

# Mereside Primary Academy

## Attendance Policy 2023 - 2024



Policy Version & Issue Date	Parent Consultation March 2023 Version 4 - 8th March 2023 Version 3 – 30 <sup>th</sup> August 2022 Version 2 – 14 <sup>th</sup> April 2021 Version 1 – 7 <sup>th</sup> January 2019
Electronic copies of this plan are available from	Mereside Primary Academy, Blackpool
Hard copies of this plan are available from	Mereside Primary Academy, Blackpool
Date of next review	July 2024 (or as required)
Person Responsible for Review	Maria Lydon (SBM)

## **INTRODUCTION AND AIMS OF THIS POLICY**

Mereside Primary Academy expects every child to have punctual and regular school attendance. This is essential so that all of our children and young people are given the opportunity to benefit from effective learning and care to achieve their full potential.

It is important to all of us that all children should attend school regularly and punctually. School is where they learn and school is where they are safe. Children who fail to attend school regularly can become vulnerable and could place themselves at greater risk than others in many ways such as becoming involved in offending or becoming the victims of crime.

In order to improve levels of school attendance and punctuality, Mereside Primary Academy is working in partnership with our Pupil Welfare Officer to promote and encourage regular, punctual attendance of all pupils in order for them to achieve their very best at School.

### **Aims**

- To emphasise the importance to all pupils and their families that maximum attendance at school is vital for achieving their full potential.
- Parents are asked to sign to confirm that they have read and understood our Attendance Policy and that they will support the school in promoting good attendance.
- To reinforce the notion that every child has a right to access the education to which they are entitled and that parents are responsible in law for the regular and punctual attendance of their child.
- To make explicit to all (pupils, parents/carers, school staff) the school's expectations on attendance levels and support strategies to help pupils maximise their attendance.
- To stress the need for home and school to work in partnership to achieve high attendance.

## **WORKING IN PARTNERSHIP WITH PARENTS/CARERS**

Regular attendance at school is vital. Put simply, absence means missed learning; without it the learning process becomes fragmented and unsatisfactory. Mereside Primary Academy wants each and every child to have the best possible attendance at school to enable them to reach their full potential. There is a strong link between good school attendance and achieving good results for children. Children who frequently miss school may fall behind in their work which may affect their future prospects. Absence may also have an effect on friendships. Young people who are frequently absent from school are more likely to become involved in, or be a victim of crime and anti-social behaviour.

Under the Education (Pupil Registration) Regulations 1995 the Academy Council and Fylde Coast Academy Trust is responsible for making sure the school keeps an attendance register that records which pupils are present at the start of both the morning (by 9.15am) and the afternoon (by 1:15pm) sessions of the school day. This register will also indicate the reason for an absence and whether it was authorised or unauthorised.

The school sees 96% attendance or above as the target for all pupils. Amendments to the Education (Pupil Registration) Regulations 2006 and September 2013 make clear that Headteachers may not authorise holidays (or other leave of absence) in term time unless there are very exceptional circumstances. The school upholds these regulations and supports the use of financial penalties and court action where necessary.

Mereside Primary Academy has a positive, proactive approach towards attendance matters and encourages parents/carers to take an active role in their child's education. Parents/carers play a major role in improving levels of attendance and punctuality and reducing absence.

The relationship between home and school is a vital part of a child's positive education and care. All children should have the same opportunity for learning in order to achieve their full potential.

Parent/carers are responsible by law for ensuring that their children attend school regularly and on time. Parent/carers can do a great deal to support the regular and punctual attendance of their children.

Where a pupil's attendance becomes a concern, Mereside Primary Academy will work with parents and carers to identify any support required to overcome barriers of coming into school. We will do this through a variety of ways including and not restricted to:

- Discussions about attendance overall with our staff members
- Written letters to highlight concerns about attendance
- Formal written letters and notification of further action if required

### **Absence During Term Time**

#### **Authorised Absence**

An absence is classified as authorised when a child has been away from school for a legitimate reason and the school has received notification from a parent or carer. For example, if a child has been unwell and the parent emails or telephones the school to explain the absence. Mereside Primary will request evidence of any medical, hospital, dentist related absences which may include copies of medical consultations and/or evidence of prescribed medication (this list is not exhaustive).

Only the school can authorise any absence. Parents do not have this authority. Consequently not all absences supported by parents will be classified as authorised.

#### **Unauthorised Absence**

An absence is classified as unauthorised when a child is away from school without the permission of either the school or a parent.

Therefore, the absence is unauthorised if a child is away from school without good reason, even with the support of a parent. This includes children who arrive after 9:15am, when registers are closed. These absences will affect the child's overall attendance record which is monitored by the Education Welfare Service and remains on their school file.

#### **Persistent Lateness and Punctuality**

It is the duty of parents/carers to ensure that children attend school regularly and punctually. This encourages habits of good timekeeping and lessens any possible classroom disruption. School starts at 8.45am when the morning register is taken. Children may enter their classrooms from 8:35am when the school gates open. It is important to be on time, as the first few minutes of the school day are often used to give out instructions or organise school work for the rest of the day. If a pupil misses this short but vital session, their work for the whole day may be affected. Late arrivals are disruptive to the whole class and often unsettling for the child.

Parents who arrive after the gates and classroom doors are closed must bring their child into school through the school office reception. Parents must sign their child's name in the late book, giving a reason for the lateness. The child will be marked as 'L' (late) in the register with the reason noted and number of minutes late entered.

If a child arrives at school after 9.15am this will affect their attendance rate percentage, as they were absent at registration. This applies in all cases for being late, including travel delays. Parents must sign their child's name in the late book, giving a valid reason for the lateness. Lateness after 9.15am will be marked as 'U' (unauthorised absence) and will count towards the child's overall attendance record.

Parents of those children who are regularly late arriving at school may be invited to make an appointment to consider the support school can offer, looking at the barriers which need to be overcome, how this can be achieved and a timescale for this support. If lateness persists following this, the Headteacher/Deputy Headteacher may become involved.

The late book is monitored weekly by the School Business Manager and the Pupil Welfare Officer when she visits. Lateness information will be communicated to parents every half term advising them on how many occasions their child has been late that week, how many minutes of education they have missed due to this and the number of hours of missed learning.

## **HOLIDAYS OR LEAVE IN TERM TIME**

Holidays will be unauthorised for all children. Fixed penalty notice will be utilised for requests of 5 days or more, even if attendance is 100%. As a Trust we expect parents to utilise clear school closure times for holiday. In very exceptional circumstances, holidays may be authorised by the Headteacher.

Schools are closed for 13 weeks a year. Parents/carers have 175 days in which to take holidays outside of school hours. If parents wish to take a holiday in term-time they can submit an application for consideration.

‘Headteachers should not grant leave of absence unless there are exceptional circumstances. The application must be made in advance and the headteacher must be satisfied that there are exceptional circumstances based on the individual facts and circumstances of the case which warrant the leave. Where a leave of absence is granted, the head teacher will determine the number of days a pupil can be away from school. A leave of absence is granted entirely at the headteacher’s discretion.’ (DfE October 2014)

Schools must maintain attendance registers and accurately record and monitor all absence and lateness. Mereside Primary Academy identifies and strives to resolve barriers affecting 100% attendance.

Mereside Primary Academy is committed to reducing absences, including levels of persistent absence. (A child is classified as having persistent absence if he/she has an absence rate of 10% or more).

Schools are responsible for supporting pupil attendance and respond quickly to difficulties and issues which might lead to non-attendance. Mereside Primary Academy knows the crucial importance of early intervention. Clear procedures are in place to identify and follow up all absence and lateness.

Parents unwilling or unable to co-operate will be reported to the Pupil Welfare Service.

Should a child regularly be absent through illness, or have 3 broken weeks in any term, the school will request that a parent/carer presents evidence, stating that their child is unfit to attend school, by the day that the child returns to school.

## **BLACKPOOL COUNCIL SUPPORT – THE ROLE OF PUPIL WELFARE OFFICERS (PWOs)**

Mereside Primary Academy has support from a PWO who monitors pupil attendance through regular inspection of the school register and liaison with school staff.

Referrals to PWOs are made by schools. However, PWOs do consult with other professionals and can be contacted directly by parents/carers for support.

We will have first undertaken a number of steps to address the pupil’s non-attendance such as meetings (including weekly meetings between School and PWO) and attempted contact with parents by telephone, text and letters. A parent/carer may be contacted by a PWO if:

- The child has a pattern of irregular attendance (broken weeks);
- The child has had a period of non-attendance with no explanation or justifiable reason;
- The child has been regularly absent and communication between parent/carers and school has met with little or no response/improvement;
- The child is moving to another area and the school does not have a confirmed destination school/provider where the child will resume their education (such pupils are treated as “children missing education”);
- A pattern of persistent lateness has developed;
- There are child protection concerns alongside poor attendance patterns;
- There are identifiable welfare issues, which are preventing a child from accessing education.

The main role of a PWO is to work with schools and families to help raise attendance levels for individual pupils, individual schools and for Blackpool as a whole to ensure that all pupils of compulsory school age are in receipt of a suitable education.

PWOs also work with other professionals such as Family Engagement Workers, Health Services and Children's Social Care staff to promote regular school attendance for children in their Foundation Stage (Nursery and Reception).

Although there is no legislation for 2, 3 and 4 year olds to attend school regularly, it is known that regular school attendance in these early years is crucial to a child's adopting of positive attendance and punctuality routines for future learning.

PWOs will assist in identifying and removing barriers which may be preventing a child receiving education through a number of ways, initially by undertaking individual casework with children of poor attendance and their parents/carers. The PWO will recognise and take account of individual circumstances and will respond accordingly. Speedy return of the child to regular attendance will always be the prime concern.

In some instances, PWO intervention may be limited to a single PWO home visit in order to remind parent/carers of their legal responsibilities or to help resolve a particular difficulty.

When, in some instances, there may be complex reasons why a child is not attending school the PWO may negotiate a plan of support. This might involve referring for involvement of other agencies such as Early Help, Common Assessment Framework (CAFA), Family Liaison and the holding of multi-agency meetings. All PWO casework will involve close and continuous liaison with the pupil's school. PWOs will ensure that schools receive regular, written feedback on pupils with whom work is being undertaken.

Where the main causes of non-attendance may be school-related (e.g. alleged bullying or racism, peer pressure, difficulties with a particular lesson or teacher) the PWO will discuss with the school in order to develop strategies to overcome these difficulties.

The PWO will employ a range of strategies with the parent/carers in their casework to bring about the child's regular attendance and will, when necessary if no improvement occurs, refer the matter to the Magistrates Court.

### **BLACKPOOL COUNCIL POLICY ON PROSECUTION**

Section 444(1) and (1)(a) of the Education Act 1996 states that if a pupil fails to regularly attend and attempts by the PWO and school fail to ensure the pupil returns to regular attendance, the PWO, on behalf of Blackpool Council, can consider taking legal action by issuing a summons against the parent/carers to appear before the Magistrates Court under Section 444(1) / (1)(A).

**444(1)(a):** This is an "aggravated" and more serious, imprisonable offence. Parent/ carers found guilty of this offence in Court will have a criminal conviction recorded against their name. Please be aware that the maximum sentence for this offence is a fine of £2,500 and/or up to 3 months imprisonment.

**Fast Track Initiative to Better Outcomes:** This is a Government letter based Initiative to improve School Attendance. This could involve casework, meetings and referral into Support Services. Your child's attendance will be monitored throughout the initiative for at least 12 weeks and reviewed at regular intervals to give you the opportunity to improve the situation and work with school/Pupil Welfare if there are particular issues that you wish to raise. If no or little improvement occurs, a referral to the Magistrates Court will be made under Section 444(1).

**If a child/young person still fails to attend school regularly, after a parent/carer has been prosecuted, the PWO will, if deemed appropriate, take further legal action.**

**Education Supervision Order (ESO):** Before initiating a prosecution under section 444(1) or (1)(A) of the 1996 Education Act, a PWO will consider whether it is appropriate to apply for an ESO under section 36 of the 1989 Children Act to the Family Court. The purpose of an ESO is to place a child/young person who is not being properly educated under the supervision of the Children's Services Authority as opposed to the parent/carer.

An ESO aims to ensure that the child/young person receives a suitable education and that they and the parent/carers receive intensive support, advice and guidance from a Supervising Officer who is required "to advise, assist and befriend".

Should an ESO fail to bring about an improvement in the child's school attendance, the PWO can later use this in evidence in the Magistrates Court as a prosecution under Section 444(1) or 444(1)(a) of The Education Act 1996.

**Blackpool Council Policy on the Use of School Attendance Order (SAO):** A SAO (under Sections 437-439 of the 1996 Education Act) will be served on the parent/carers of a child of compulsory school age if the parent/carers have failed to provide a suitable education and if the Children's Services Authority believes that the child should attend school.

The SAO will specify the school or Pupil Referral Unit which the child should attend. Should the parent/carers fail to comply with the SAO the Children's Service Authority will initiate legal proceedings under Section 443 of the 1996 Education Act, unless the parents/carers can prove that the child is in receipt of suitable education).

### **Penalty Notices:**

Under the Anti-Social Behaviour Act 2003, the Student Support Team has the power to issue a Penalty Notice to the parents/carers of a child who fails to attend school regularly or punctually. Blackpool Council may also issue a Penalty Notice to the parents of an excluded child who is found in a public place during the first five days of exclusion. Penalty Notices may only be issued in accordance with the terms of a local Code of Conduct. The Governors of **Mereside Primary Academy** have decided that **Penalty Notices will be issued in appropriate circumstances.**

**This is a fine of £60 (if paid within 21 days of receipt) increasing to £120 if paid after 21 days but before 28 days. If the fine isn't paid parents may be prosecuted, which could lead to a fine of up to £2,500, a community order or a jail sentence of up to 3 months. The court could also issue a Parenting Order.**

**Penalty notices will be issued to each parent for each child, so for a family with 2 parents and 2 children the total fine will be 4 x £60, ie £240.**

The Blackpool procedures for issuing education-related Penalty Notices are attached at Appendix A.

**Children Missing Education (CME):** PWOs and schools have a clear role to play in helping to trace children who go missing from Blackpool schools or who go missing from schools from other authorities who may have moved into Blackpool.

Schools must follow corresponding procedures in relation to those pupils who are removed from school by their parent/carers without a named-school destination being provided and confirmed. Once a child has been confirmed as a registered pupil at another school the previous school will remove them from their school registers from the last day of attendance.

**Truancy Sweeps:** PWOs work closely with the Police in order to ensure that Truancy Sweeps, authorised under Section 16 of the Crime and Disorder Act 1998, are carried out according to the agreed Police and Children's Services protocol. PWOs liaise with Blackpool schools regarding Truancy Sweeps and staff members are encouraged to take part, as are partner agencies.

**Social Care:** If a referral is made and accepted by Social Care, an assessment of children in need will be undertaken in collaboration with other relevant professionals. The assessment will look at all aspects of the child's developmental needs, including their educational needs. PWOs will bring to the attention of social care staff children who have been referred to them due to attendance difficulties, who, in their professional opinion, may require additional support in accordance with Blackpool's safeguarding agenda as a child in need.

**Health Service:** Children who are absent from school for extended periods of time due to illness /injury may receive home tuition or tuition in a small group. The nature of the illness/injury must be confirmed by a Specialist/Consultant in these circumstances, stating that at that particular time the child is unfit to attend school.

Each school has access to a School Nurse who holds 'drop ins' in schools for parents/carers to discuss any health concerns that they have for their child. Schools and PWO's can make referrals to the school nurse if a child is regularly absent through illness.

Should the child's school, parent/carer, PWO, etc consider that perhaps the problem of non-attendance may be linked to a mental health issue then consideration will be given to making a referral to Child and Adolescents Mental Health Service. (CAMHS)

Where a mental health illness is evident the school or the PWO will take advice from CAMHS on the best way to help a child achieve regular attendance.

## **Hierarchy for Excellent and Concerning Attendance and Punctuality**

<b>100%: Congratulations!</b>
All children will be invited to attend Blackpool's 100% Attendance Party
<b>Responsibility:</b> Family, School and Blackpool Council
<b>Above 97%: Well Done! Less than 6 days absence in a year</b>
Excellent attendance! These young people will almost certainly make the best learning they can, leading to better prospects for the future. Pupils will also get into a habit of attending school which will help in the future.
<b>Responsibility:</b> Family and School
<b>95%: Good but 10 days absence in a year</b>
Still good! These pupils are likely to achieve good learning progress and form a habit of attending school regularly. Pupils who take a 2 week holiday in the school term time can only achieve 95% attendance at very best! Schools to monitor and track pupil attendance
<b>Responsibility:</b> Family and School
<b>90%: 20 days absence in a year. Persistent Absence.</b>
Young people in this group are missing a month of school per year; it will be difficult for them to achieve their best. They are at real risk of underachieving and developing poor attendance attitudes. The Government classifies children in this group as "Persistent Absentees". Parents of young people in this group could also face Fast Track, Penalty Notices or Legal proceedings being initiated against them if rapid and sustained improvement is not seen.
<b>Responsibility:</b> Family, School and PWO. Legal involvement
<b>85%: Safeguarding with 30 days absence a year.</b>
Young people in this group are missing six weeks of school per year; it will be extremely difficult for them to keep up with work and they are unlikely to achieve.
<b>Responsibility:</b> Family, School and PWO. Legal involvement.
<b>80%: Neglect with 40 days absence a year.</b>
Legal proceedings will be in operation. The child is at serious risk of underachieving and also being vulnerable to crime or safety concerns.
<b>Responsibility:</b> PWO, Family, School and Legal Department
<b>Persistent Late Arrival at School</b>
Penalty Notices can be issued.
<b>Responsibility:</b> Blackpool's Legal Department, Family, School. Court proceedings ready.



## **Blackburn with Darwen, Blackpool and Lancashire County Local Authorities**

### **Joint procedures for issuing education-related Penalty Notices**

#### Introduction

This document sets out the principles which influence how and when education-related penalty notices will be used. It includes the codes of conduct in respect of notices for attendance and notices for the whereabouts of excluded pupils and also details the procedural arrangements for the administration of such notices. In addition, the detail of the legislation that underpins the issuing of education-related penalty notices can be found in Appendix 1.

#### Rationale – penalty notices for non-attendance

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their education opportunities.

Legal action in the courts may be used as a strategy to improve attendance when parents have failed to secure their children's regular attendance at school or other alternative provision. Penalty notices are simply another enforcement option that is now available to the local authority (LA).

However, it should be noted that sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.

Furthermore, all parties involved must act within the parameters of the local code of conduct and educational establishments must ensure that the use of penalty notices is outlined in their own attendance policy.

#### Rationale – penalty notices for whereabouts of excluded pupils

Parents are expected to make arrangements for the supervision of children who have been excluded from school on any day which is one of the first five school days to which any exclusion relates.

Where the LA is notified that a parent is believed to be failing in their statutory duty to ensure such children are not in a public place, an investigation will be undertaken to establish the basic facts of the case in each instance in order to determine whether an offence is likely to have been committed.

It is expected that in the first instance parents would be reminded of their duty under this legislation and warned as to future behaviour, but subsequently a penalty notice could be issued where the criteria set out in the relevant code of conduct have been met. However, where a child is reported on more than one occasion during any single episode of exclusion, the LA will only consider a penalty notice for any one offence.

Where there is evidence of repeat episodes which suggest parenting is a significant contributory factor to the pupil's continuing behaviour concerns, schools will be expected to have considered/offered a parenting contract for behaviour before the LA will consider more than three requests for penalty notices in any one academic year.

## Administration of education-related penalty notices

### Payment of penalty

Arrangements for payment will be detailed on the penalty notice proforma.

Payment of a penalty discharges the parent/carer of liability for the period/episode in question and so they cannot be subsequently prosecuted under other enforcement powers for the absence period/episode already covered by the penalty notice.

Payment of a penalty within 21 days of receipt of the notice is £60 (subject to regulatory change). Payment after this time, but within 28 days of receipt of the notice is £120 (subject to regulatory change).

The LA will retain any revenue from the income generated by education-related penalty notices to help cover the administration and enforcement costs.

### Non payment of penalty

Non payment of the penalty within the 28 day time limit will trigger the prosecution process under the provisions of section 444 of the 1996 act or section 103 of the 2006 act, except where the notice is withdrawn (as detailed in the criteria below). However, as with all prosecutions the rules of evidence and criminal procedural rules apply, and so the authority must be satisfied that any prosecution meets the “evidential” test and the “public interest” test, otherwise a prosecution may not proceed.

#### Procedure for withdrawing penalty notices

Once issued, a penalty notice may be withdrawn where the relevant LA agrees that:

- The penalty notice should not have been issued; or
- The penalty notice is shown to have been issued to the wrong person; or
- It appears to the authority that the notice contains material errors

Where a notice is withdrawn under the first two of the above criteria, the requirements of regulation 8 (3) of the regulations 2007 will be satisfied by the LA.

If an LA ultimately decides not to bring proceedings in respect of the non-payment of a penalty notice, the notice must be formally withdrawn.

### Reporting and review

The three LAs will review the penalty notice procedures at appropriate intervals and:

- Provide an annual report for council members, head teachers and the police, as requested
- Ensure that all relevant statistical information is made available to the Department for Education (DfE)
- Propose amendments to the procedures as and when appropriate

### Issuing penalty notices

Penalty notices will only be issued by first class post (which constitutes good service) and should not be hand delivered, other than in exceptional circumstances. This will ensure that evidential and health and safety requirements are met.

## **Code of Conduct for penalty notices for non-attendance**

### **Circumstances where a penalty notice may be issued for non-attendance**

To ensure consistent and equitable delivery and the avoidance of duplicate notices being issued, the local delivery of the penalty notice scheme will be managed by the LA.

A penalty notice for non-attendance can only be issued in cases of **unauthorised** absence. Any schools submitting requests must adhere to the guidance on the marking of registers. This guidance can be found in the DfE document entitled “Advice on school attendance” and in local authority guidance documents.

The circumstances in which a penalty notice for non-attendance may be issued include:

Parentally condoned absence  
Unauthorised leave  
Unwarranted delayed return from authorised leave  
Persistent late arrival after the register has closed

Each case will be considered individually. In addition, when considering issuing a penalty notice for unauthorised leave, the LA will take into consideration any relevant advice issued to schools on granting leave of absence.

A minimum evidential requirement of ten (10) school sessions lost to unauthorised absence by any pupil in any one term, **and/or** fourteen (14) sessions lost to unauthorised absence over two consecutive terms, will be required to trigger the process.

Please note, requests for penalty notices **must be** submitted to the LA no later than six weeks after the original offence was committed or the end of the subsequent half term, whichever is the shorter.

Where the LA is of the opinion that a pupil’s level of attendance is so low that initiating proceedings in the magistrates’ court would be more appropriate, the LA reserves the right not to issue a penalty notice. Similarly, the issuing of penalty notices in relation to pupils approaching the end of their compulsory education may not be considered an appropriate intervention. Each Local Authority will make a determination on the cut-off date at which requests of this nature will not usually be actioned. Any exceptions to this would be considered on a case by case basis.

The number of penalty notices for non-attendance which can be issued is restricted up to a maximum of 3 per pupil, per parent, in any one school year. However, there is no restriction on the number of times a formal warning may be given about the possible issue of a penalty notice.

The LA will only be responsible for considering the issuing of penalty notices for children who are on the roll of a school within Blackpool. Neighbouring LAs will decide on the appropriate action to be taken for children resident in Blackpool but who attend out borough/county schools. However, in such circumstances, cross-border discussions will take place between the relevant LAs.

### **Procedure for issuing penalty notices for non-attendance**

The Court Officer will issue penalty notices for non-attendance on behalf of the LA in Blackpool. This will help ensure consistent and equitable delivery, maintain home/school relationships and complement other enforcement measures.

Penalty notices will only be issued by first class post (which constitutes good service) and should not be hand delivered, other than in exceptional circumstances. This will ensure that evidential and health and safety requirements are met.

Requests from schools and the police to issue penalty notices will be considered by the LA provided that:

- All relevant information is supplied in the specified manner
- The circumstances of the pupil's absence meet all the evidential requirements of this code of conduct
- Family circumstances are measured against the likelihood of securing improved attendance through the issuing of a penalty notice
- The issuing of a penalty notice will not conflict with other intervention strategies already in place or other enforcement measures already being processed.

The LA will respond to all such requests within 10 school days, providing all criteria are met. They will then either confirm that penalty notice procedures will be implemented or that other, more appropriate, interventions will be explored.

In cases of parentally condoned absence, other than notification of intention to take unauthorised leave of absence, the LA will:

- Issue a formal written warning to the parent/carer of the possibility of a penalty notice being issued
- In the same letter, set a period of 15 school days during which the pupil's attendance will be closely monitored
- Issue a penalty notice through the post at the end of the 15 day period if the required level of improvement has not been achieved.

When a penalty notice is requested for unauthorised leave of absence, the LA may issue a warning letter relating to the period of the planned absence, but reserve the right to issue penalty notices without a warning letter. Warning letters may not issued, for example, in instances where leave of absence is either not requested by parents in advance or requested with insufficient notice for a warning letter to be sent.

## **Code of Conduct for penalty notices for the whereabouts of excluded pupils**

Circumstances where a penalty notice may be issued for the whereabouts of excluded pupils  
To ensure consistent and equitable delivery and the avoidance of duplicate notices being issued, the local delivery of the penalty notice scheme will be managed by the LA.

A penalty notice for the whereabouts of excluded pupils can only be issued in cases where the parents of a formally excluded child fail in their duty to ensure that he/she is not in a public place during school hours (without reasonable justification) on a day which is one of the first five school days of any fixed period or permanent exclusion.

The notice allows a parent to pay a penalty as a way of discharging any liability for the offence on the days specified. However, the parents must have been explicitly notified by the school of this duty/liability at the time of their child's exclusion **and** the specific days to which it relates.

Consequently, schools will be required to provide the LA with proof of notification and the means of delivery when making a request for a parent to be issued with a penalty notice for the whereabouts of an excluded pupil.

However, a parent has a defence if they can prove reasonable justification. A competent justification which is capable of being regarded as reasonable will depend on the parents "facts" being backed up by proof. It is unlikely that any justification will be held to be reasonable unless it stands up on these facts.

The maximum number of penalty notices for the whereabouts of an excluded pupil that can be issued is restricted to 1 per pupil, per parent **in any one exclusion period**, up to a maximum of five in any one school year.

However, after three such requests, no further notices will be issued in one school year until the school provides evidence that a parenting contract (behaviour) has been considered in order to support the parent(s).

There is no restriction on the number of times a formal warning may be given about the possible issue of a penalty notice.

The LA will only be responsible for considering the issuing of penalty notices for children who are on the roll of a school within Blackpool. Neighbouring LAs will decide on the appropriate action to be taken for children resident in Blackpool but who attend out borough/county schools. However, in such circumstances, cross-border discussions will take place between the relevant LAs.

### **Procedure for issuing a penalty notice for the whereabouts of excluded pupils**

The Court Officer will issue penalty notices for the whereabouts of excluded pupils on behalf of the LA in Blackpool and will automatically consider their use in all cases brought to their attention.

There are provisions in the legislation to enable the following to issue penalty notices, though there is no requirement to do so

- Authorised Local Authority staff
- Head teachers and where authorised, deputy and assistant heads
- The police, community support officers and accredited persons.

Lancashire Constabulary have confirmed that they will not issue penalty notices in respect of excluded pupils under these provisions, nor will they formally request the LA to issue such penalty notices. However, where the police (or community support officers) believe an offence

may have been committed under this legislation, they will share information with the relevant LA so that enquiries can be made.

Although head teachers are empowered to issue penalty notices, they may not be sufficiently informed to do so as the offence under section 103 of the 2006 act allows an excluded pupil's presence in a public place where there is reasonable justification for them being there. As such, each individual case must be examined on its own merits

Consequently, schools should report suspected breaches of section 103 to the LA so that the facts of the case can be ascertained before a penalty notice is considered.

The LA will investigate matters such as the method of notification to parents, the number of times an excluded pupil has been apprehended, the parents' actions or inactions that resulted in the excluded pupil being in a public place when they shouldn't have been there, the justification, if any, put forward by the parents and their overall attitude towards their responsibilities.

Some sets of circumstances will be more straightforward than others, for example, parents who claim to be unable to control their child or to be physically intimidated by them will need to prove this to be the case, unless it is self-evident. Although it is unlikely that such a justification would be held to be reasonable, it could still count towards mitigation. In such cases, where there is not already an assessment in place, schools will be advised to consider whether it would be appropriate to initiate such a process.

**Updated 14<sup>th</sup> April 2021**