - Where safeguarding concerns are identified for a pupil/family, appropriate liaison between relevant agencies including social care, police, health, other educational establishments, etc.
 - 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, under section 444 Education Act 1996, 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 - see paragraphs 21 and 22 below) in cases where support is appropriate will usually be issued.

19. In deciding whether the support that has been provided is "sufficient", Essex County Council will take account of relevant information held in respect of the pupil and family concerned.

Notice to improve

20. A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. 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 previously 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 (e.g. because the parent has previously received one for a similar offence).

21. Local arrangements for the use of Notices to Improve across Essex are as follows:

- Schools across Essex may issue a Notice to Improve to any parent whose child's absence levels have triggered the national threshold for a penalty notice - i.e. 10 sessions of unauthorised absence in a rolling period of 10 school weeks.
- The Notice to Improve may be used to offer parent/s a final opportunity to engage with support and improve the attendance levels of the child concerned. Where a parent fails to engage with the offer of support during the Notice to Improve validity period **and/or** further unauthorised absences are recorded for the pupil **and/or** the pupil fails to make significant improvements in their attendance patterns, a penalty notice may be issued in line with this code of conduct.
- All Notices to Improve issued by Essex schools will have a validity period of 6 school weeks (a maximum of 30 school days) and will clearly list the attempts which have been made and support which has already been offered to resolve the absence concerns. Parents should be provided with clear contact details for the staff member/s within the school that they should contact to access the support that remains available during the Notice to Improve validity period.
- Attendance records will be reviewed on a daily basis throughout the improvement period and, where further unauthorised absence is recorded, consideration will be given as to whether a penalty notice is to be issued. Schools are not required to wait until 30 school days have passed before considering a penalty notice - decisions will need to be taken on a case-by-case basis, based on the level of parental/pupil engagement and/or level of attendance improvement noted.

- Sufficient improvement during the Notice to Improve validity period may include evidence of no further unauthorised absences within the improvement period or a sufficient amount of improvement tailored to the specific family circumstances.

How authorised officers will work together

22. Authorised officers should work together to ensure that penalty notices are used when likely to be effective and change behaviour.

23. An authorised officer is a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police (including authorised officers accredited via CSAS). The LA should set out which authorised officers will issue penalty notices in their area (see paragraph 5 above).

24. Where a penalty notice is to be issued by Essex County Council or where agreement from the local authority is being sought as to the appropriateness for an authorised officer to issue a penalty notice, paragraphs 26 and 27 below set out the information that should be made available to the local authority.

25. For penalty notices being requested/considered on the sole basis of 10 sessions of G code (i.e. 5 days, consecutive or otherwise, of holiday taken during term time over a 10 rolling week period) the local authority, within 10 school days of the pupil having returned to school, must be in receipt of the following:

- A copy of the application made by parents relating to the period/s of absence that have been recorded using a G code;
- A copy of the written response sent by the school, advising that the absence would not be authorised and why the reason/s for absence were not deemed to be exceptional;
- A copy of the pupil's registration certificate, clearly showing that the national threshold has been met and that the appropriate coding has been used to allow for a penalty notice to be issued;
- 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 parents have been made aware of the school's intention to issue a penalty notice as a result of the unauthorised absences that have been recorded.

26. For penalty notices being requested/considered on the basis of 10 sessions of unauthorised absence (G, O and/or U coded - consecutive or otherwise) in a rolling period of 10 school weeks, the local authority must be in receipt of the following:

- Clear details of the "support first" approach which has been taken by schools/partners to identify the reasons for the pupil's absence, any barriers impacting the pupil's attendance and all support strategies which have been offered (whether engaged with by parent/s or not) to remove any such barriers;

- Copies of all letters/emails sent to the parent/s to advise of the concerns held in relation to their child's absence levels;
- Copies of all letters/emails sent and/or details of all telephone calls which have been made to arrange meetings with the parent/s to establish the reasons for absence and identify what support may be needed to improve attendance patterns and prevent further unauthorised absence;
- A copy of any attendance contract/s which have been agreed with parent/s and whether these have been adhered to;
- A link to the school's Attendance Policy which makes clear the escalation process which may be applied in cases of unresolved irregular school attendance, including the risk of legal action under this code of conduct/section 444 Education 1996;
- A copy of the Notice to Improve which has been issued, if applicable, to the parent/s (see paragraphs 21 and 22 above);
- Where a Notice to Improve has not been issued, schools will be required to share their reasons why;

Where a Notice to Improve has not been issued, a copy of the letter to parent/s advising them that they are at risk of receiving a penalty notice, should further unauthorised absence be recorded for their child.

27. When receiving requests to issue a penalty notice or to consider the appropriateness for an authorised officer to issue a penalty notice, the expectations within paragraphs 26 and 27 above will apply equally. This is to ensure that the local authority is in a position, on a case-by-case basis, to apply consistent decisions in regards to the appropriateness of issuing a penalty notice under this Code of Conduct and to ensure that any necessary escalation of fine levels is adhered to.

28. Upon receipt of referrals submitted by schools, police or authorised officers, the local authority will carry out all necessary checks and where the local authority has been asked to issue the penalty notice/s, this will be actioned as soon as all necessary checks have been made. In cases where an authorised officer is seeking to issue a penalty notice the local authority will advise, within 5 working days, whether they are in agreement with the penalty notice/s being issued.

Checks made by the local authority will include:

- Whether any previous penalty notices have been issued to the parent in respect of the child/ren concerned in order to provide clear advice in regards to the fine level which is to be applied.
- Whether there are any prosecution cases pending in respect of the family to ensure that duplication is avoided and appropriate escalation of legal response is considered.
- Whether there is clear evidence of a "support first" approach, in line with the "Working together to improve school attendance" statutory guidance. Where sufficient evidence has not been provided the local authority, as the independent prosecutor, will not support the issuing of a penalty notice.

29. Whoever is seeking to issue the penalty notice should make a decision as to whether proportionate support has been provided, and whether that support has worked or not. Where there is dispute, authorised officers are expected to defer to the local authority's judgement about whether sufficient support has been provided before issuing a penalty notice. Payment of Penalty Notice fines

30. Arrangements for payment will be detailed within the Penalty Notice.

- The first penalty notice issued to the parent for a child will be charged at £80 if paid within 21 days, rising to £160 if paid between days 22 and 28.
- Where it is deemed appropriate to issue a second penalty notice to the same parent for the same pupil within 3 years of the first offence, the second notice is charged at a flat rate of £160 and is payable within 28 days. There is no reduced sum available in this instance.
- Part payments or payment plans are not acceptable and fines must be paid in full within 21 or 28 days, at the rate specified within the penalty notice.
- Payment after the deadline may be accepted in exceptional circumstances. In this situation, the higher amount of £160 is usually payable and must be paid immediately and in full.
- When paying a penalty notice fine, parents are essentially agreeing to an out of court settlement in respect of the unauthorised absences to which the notice refers. Payment in full against the penalty notice discharges the parent's legal responsibility for the period of unauthorised absence outlined in the Notice and the parent cannot be subsequently prosecuted for that period.
- Any revenues collected through the system must be ring-fenced to administer the penalty notice system and prosecute for the original offence in cases of non-payment. If a surplus remains after the system has been administered and any non-payers have been prosecuted, this can be spent on the local authority's attendance support offer.

31. The local authority will inform the school about whether penalty notices are paid, withdrawn or have proceeded to prosecution, due to non-payment. A dedicated portal is available within Essex for schools to access such updates and this will be updated regularly, to ensure that schools have access to the most up-to-date information in relation to the fines which have been issued to parents of pupils on their school roll.

32. Where pupils move between local authority areas, Essex County Council can be contacted on crossborder.penaltynotice@essex.gov.uk to find out if penalty notices have been issued previously, so that appropriate escalation of fines may be applied in line with the national framework for penalty notices.

33. Penalty notices will be issued to the parents of children registered at Essex schools/academies, irrespective of their registered home address. This also means that follow-up prosecutions where parents fail to pay their penalty notice fine or to improve their child's attendance will extend to families resident outside of Essex. Essex County Council will notify the 'home' local authority of all pupils resident outside of Essex, if a prosecution is undertaken as a result of irregular attendance at an Essex school.

Penalty Notices will not be issued by Essex County Council to parents whose children are not on the roll of an Essex school.

Suspended/Excluded Pupils

34. 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 (section 103 Education and Inspections Act 2006).

35. 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 excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued;
- Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person;
- Where a pupil is present in a public place during the first 5 days of a fixed period suspension, Essex County Council would issue a penalty notice if the school is in their local authority area;
- 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.

36. Penalty notices issued under this Code of Conduct in respect of suspended/excluded pupils, will be charged at £60 if paid within 21 days, doubling to £120 if paid between days 22 to 28.

37. A maximum number of two suspension/exclusion penalty notices may be issued by Essex County Council to each parent, for each child, within any rolling 12 month period. Code of Conduct Review Arrangements

38. 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.

