



ATTENDANCE POLICY

Committee Responsible	Local Governing Body
Lead Staff Member	Headteacher
Approved by	Board of Trustees
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This policy should be read in conjunction with the following school policies:

- Admissions
- Safeguarding
- Child Protection
- Supporting Pupils with Medical Needs
- SEND
- Culture for Learning (Behaviour)
- Anti-Bullying

We have taken guidance from the following documents:

- [Children Missing in Education](#)
- [School attendance: guidance for schools](#)

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“Be the Change”

Compassion, Honesty, Aspiration, Nature, Generosity, Equality

Policy Outline

Vision:

Lakelands Primary School pupils will be motivated learners with a sense of pride and strive to do their very best, whatever their background or starting points. Each child has an individual personality and our dedicated staff will help to develop their confidence and self-esteem. Pupils will know about the importance of community and the values that underpin this; mutual respect, positive relationships and helping others. They will be responsible global citizens, equipped with the knowledge and skills to be forces of positive change in the world. They will leave our school in Year 6 ready for their next step as confident and compassionate members of society.

Introduction and Background

All staff at Lakelands Primary School have a role to play in supporting and promoting excellent school attendance, and will work to provide an environment in which all our children are eager to learn, feel valued members of the school community and look forward to coming to school every day. Staff also have a responsibility to set a good example in matters relating to their own attendance and punctuality.

For our children to gain the greatest benefit from their education, it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable. **It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the *headteacher*, not the parent, who can authorise the absence.**

Any absence affects the pattern of a child’s schooling and regular absence will seriously affect their learning. Any pupil’s absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child’s regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

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

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

Promoting Regular Attendance

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

To help us all to focus on this we will:

- Report to parents/carers annually on their child’s attendance with the annual school report.
- Contact parents/carers should their child’s attendance fall below the school’s target for attendance.

Understanding Types of Absence

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either 'authorised' or 'unauthorised'. This is why information about the cause of any absence is always required. Each half-day is known as a 'session'.

Authorised absences are morning or afternoon sessions away from school for a genuine reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

Absences will be authorised in the following circumstances:

- where leave has been granted by the school in advance
- a child is to participate in an approved performance for which a licence has been granted by the Local Authority
- a child is involved in an exceptional special occasion – in authorising such an absence the individual circumstances of the particular case and the child's overall pattern of attendance will be considered
- in exceptional circumstances, permission has been granted for a family holiday for which the parents have sought permission in advance
- where the school is satisfied that the child is too ill to attend where the child has a medical appointment (although parents should be encouraged to make these out of school hours wherever possible, and to return their child to school immediately afterwards – or send him/her to school beforehand)
- where there is an unavoidable cause for the absence which is beyond the family's control e.g. extreme weather conditions
- the absence occurs on a day exclusively set aside for religious observance by the religious body to which the pupil's parent belongs
- the child lives more than two miles (if he/she is under eight) or three miles (if he/she has reached eight) and no suitable transport arrangements have been made by the Local Authority (this situation does not apply to children whose parents or carers have actively chosen to send them to a school out of their catchment area)
- the child is of no fixed abode, his/her parent is engaged in a trade which requires him/her to travel, the child has attended school as often as the nature of the trade permits and, having reached the age of six, he/she has attended 200 sessions in the preceding 12 months in other exceptional circumstances (e.g. a family bereavement) and for a very limited period.

Except in the circumstances described above, absences will be unauthorised.

Unauthorised absences are those which the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction.

Unauthorised absence includes, however is not exhaustive:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences which have never been properly explained

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- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session.
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher- may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority.
- day trips
- other leave of absence in term time which has not been agreed

School Attendance and the Law

There is no longer any entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school.

At Lakelands Primary School 'exceptional circumstances' will be interpreted as:

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the headteacher). The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

We will not consider applications for leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best resolved between the school, the parents and the child. If a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Attendance Compliance Team or a Child and Family Support Worker.

Systems and strategies for managing and improving attendance

Attendance has a very high profile at Lakelands Primary School. Parents are regularly reminded in newsletters and school meetings about the importance of good attendance and its links to attainment.

First-day calling

The school has in place a system of first-day calling. This means that parents or carers will be telephoned on the first day a child is absent without explanation to establish a reason for the absence. Parents or carers are asked to telephone the school before 8.30am to give a reason for their child's absence. If we have not received a phone call by 10.00am, our attendance officer, will telephone to establish a reason. This helps to identify, at an early stage, children who do not have a good reason for absence or who may be absent without their parents or carers' knowledge. For safeguarding purposes, the school will also call parents and carers of pupils who have not reached compulsory school age.

School Strategies to Tackle Absence

Where there is an emerging pattern of absence the school will contact parents or carers to discuss the reasons for the absences. If appropriate, plans will be put in place to resolve any difficulties and improve the attendance within a specified time limit. It will be explained to parents or carers that any future absences will be unauthorised unless there is clear evidence of a good reason for them. A Penalty Notice will be issued via County for 6 or more sessions of unauthorised absence. There are 2 sessions per day, morning and afternoon.

Referral to the Educational Welfare Officers

Following strategies being put in place to tackle absence, if there continues to be unauthorised absences by the end of the specified time (or sooner if the child is failing to attend school at all), the matter will be referred to the Education Welfare Officer. Regulations (Education Pupil Regulations 2006) require schools to inform the Local Authority of every child who has been continuously absent without a good reason (i.e. the absence is unauthorised) for 5 days or more. The Educational Welfare Officer uses the Fast Track protocol to improve absence.

Lateness and punctuality

Children are expected to arrive at school, and be in the correct room for registration, on time every day. It is very disruptive to their own education and that of others in their class, if they are late. Children who arrive after the register closes will be marked absent for the whole session (a session being a morning or an afternoon). This absence will be unauthorised unless the school is satisfied that there is a legitimate reason for the child to have been late. Such a reason will not include things such as missing the bus, clothes in the washing machine or lost shoes. A child who is persistently absent by reason of lateness will be dealt with in the same way as another child with an emerging pattern of absence. If the matter is not resolved quickly, it will be referred to the Education Welfare Officer.

Children who arrive late for school but before the register closes should arrive through the school office and not through the classroom as this will be locked. Classroom doors will be locked at 8:45am. This is vital for health and safety reasons because we need to know who is in the building at any given time. Children arriving after the register closes should also report to the school office and be signed in by a parents or carers.

For the same health and safety reasons it is important that children leaving the premises legitimately (e.g. for a medical appointment), or returning to school later in the day, also report to the office and are signed out/in by a parent or carer.

Roles and Responsibilities

Parents or carers' responsibilities

The prime responsibility for ensuring children receive an appropriate and full-time education rests with parents or carers (defined by the Education Act 1996 as those with parental responsibility and those who have the care of a child), who will be supported and encouraged by us. As a school we expect parents or carers to:

- ensure their children attend school regularly and on time
- support their children's attendance by refraining from taking holidays in term time
- not expect the school to automatically agree any requests for leave of absence, and not condone unjustified absence from school.

Parents or carers will also be expected to:

- notify the school on the first day of absence before 8.30am and give an estimation of the expected length of absence
- ensure their child/ren arrive at school on time, properly dressed and with the right equipment for the day, including P.E. kit
- work in partnership with the school, for example by attending parents' meetings and consultations, taking an interest in their children's work and activities
- contact the school without delay if they are concerned about any aspects of their child/ren's school lives.
- take their child/ren to the front office if they are late and sign them in the Late Register.

Children' responsibilities

All children should be aware of the importance of regular school attendance. If they are having difficulties that may prevent them from attending school regularly, they should speak to their class teacher or another trusted adult. Children should attend all their lessons on time, ready to learn. If they are late, they have a responsibility to follow school procedures.

Governors' responsibilities

The school's local Governing Body makes arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are children at the school

Persistent Absenteeism (PA)

A pupil is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and co-operation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All of our PA pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

Absence Procedures

If a child is absent from school the parent/carer must follow the following procedures:

- Contact the school on the first day of absence before 9am. The school has an answer phone available to leave a message if nobody is available to take your call, or call into school personally and speak to the office staff
- Contact the school on every further day of absence, again before 9am.
- Ensure that your child returns to school as soon as possible and you provide any medical evidence if requested to support the absence.

If your child is absent we will:

- Telephone you on the first day of absence if we have not heard from you however it is your responsibility to contact us
- Write to you if your child's attendance is below 95%
- Invite you in to school to discuss the situation with the Headteacher or other Senior Leader if absences persist
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions

Attendance Compliance Team

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. Local Authority Attendance Specialists work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see [Annex A](#) for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

Children Missing from Education

All children, regardless of their age, ability, aptitude and any special education needs they may have, are entitled to a full-time education. Our school recognises that a child missing education is a potential indicator of abuse or neglect and will follow the school procedures for unauthorised absence and for children missing education. It is also recognized that, when not in school, children may be vulnerable to or exposed to other risks, so we work with parents and other partners to keep children in school whenever possible.

Parents should always inform us of the reason for any absence. Where contact is not made, a referral may be made to another appropriate agency (Education Access Team, Social Care or Police). Parents are required to provide at least two emergency contact numbers to the school, to enable us to communicate with someone if we need to.

Our school must inform the local authority of any pupil who has been absent without school permission for a continuous period of 10 days or more.

Deletion from Roll

For any pupil leaving Lakelands Primary School, other than at the end of Year 6, parents/carers are required to complete a 'Pupil moving from school' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current

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address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

In addition to this, every deletion from the school register must also be notified to the Local Authority, **as soon as one of the statutory grounds for deletion has been satisfied and not later than the date on which the pupil is removed from roll.**

When reporting a removal from roll which is as a result of a parental decision to electively home educate, the relevant notification form must be completed and the Local Authority must be notified.

Summary

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

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

Annex A

ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent¹ must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
Representatives from Governing Bodies and Headteachers of Essex Schools
Essex Police
Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

Education Act 1996

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be

¹ All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child 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 considered to be a parent in education law. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

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proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

On 6 April 2017, in the case of *Isle of Wight Council v Platt* [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

Anti-social Behaviour Act 2003

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

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

Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

Crime and Disorder Act 1998

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

AUTHORISATION TO ISSUE PENALTY NOTICES

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme² are authorised to do so.

² Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5th birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email attendancecompliance@essex.gov.uk. A response will be sent within 3 working days.

Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

Penalty notices for unauthorised leave of absence (ULA)³

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence. In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

Penalty Notices for Irregular School Attendance (ISA)

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must

³ Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

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be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.

Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

Excluded children

When a child is 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 five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

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.

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Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

PAYMENT OF PENALTY NOTICE

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post). All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice. If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

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

WITHDRAWAL OF PENALTY NOTICE

A penalty notice may be withdrawn by the local authority named in the notice 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.

CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

VERSIONS

Original Code of Conduct was introduced in September 2004.
Most recent revision - November 2017
Revised March 2019 for implementation from April 2019