



The Cowplain School

Work hard. Enjoy learning. Achieve highly.

Attendance and Punctuality Policy

Adopted: Spring 2018

Review date: Spring 2019

Section 1

1.1 Aims of the Policy

This policy aims to:

- improve the overall attendance at school by consistently striving to achieve a goal of 100% attendance for all students
- make attendance and punctuality a priority for all those associated with the school including students, parents, teachers and governors
- develop a framework which defines agreed roles and responsibilities and promotes consistency in carrying out designated tasks
- provide support, advice and guidance to parents and students
- develop a systematic approach to gathering and analysing attendance related data
- develop positive and consistent communication between home and school
- implement a system of rewards and sanctions for attendance
- promote effective partnerships with other services and agencies.

1.2 Rationale

Good attendance is essential to ensure that students benefit from the maximum number of learning opportunities. Students who attend regularly get more from their education, take part in a wider range of activities, achieve better examination results relative to their ability and find better employment than those who do not attend regularly. Therefore, it is the joint responsibility of those who work in the school and the parents to make sure that each child attends as often as possible. In addition, we must work to ensure that students arrive in school and at lessons on time and that all timetabled activities begin on time.

It is the school's duty to consistently strive to achieve a goal of 100% attendance for all children. Every opportunity will be used to convey to students and their parents or carers the importance of regular and punctual attendance.

The Governors and the Senior Leadership Team (SLT) of The Cowplain School are committed to maintaining high levels of attendance at school and will support school staff, parents and students in doing so.

Section 175 of the Education Act 2002 places a duty on governing bodies to have regard to guidance issued by the Secretary of State with regard to safeguarding and promoting the welfare of children and students under the age of 18.

Department for Education guidance *School attendance* (2015)

Schools should:

1. Promote good attendance and reduce absence, including persistent absence
2. Ensure every child has access to full-time education
3. Act early to address patterns of absence.

Parents must perform their legal duty by ensuring children of compulsory school age who are registered to a school attend regularly. All students must be punctual to their lessons.

Section 2

2.1 Promoting good attendance and punctuality

To encourage high attendance levels the school will:

- ensure efficient and consistent practice in addressing attendance issues by having clear roles and responsibilities
- reward good attendance
- very closely monitor the attendance of all pupils and specific groups of pupils, ie Pupil Premium
- keep accurate records of attendance
- notify parents where we have concerns about absences as soon as possible
- work with appropriate agencies to minimise extended absence
- review any requests for absence, taking into account any exceptional circumstances, in line with the leave of absence process detailed on the school website under: The School Day/Attendance
- ensure all staff play an active role in the promotion of attendance
- promote attendance through a planned programme of tutor, Pastoral Team, Attendance Team and SLT input, eg allocated time in tutor period, assemblies and student interviews
- emphasise to students the link between high levels of attendance with academic success and employability
- sanction poor attendance using penalty notices or other legal interventions should this prove necessary.

2.2 Roles and responsibilities

2.2.1 Responsibilities of the Senior Leadership Team

- Set attendance targets as part of the school Action Plan and target setting process and monitor progress towards achieving them
- Ensure that strategies are in place to promote and implement the policy throughout the academy
- Determine in collaboration with the Attendance Manager whether to authorise any proposed absences requested or any absences that have already taken place which were not requested

- Notify parents as appropriate that failure to attend regularly by a student of compulsory age could lead to legal prosecution of the parents
- Through appropriate staff initiate strategies to improve attendance
- Make a termly report to Governors.

2.2.2 Responsibilities of the Attendance Manager

- Oversee the attendance arrangements and ensure they are working efficiently
- Ensure regular checks of the registers are made to monitor student absence
- Ensure regular checks of absence notes and ensure unaccounted absences are followed up
- Arrange appropriate training for staff and deal with issues of inadequate registering
- Advise SLT on further improvements and progress towards set targets
- Produce summary data on attendance as requested by SLT
- Manage legal interventions including the use of penalty notices
- Contact home where patterns of poor attendance are causing concern
- Liaise with the Pastoral Team to plan assemblies on attendance and materials for the tutor programme.

2.2.3 Responsibilities of the Pastoral Team

- Liaise with Attendance Team on matters of attendance and punctuality
- Lead tutor team in addressing any students with attendance below 97%
- Support Attendance Manager with assemblies and the tutor programme
- Contact home where patterns of poor attendance are causing concern
- Ensure Pastoral Leaders run daily detentions for late students
- Promote good attendance with students at all appropriate opportunities.

2.2.4 Responsibilities of tutors

- Ensure that all students are registered accurately and punctually
- Support assemblies and deliver attendance aspects of the tutor programme
- Keep the Pastoral Team and Attendance Team advised of suspected truancy
- Advise the Pastoral Team and Attendance Team of any underlying problems that may account for absence
- Promote good attendance with students at all appropriate opportunities.

2.2.5 Responsibilities of classroom staff

- Take a register of attendance of students to lessons within the first five minutes
- Take action if internal truancy is suspected, ie contact the Pastoral Team/Attendance Team
- Inform the Pastoral Team of persistent absences
- Alert immediately if a student who is on the Alert List is not present in the lesson
- Promote good attendance with students at all appropriate opportunities.

2.2.6 Responsibilities of students

- Attend every day unless they are ill or have an authorised absence
- Arrive in school on time
- Go to all their registrations and lessons on time
- Take responsibility for registering at the Reception Desk if they are late or are leaving the school site during school hours.

2.2.7 Responsibilities of parents and carers

Ensuring their child's regular attendance at school is a parent/carer's legal responsibility (Section 444 of the 1996 Education Act) and permitting absence from school that is not authorised by the school creates an offence in law. Therefore parents will:

- inform the school on the first day of absence
- discuss with the Attendance Team any planned absences well in advance
- make a request for leave of absence following Hampshire County Council guidelines
- 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 telephone 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 exceptional circumstance.

Section 3

3.1 Recording attendance

Registration will take place at the beginning of tutor time and at the beginning of each lesson. This will be done electronically, using SIMS. Where it is not possible for this to take place, for example where a supply teacher is in charge, a hard copy of the register will be issued which must be sent to the Reception Office without delay. Legally the register must be marked twice daily; this occurs at 8.30am and at 12.10pm.

3.2 Lateness/punctuality

A student arriving after 8.50am without valid reason will be marked as an unauthorised absence for the morning session which will have a direct impact on their attendance.

It is important to be on time at the start of the morning session 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, miss vital information, cause disruption to the lesson for others and cause embarrassment leading to possible further absence.

- The school day begins at 8.30am and all students are expected to be in school at this time. Morning registration is at 8.30am, it closes at 8.50am
- All lateness is recorded daily. This information will be required by the courts, should a prosecution for non-attendance or lateness be necessary
- Arrival after the close of registration will be marked as unauthorised absence and coded U in line with Hampshire County Council and Department of Education guidance. This mark shows the student to be on site, but is legally recorded as an absence
- If a student is late due to a medical appointment, they will receive an authorised absence, coded M. Where possible, doctors and dentists appointments are to be made outside of school hours or during school holidays.

Students who are consistently late are disrupting not only their own education but also that of the other students. Ongoing and repeated lateness is considered as unauthorised absence and will be subject to legal action (see Section 6 for further detail).

Students working in the Resilience Centre begin the day at 8.00am and registration closes at 8.20am. These students are subject to the same expectations in terms of punctuality as students in the rest of the school. Ongoing and repeated lateness is considered as unauthorised absence and will be subject to legal action.

Parents, guardians or carers of students who have patterns of lateness will be contacted to discuss the importance of good time keeping and how this might be achieved. If lateness persists parents, guardians or carers will be invited to attend the school and discuss the problem and support offered. Should lateness be an ongoing issue the school reserves the right to code as an unauthorised absence which will further reduce individual attendance.

3.3 If a child is absent

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

3.3.1 First day absence

If their child is absent parents, guardians or carers must:

- contact the school as soon as possible on the first day with an explanation of the absence, or
- visit the school and report to Reception, or send a note in to school with their child.

If a child is absent the school will:

- telephone or text the parent, guardian or carer on the first day of absence if no contact has been made – the school has a duty to ensure the child's safety as well as their regular school attendance
- invite parents, guardians or carers in to school to discuss the situation with the Attendance Manager and/or the Pastoral Team and Deputy Headteacher if absences persist
- refer the matter to the Hampshire County Council's Attendance Legal Panels if absence is unauthorised and falls below 90%.

3.3.2 Third day absence

If the child is still away on the third day and there has been no contact from parents or carers the school will:

- start *child missing in education (CME) procedures* as set down by Hampshire County Council guidance
- make all reasonable enquiries to establish contact with parents/carers and the child, including making enquiries to known friends and wider family.

A Pastoral Leader or the Attendance Manager may visit the family home to try to establish contact.

3.3.3 Ten day absence

The school has a legal duty to report the absence of any student who is absent without an explanation for ten consecutive days. If the child is not seen and contact has not been established with the named parent/carers then the local authority is notified through a CME tracking form that the child is at risk of missing education. Children's Services staff will visit the last known address and alert key services to locate the child. Parents must make sure the school always has an up-to-date contact number. The school will make regular checks on telephone numbers throughout the year.

3.3.4 Continued or ongoing absence

If a child misses 10% (19 days/38 sessions) or more schooling across the school year, for whatever reason, they are defined as persistent absentees. Absence for whatever reason disadvantages a child by creating gaps in their learning. Research shows these gaps affect attainment when attendance falls below 95%. As such, the school monitors all absence thoroughly and all attendance data is shared with the local authority and the Department for Education. If a child has had absence and their attendance level is falling towards 90% the school will contact parents, guardians or carers and, depending on the reasons for the absence, will:

- ask parents, guardians or carers to sign a contract to support good attendance
- decide with the parent/carers whether a referral for external support would be helpful.

Section 4

4.1 Request for leave of absence

Amendments to school attendance regulations were updated and enforced from September 2013: The Education (Pupil Registration) (England) Regulations state that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

It is important to note that headteachers can determine the length of the authorised absence, as well as whether absence is authorised at all. The fundamental principles for defining exceptional are rare, significant, or unavoidable, which means the event could not reasonably be scheduled at another time. There are no rules on this as circumstances vary from school to school and family to family. There is, however, no legal entitlement for time off in school term-time to go on holiday and, in the majority of cases, holidays will not be authorised.

Parents/carers wishing to apply for leave of absence need to fill in an application form, available on the school website or Reception, 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 and, if the number of sessions absent hits the thresholds set down in Hampshire County Council's Code of Conduct, parents/carers will be issued with a fixed-penalty fine or other legal action in accordance with the code (see Section 6 for detail).

Taking holidays in term-time will affect a child's schooling as much as any other absence and the school expects parental support by not taking children out during school time.

Section 5

5.1 Understanding types of absence

Students 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, birthdays, to look after siblings
 - truancy before or during the school day
 - absences which have not been explained.

The 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. The school reserves the right to decide on an appropriate attendance code to use for the records.

Section 6

6.1 Penalty Notices and other legal measures

In education law, parents/carers are committing an offence if they fail to ensure the regular attendance of their child of compulsory school age at the school at which the child is registered, unless the absence has been authorised by the school.

Hampshire schools and Hampshire County Council will use the full range of legal measures to secure good attendance.

The following legal measures will be used for students of compulsory school age who are registered at a school:

- Parenting contracts set at Education Planning Meetings
- Parenting Orders
- Penalty Notices
- Education Supervision Orders
- Prosecution.

6.2 Using Penalty Notices

Where a child has unauthorised absence the school must enforce Hampshire County Council's Code of Conduct, issuing Penalty Notices for unauthorised absence from schools or follow its guidance on other legal measures for non-attendance. The Code of Conduct is a statutory document which ensures that powers for legal sanctions are applied consistently and fairly across all schools and their families within the authority. See Appendix 1.

The Code of Conduct states that schools or Hampshire County Council will issue a Penalty Notice for any unauthorised absence where the pupil has been:

- absent for 10 or more half-day sessions (five school days) of unauthorised absence during any 100 possible school sessions – these do not need to be consecutive
- persistently late before the close of register (coded L), but the school has met with parents and has clearly communicated that they will categorise as unauthorised any further lateness (code O), and where the threshold of 10 sessions (five days) has been met

... unless the issuing of a Penalty Notice would conflict with other intervention strategies in place or other sanctions already being processed. Penalty Notices will only be issued, following recommendation from the Headteacher.

If a child's unauthorised absence meets any of the above criteria and the family or child do not require any agency support to improve the attendance then a Penalty Notice is issued for either:

- 10 sessions of unauthorised absence or lateness in any 10 week school period

This includes where a pupil has unauthorised absence due to either:

- non-approval of a parent/carer's request for leave of absence, or
- a holiday that has been taken without permission.

Parents and carers will be warned of the likelihood of a Penalty Notice being issued for unauthorised absence via a letter, through the leave of absence request form or through the school's attendance policy and website. The Penalty Notice is a fine issued to each parent/carer who condoned (or was responsible for the child) during the period of unauthorised absence for which the fine has been issued. For each case of unauthorised absence the school or Hampshire County Council will decide whether a Penalty Notice is issued to one or more parents/carers for each child. NB: This could mean four Penalty Notices for a family with two siblings, both with unauthorised absence for holiday, ie one Penalty Notice for each child to each parent.

Each Penalty Notice carries a fine of £60 if paid within 21 days of the Penalty Notice being posted. If the fine is not paid within 21 days the penalty is automatically increased to £120 if paid within 28 days. If the fine remains unpaid Hampshire County Council will consider prosecution for the non-attendance. Payment methods are detailed on the Penalty Notices themselves. Penalties are to be paid to Hampshire County Council and revenue resulting from payment of penalties is used by the County Council to help cover the costs of issuing Penalty Notices and/or the cost of prosecuting recipients who do not pay.

Please note: If you pay the Penalty Notice and your child has further unauthorised absences, additional legal action will be taken. For example, in the event that a Penalty Notice has previously been served to you due to unauthorised holiday, should your child have any further unauthorised leave this will result in further legal action for you, such as prosecution or an Education Supervision Order.

For further information for parents/carers see Appendices 1 and 2 or visit Hampshire County Council's website at:

www.hants.gov.uk/education/hias/learning-behaviour-attendance/attendance-guidance-for-parents/possible-penalties.

Section 7

7.1 A child is trying to avoid coming to school. What should the parent/carer do?

Children are sometimes reluctant to attend school. 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, guardians or carers should contact the child's tutor or Pastoral Leader immediately to openly discuss the issue (see Appendix 1 and the school website for contact details). The child could be avoiding school for a number of reasons – difficulties with school work, friendship problems or family difficulties. It is important that the school identifies the reason for the child's reluctance to attend school and works with the parent/carer and child to tackle

the problem. In some cases parents/carers may find it helpful to discuss the circumstances of the child's difficulties with another professional.

7.2 What can parents/carers do to encourage their child to attend school?

- Make sure the child gets enough sleep and gets up in plenty of time each morning
- Ensure the child leaves home in the correct clothes and properly equipped
- Show interest in, and the value of, the child's education
- Look at the child's The Cowplain School diary and use it to communicate with the tutor or teachers
- Show interest in what the child is doing in school, the things they have learnt, their friends and even what they had for lunch!

7.3 Leavers

If the child is leaving the school (other than when leaving at the end of Year 11, on the last Friday of June each year) parents are asked to give the Inclusions Manager comprehensive information about their plans, including the date of any move, new address and telephone numbers, the child's new school and the start date when known.

If students leave and the school does not have the above information, the child is considered to be a child missing in education. This requires schools and local authorities to carry out investigations to try and locate the child, which includes liaising with Children's Services, the police and other agencies. By providing the above information, these investigations can be avoided.

7.4 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. Parents 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 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 will be coded C, an authorised absence.

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

Parents of able sportsmen and women 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 the nature and frequency of the absence and how learning will continue if absence occurs. Permission for a child to leave school 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.

7.6 Gypsy, Roma, Traveller and Showman families

Absence of a child from a Traveller family that has left the area may be authorised if the absence is for work purposes only and it is believed that the family intends to return. Students must have attended 200 sessions in a rolling 12-month period to be able to request leave for work purposes.

To ensure the continuity of learning for Traveller children, dual registration is allowed. That means that a school cannot remove a Traveller child from the school roll while they are travelling. When the Traveller is away, the home school holds the place open and records the absence as authorised, coded T. Distance learning packs for Traveller children are not an alternative to attendance at school.

7.7 Advice to parents

Parents will be informed of changes to the school's regulations and the law regarding attendance, punctuality and absence including absence for family holidays and for authorised activities through the school's website.

Section 8

8.1 Record preservation

School registers are legal documents. The school will ensure compliance with attendance regulations by keeping attendance records for at least three years. Computer registers will be preserved as electronic back-ups.

References

Local Authority Code of Conduct for issuing Penalty Notices
School attendance (DFE 2015)
Information on Penalty Notices for non-attendance at school – Hampshire County Council
Advice for parents and carers

Appendices

Appendix 1 – Code of Conduct Issuing Penalty Notices for unauthorised absence from schools
Appendix 2 – Local Authority Advice to parents regarding Penalty Notices
Appendix 3 – Useful contact details for staff at The Cowplain School

Monitoring, Evaluation and Review

The Policy is reviewed every year by the Senior Leadership Team and Governors as part of the self evaluation cycle. Appropriate action is taken if changes are required.

Other Relevant Policies

This Policy should be used with reference to one or more of the following policies:

Admissions Policy
Child Protection and Safeguarding Policy
Anti-Bullying Policy
Exclusion Policy
Home School Agreement
Behaviour Policy

A copy of the school's Attendance and Punctuality Policy is available at www.cowplainschool.co.uk

Date Reviewed:	Spring 2018	Reviewed by:	NBT	Next Review:	Spring 2019
Summary of changes made:	The policy has been updated to fully reflect the most recent Department for Education guidance <i>School attendance</i>				

SERVICES FOR SCHOOLS

Code of Conduct

**Issuing Penalty Notices for unauthorised
absence from school**

April 2018



Hampshire
County Council

www.hants.gov.uk

Contents

1 Legal background	1
2 Rationale for issuing Penalty Notices	2
3 Before issuing Penalty Notices	2
4 Circumstances in which a Penalty Notice may be issued	3
5 Who may issue a Penalty Notice?	4
6 Procedure for issuing a Penalty Notice	5
7 Payment of penalty Notices	6
8 Non-payment of Penalty Notices	6
9 Withdrawal of a Penalty Notice	7
10 Other roles and responsibilities	7

Code of conduct: Issuing Penalty Notices for unauthorised absence from schools (September 2015)

This local code sets out the procedures and terms under which Penalty Notices for unauthorised absence can, and should, be issued in Hampshire. It applies to statutory school age children from age 5 to age 16 and to all maintained schools and academies within the county of Hampshire. All *authorised persons* must issue

Penalty Notices in compliance with this code.

The code is to be read in conjunction with *Guidance for schools on available support and procedures for pursuing legal action against non-attendance at school* (May 2015).

Sanctions for periods of unauthorised absence are for use only where parental co-operation in securing good attendance is either absent or deemed insufficient to resolve the presenting problem. Penalty Notices will be issued before absence patterns become entrenched and where there is a reasonable expectation that to do so will secure improved school attendance.

1 Legal background

- 1.1 Sections 444A and 444B of the Education Act 1996 empower authorised officers of the local authority, headteachers (and deputy headteachers if authorised by them) and the police, to issue Penalty Notices to the parents in cases of unauthorised absence from school.
- 1.2 The Education (Penalty Notices) (England) Regulations 2007 (as amended) require the local authority, in consultation with all of the above, to develop a code of conduct for issuing Penalty Notices. Any person issuing a Penalty Notice for the unauthorised absence of a Hampshire child must do so within the terms of this *Code of conduct*.
- 1.3 The definition of a *parent* includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child; and any person who, although not a natural parent, has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child, irrespective of their relationship with that child, is considered to be a parent in education law (see Section 576 of the Education Act 1996 and the Children Act 1989).

2 Rationale for issuing Penalty Notices

- 2.1 Regular and punctual attendance at school is a legal requirement, as well as essential if pupils are to maximise their educational opportunities.
- 2.2 In law, parents/carers are committing an offence if they fail to ensure the regular and punctual attendance of their child at the school at which the child is registered, unless the absence has been authorised by the school. Only schools have the power to authorise or grant a leave of absence. Further detail is available in Section 3 of *Promoting pupil attendance and recording absence* guidance.
- 2.3 A range of sanctions to enforce regular school attendance exist under Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989. The purpose of a Penalty Notice is to offer a swift intervention for cases of unauthorised absence before the problem becomes too entrenched.
- 2.4 The purpose of the *Code of conduct* is to ensure that the Penalty Notices are issued consistently and fairly across the area that comes under the control of Hampshire County Council (*“the County Council”*) and that suitable arrangements are in place for the administration of the scheme.
- 2.5 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and all equalities legislation.
- 2.6 Designated officers of Hampshire County Council’s Children’s Services Department will automatically consider the use of Penalty Notices in all cases of unauthorised absence at the level defined below. If the absence meets any of the thresholds in Section 4, authorised persons in schools should either issue a Penalty Notice, issue a Penalty Notice warning letter, or make a referral into their local Attendance Legal Panel (ALP), co-ordinated by the Family Support Service. The panels meet monthly to consider the most appropriate interventions to improve school attendance in individual cases.

3 Before issuing Penalty Notices

- 3.1 Schools should take all reasonable steps to ensure good attendance without the use of Penalty Notices.
- 3.2 In cases where an authorised person has concerns about a pupil’s attendance, s/he must ensure that contact has been made with the parent/carer in order to try to resolve any difficulties.

- 3.3 If the issuing of a Penalty Notice is under consideration for ongoing poor attendance the authorised person should, in most cases, arrange for a Penalty Notice warning letter to be sent to the parent/carer. This should be on the Hampshire County Council Penalty Notice warning template. The letter should include:
- details of the pupil's absence
 - an offer to meet with the parent to discuss the concerns and to provide advice and support in an attempt to resolve any difficulties
 - a statement of the legal responsibilities of the parent regarding attendance
 - the consequences for the parent in failing to ensure his/her child's regular attendance; in particular, warning that further unauthorised absences could result in a Penalty Notice or prosecution
 - an expectation that, after receipt of the warning letter, the level of attendance will significantly improve and that this improvement will be maintained.
- 3.4 If this warning and the offer of support does not effect a significant improvement in attendance, the authorised person should consider every aspect of a pupil's circumstances before deciding whether to issue a Penalty Notice.
- 3.5 The Department for Education (DfE) guidance indicates that a Penalty Notice can be issued without warning, for example, where a parent takes a child on holiday during term time without the school authorising the absence. Parents should be made aware of this through the school website, school attendance policy, newsletters etc. If a request for leave of absence is declined by the school and the unauthorised absence meets the thresholds in Section 4.2, parents should know that a Penalty Notice will be issued..

4 Circumstances in which a Penalty Notice may be issued

- 4.1 Penalty Notices can only be issued in cases where a pupil of compulsory school age has been absent or late and the absence or lateness has not been authorised by the school.
- 4.2 After taking the steps set out in Section 3, Hampshire County Council or the schools in Hampshire will issue a Penalty Notice for any unauthorised absence where the pupil has been:
- absent for 10 or more half-day sessions (five school days) of unauthorised absence during any 100 possible school sessions – these do not need to be consecutive

- persistently late (coded *U*) for up to 10 sessions (five days) after the register has been closed
 - persistently late before the close of the register (coded *L*), but the school has met with parents and has clearly communicated that they will categorise as unauthorised any further lateness (code *O*), and where the threshold of 10 sessions (five days) has been met
 - unless the issuing of a Penalty Notice would conflict with other intervention strategies in place or other sanctions already being processed.
- 4.3 Penalty Notices are intended to be used in tackling parentally condoned absence, where it is reasonable to expect that the parent can ensure the child's regular attendance but s/he is not willing to take responsibility for doing so, eg where a parent is not co-operating with advice or support offered to help improve his or her child's attendance.
- 4.4 If, after a warning letter has been issued, there is sufficient irregular attendance to merit a Penalty Notice, it must be issued unless there are exceptional reasons against taking this action.

5 Who may issue a Penalty Notice?

- 5.1 The Family Support Service managers are the designated officers responsible for issuing Penalty Notices on behalf of Hampshire County Council Children's Services Department.
- 5.2 In schools, the Headteacher is the authorised person, in accordance with DfE guidance. The Headteacher may wish to identify a Deputy Headteacher to become the authorised person, but the Headteacher maintains overall responsibility. His, or her signature is required on the Penalty Notice, and any pupil registration certificate corresponding to the warning or notice issued.
- 5.3 Every school must inform Hampshire County Council who the authorised school persons are (Section 2.5 of Hampshire County Council's *Guidance for schools on support and procedures for pursuing legal action for non-attendance at school* (May 2015)).
- 5.4 All schools' attendance policies will include information about the use of Penalty Notices and whether they wish to issue their own Penalty Notices, or have officers within the Children's Services Department issue them on their behalf. This information should also be drawn to the attention of all parents.

- 5.5 The police should decide who, within the police or agents acting on their behalf in relation to Penalty Notices, should issue Penalty Notices.

6 Procedure for issuing a Penalty Notice

- 6.1 If the warning letter has not solved the problem or if the school has refused to authorise absence due to holiday – which will almost always be the case – the authorised person should make a record of his/her considerations and decision, and issue a Penalty Notice.
- 6.2 The notes should be completed on the declaration forms within SIMS. All of this documentation should be returned to the Family Support Service within 24 hours of the Penalty Notice being issued. Every school must ensure that the local authority is informed of the issuing of a Penalty Notice so that it can track payment and so that it can complete the statutory annual return to the DfE (Section 4 of *Guidance for schools on the available support and procedures for pursuing legal action against non-attendance at school* (March 2015)).
- 6.3 Any Penalty Notice issued must be issued to each parent liable for the offence and should be sent by First Class post.
- 6.4 An authorised person has discretion when deciding whether to issue one or more parents of a child with a Penalty Notice. This is to enable account to be taken of the specific circumstances in individual cases (see frequently asked questions: *Guidance for schools on the available support and procedures for pursuing legal action against non-attendance at school* (March 2015)).
- 6.5 The maximum number of Penalty Notices is two per child, per parent, during a 12-month period. If the child continues to have periods of unauthorised absence and the Penalty Notices have been paid (so have not affected an improvement) the child should then be referred to the local ALP for further legal action.
- 6.6 In families where more than one child is not attending regularly, or has requested leave of absence, the issuing of multiple Penalty Notices (one for each child) will need to be carefully considered. The authorised person may need to liaise with another authorised officer of any sibling's school before making a final decision. It would be the local authority's expectation that, where two siblings have high attendance but have the same period of unauthorised leave of absence, parents are issued with a Penalty Notice for the absence of both children.

- 6.7 If the unauthorised absence is continuing but the authorised person decides not to issue a Penalty Notice, s/he should refer the case to the local ALP.
- 6.8 Where an authorised person recommends that the County Council should issue a penalty notice they should refer the case to the local ALPs via the Family Support Service. The panel will consider the recommendation to issue a Penalty Notice as well as any alternative means of intervention it may take. This would include the offer of family support, a parenting contract, referral to another agency or parental prosecution.

7 Payment of Penalty Notices

- 7.1 Arrangements for the payment will be detailed on the Penalty Notices themselves. Penalties are to be paid to Hampshire County Council. For detailed guidance see Section 4 of *Guidance for schools on the available support and procedures for pursuing legal action against non-attendance at school* (March2015).
- 7.2 If paid within 21 days of deemed service the penalty is £60. If not paid within 21 days the penalty is automatically increased to £120 to be paid within 28 days.
- 7.3 Any revenue resulting from payment of penalties will be retained by the County Council and is used to cover the enforcement costs, ie costs associated with the issue, collection or prosecution, in the event of non-payment, of Penalty Notices. Payment of a penalty discharges a parent's liability for the period in question and means that they cannot subsequently be prosecuted under any other enforcement powers for the period covered by the Penalty Notice.

8 Non-payment of Penalty Notices

- 8.1 The non-payment of a penalty within the prescribed period of time will result in the Family Support Service Managers and authorised person who issued the notice, to consider next steps. It is likely that non-payment will lead to a prosecution under Section 444, Education Act 1996. The prosecution cannot be for the non-payment of the Penalty Notice but must relate to the original unauthorised absence.

9 Withdrawal of a Penalty Notice

- 9.1 There is no statutory right of appeal against the issuing of a Penalty Notice. Furthermore, once issued, a Penalty Notice can only be withdrawn if it is established that it ought not to have been issued or that it contains material errors eg where it has been issued outside of the terms of the *Code of conduct*, where no offence has been committed or where it has been issued to the wrong person.
- 9.2 Where an authorised person withdraws a Penalty Notice, s/he must notify the Family Support Service manager explaining the reasons for the withdrawal.

10 Other roles and responsibilities

- 10.1 The Family Support Service managers will monitor the use of Penalty Notices and will report at regular intervals to the Children's Services Department Management Team (CSDMT), and on the deployment and outcomes of the use of Penalty Notices.
- 10.2 Annual training will be offered to all authorised persons in schools. This will help ensure consistent and equitable delivery and allow cohesion with other enforcement sanctions.
- 10.3 The Inspector/Adviser - Behaviour & Attendance will complete the DfE annual census return (PRA) on the issuing of warnings and Penalty Notices.
- 10.4 Through the Inspector/Adviser - Behaviour & Attendance, the ALP will provide annual feedback to headteachers and the police (and neighbouring local education authorities (LEAs) where appropriate) on the use of Penalty Notices in Hampshire and resulting outcomes.
- 10.5 Where it appears to the County Council that the *Code of conduct* requires amendment, the Children's Services Department will consult headteachers, the police, and any other person or body it deems appropriate, regarding the proposed changes.

Appendix 2: Information on Penalty Notices

Is there an appeal process?

There is no statutory right of appeal. Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.

How do I pay?

Details of payment arrangements are included in the Penalty Notice. You must ensure that you include your Penalty Notice reference number on any payment method so the payment can be tracked. Failure to do so may result in the Penalty Notice being recorded as unpaid. Full payment is required within the 21 days or 28 days' timescales. Payment in part or by instalments is not possible. Late payments cannot be accepted and the Penalty Notice is recorded as unpaid.

What happens if I do not pay?

You will have up to 21 days at £60 or 28 days at £120 from the date of posting to pay the Penalty Notice in full. If you fail to do so, the local authority is required, by law, to commence proceedings in the Magistrates' Court for the original offence of poor school attendance.

If convicted of this offence under the Education Act 1996 there are a number of possible sentences, including a fine of up to £1,000 (in the case of a prosecution under section 444(1)) or a fine of up to £2,500 and/or a period of up to three months' imprisonment (in the case of a prosecution under section 444(1A)).

Can I get help if my child is not attending school?

Yes. The school is available to provide advice and support and signpost you to other support agencies in the locality. You can also contact the local authority on:

Tel: 0300 555 1384 (Hantsdirect).

HIAS/July 2015/rev

Penalty Notices and the Education Act 1996

Section 444A of the Act gives powers to the local authority, and headteachers to issue Penalty Notices in circumstances where it is believed that a person has committed an offence under Section 444(1); that is, where a child fails to attend regularly at their registered school.

What is a Penalty Notice?

A Penalty Notice is a fine which may be issued as an alternative to prosecution. If it is paid it does not require a court appearance and does not result in a criminal record.

Who can be issued with a Penalty Notice?

Where absence warrants the issuing of a Penalty Notice, each individual parent/carer can be issued with one Penalty Notice for each of their children with unauthorised absence.

What if my child has further unauthorised absence from school?

If you pay the Penalty Notice and your child has further unauthorised absences additional legal action will be taken. For example, in the event that a Penalty Notice has previously been served to you due to unauthorised holiday, should your child have any future unauthorised leave this will result in further legal action for you, such as prosecution or an Education Supervision Order.

How is a Penalty Notice issued and how much is the fine?

Penalty Notices are either posted to your home or delivered to you by hand. Each Penalty Notice fine is £60 if paid within 21 days of the date of posting and £120 if paid after this but within 28 days of the date of posting.

When are they issued?

As set down by the Department for Education, Penalty Notices can be issued for unauthorised absence. In Hampshire, Penalty Notices are issued when a pupil has had 10 or more half-day sessions (equivalent to five school days) of unauthorised absence, in any 10 school week period; or one or more unauthorised absences during a public exam,

SERVICES FOR SCHOOLS

Information on Penalty Notices for non-attendance at school

Education Act 1996, section 444A

Advice for parents and carers

Applied from September 2015



Hampshire
County Council

www.hants.gov.uk

assessment or test (where the dates have been published).
Unauthorised absence is absence not approved by the school and will be coded on your child's attendance record as one of the following:

- O – unauthorised absence
- U – late after close of registration
- G – non-approved leave of absence (holiday).

Is a warning given?

For unauthorised leave of absence or during public exams, assessment and testing the school will provide warning of a Penalty Notice in its school policy, or through letters, newsletters, the school website, and the leave of absence request form. In such cases a Penalty Notice can be issued without further warning.

If your child has an ongoing pattern of unauthorised absence then you will receive a written warning of the possibility of a Penalty Notice being issued. This warning will advise you about the extent of your child's absence and warn you that if your child's attendance does not show a significant improvement and if this improvement is not maintained thereafter, a Penalty Notice may be issued without further warning.

Further support, advice and guidance is available from:

The Department for Education

- www.gov.uk/government/publications/parental-responsibility-measures-for-behaviour-and-attendance
- www.gov.uk/government/publications/school-attendance
- www.gov.uk/school-attendance-absence/overview
- www.gov.uk

Hampshire County Council

- www.hants.gov.uk/education/hiias/learning-behaviour-attendance/attendance-guidance-for-parents

Appendix 3: Useful Contacts at The Cowplain School

Mrs Bearpark, Attendance Manager (MaryB@cowplainschool.co.uk)

Mrs Hughes, Pastoral Clerical Assistant (DeborahH@cowplainschool.co.uk)

Mrs Ilott, Inclusions Manager (TracyI@cowplainschool.co.uk)

We have a clear distinction between the Lower School (Years 7 and 8) and the Upper School (Years 9, 10 and 11). Mrs van den Braak heads up the Upper School and the Year 9, 10 and 11 tutor team, and Mrs Salsbury undertakes a similar role in the Lower School.

We have five additional members of staff supporting the pastoral care of students at Cowplain. These are our Pastoral Leaders who, after your child's tutor, are the first port of call should you have concerns about your child's progress, achievement or enjoyment of school.

We welcome a positive and proactive partnership with parents. You can always contact your child's tutor at school about pastoral matters, but for your convenience contact details for the Pastoral Team are listed below:

Upper School (Years 9, 10 and 11)

Mrs van den Braak, Head of Upper School (L.Braak@cowplainschool.co.uk)

Mrs Dodd, Senior Pastoral Leader, Year 11 (C.Dodd@cowplainschool.co.uk)

Mr Simmons, Year 10 Pastoral Leader (M.Simmons@cowplainschool.co.uk)

Mrs Creighton, Year 9 Pastoral Leader (D.Creighton@cowplainschool.co.uk)

Lower School (Years 7 and 8)

Mrs Salsbury, Head of Lower School (j.salsbury@cowplainschool.co.uk)

Mrs Lush-Smith, Assistant Head of Lower School (S.Lush-smith@cowplainschool.co.uk)

Miss Graham, Year 8 Pastoral Leader (c.graham@cowplainschool.co.uk)

Mr Smart, Year 7 Pastoral Leader (S.Smart@cowplainschool.co.uk)