



EQUA Mead
Learning Trust
Every Child, Every Chance

Attendance Policy 2024-27

Status:	Current	
Date Adopted by Governing body:	November 2017	
Next Review:	November 2027	3 years
Reviewed:	September 2022	
Minor changes	November 2024	
Review by Safeguarding Committee	October 2019	

Policy Statement

Rationale:

At The Grove Primary School we believe there are three main reasons why we should strive for maximum attendance and punctuality:

1. Education prepares children for life, is precious and is a right to which every child is entitled, regular attendance ensures that children have access to this.
2. Every lesson in school is important in ensuring that our children achieve their potential
3. Attendance and punctuality are valuable life skills

We understand that regular school attendance is the key to enabling children and young people to maximise the educational opportunities available to them and become emotionally resilient, confident adults who are able to realise their full potential and make a positive contribution to their community. We are committed to providing high quality, engaging experiences and learning opportunities which enable all pupils, no matter what their strengths, to achieve their potential. In every lesson, every day, we aim to develop pupils' skills and understanding, carefully building on their prior knowledge and giving them the tools to succeed. Absence from any one of these lessons or experiences can cause anxiety for the child, as they feel that they have fallen behind, and may have an impact on a child's ability to succeed in the task that has been set. Frequent absence, or absence for blocks of time, will have a long lasting effect through the learning 'gaps' that are created in a child's understanding.

Furthermore, at our school we believe that attendance and punctuality are life skills which demonstrate an individual to be reliable, responsible and organised. It is the responsibility of the school and parents in partnership to prepare our children for the future and we believe that attitudes to attendance and punctuality developed at school will resonate throughout our children's life and chosen careers. The school is committed to equality of opportunity for all its pupils and will work alongside pupils and parents to enable all children to maximise their attendance and their access to the curriculum. It is important for the School to be proactive in engaging with parents and identifying poor attendance at an early stage.

This policy represents our commitment to support pupils to achieve 100% attendance. It sets out our principles, procedures and practice we will take alongside strategies to improve attendance and rewards and benefits of good attendance. The sanctions and possible legal consequences of poor attendance and punctuality are also detailed.

Aims of this policy

- To ensure that children and young people make the best use of their educational opportunities by attending school regularly, punctually and in a state of readiness for learning.
- To set out the legal framework and to explain the roles and responsibilities of the Local Authority (LA) and the Education Welfare Service (EWS)
- To ensure that everyone within the school community understands their responsibilities in promoting excellent attendance and punctuality.
- To establish a consistent framework to improve attendance for all pupils.
- To outline procedures for parents when absence is unavoidable.
- To outline procedures for parents when requesting an 'authorised absence'.
- To outline procedures for the school when absence is not explained.
- To outline procedures for the school when a child's attendance / lateness is a cause for concern.

The Legal Framework

- This policy is written in the light of guidance from the DfE 'Working Together To Improve School Attendance' (May 2022) which in turn is informed by national legislation and therefore reflects the school's statutory duties. It also reflects the guidance contained in the Wiltshire LA Attendance Policy (revised August 2022).
- The school recognises the responsibilities of the Educational Welfare Service and supports them in the discharging of the statutory duty of the Local Authority in respect of non-attendance at school.

- Under section 7 of the Education Act 1996, parents must ensure their children are educated. For most parents/carers this means registering their child at a school and ensuring their regular attendance. Failure to do so can result in the issue of a Penalty Notice or being prosecuted.
- By law schools are required:
 - To take an attendance register twice a day: at the start of the morning session and once during the afternoon
 - To report to the LA pupils who fail to attend regularly or who are absent for ten consecutive school days or more without known reason
- By law the attendance register must show for every session, whether a pupil is present, absent, attending approved educational activity or unable to attend due to exceptional circumstances.
- DfE guidance says that schools must have a policy on how long registers should be kept open; best practice is that this should be for a reasonable length of time but not that registers are to be kept open for the whole session.
- Authorised absence is where the school has given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as a satisfactory justification for the absence. All other absences are unauthorised.

Roles and responsibilities

Responsibilities

Under Section 7 of the Education Act 1996, parents/carers who have chosen to have their child educated at school have a legal responsibility to ensure their child's regular attendance. The DfE '[Summary Table of Responsibilities for School Attendance](#)' (May 2022) clearly sets out responsibilities for all stakeholders in ensuring children receive the education they are entitled to:

Parent Responsibilities:

- To ensure their child attends every day the school is open except when a statutory reason applies. Notify the school as soon as possible when their child has to be unexpectedly absent (e.g. sickness). Only request leave of absence in exceptional circumstances and do so in advance.
- To book any medical appointments around the school day where possible.
- To work with the school and local authority to help them understand their child's barriers to attendance.
- To proactively engage with the support offered to prevent the need for more formal support.
- To work in partnership with the school to take an active interest in their child's school career, to reinforce school policies/arrangements on homework, behaviour and approach to learning, to attend parents' evening and other meetings where necessary
- To ensure that their child arrives at school on time (not before 8:30am and not after 8:40am) and that they are collected on time from Reception and KS1 at 3:05pm and from KS2 at 3:15pm).
- To ensure that their child arrives appropriately dressed and in a 'condition to learn' (i.e. not too tired or too hungry)
- To avoid arranging medical or dental appointments during school hours
-

Procedures for reporting absences:

- In the event of illness or any other reason for absence, parents/carers will telephone the school office before 9.00am on the first day of the absence.
- Where practicable, for parents/carers to provide the school with more than one emergency contact number (for two different adults) for their child/children and for the parent/carer with whom the child/children reside for the majority of the time to be responsible for ensuring those numbers are kept up to date
- Parents/carers should provide an explanation for the absence, which should then be confirmed in writing when the child returns to school.
- If the absence is to continue for more than one day, parents/carers should telephone the school on subsequent days, again before 9.00am, unless they are able to give an exact length of time on the first day of absence. There is a dedicated telephone line to report absences that can be accessed 24 hours a day by calling 01225 755242 and selecting the absence line. It is also possible to report an absence by email to absence@grove.wilts.sch.uk
- Parents/carers need to inform the school if a child's absence is due to some traumatic event which the school needs to deal with sensitively so that the school can respond appropriately to the emotional needs of the child on their return to school.

- Where the school has not been notified of a child's absence, parents/carers will be telephoned to confirm that a child is absent and the reasons for that absence.
- Where the school has not been notified and it is not possible to contact parents/carers to establish the reason for absence, the school is obliged to mark the child's absence as 'unauthorised'.
- Parents/carers should ensure that they sign their child in or out if they arrive at school outside normal hours or are taken out of school before the normal end of the day, giving the reason for lateness or early withdrawal from school. This book is kept in the main school office.
- Parents are asked to ensure that their child is fully aware of the procedures they must follow in the event that they are late for school

Procedures for requesting 'authorised absence' from school

- Parents/carers must seek permission from the Head Teacher (or authorised representative) by submitting a written application, detailing the 'exceptional circumstances' for the request, in advance of any request for leave of absence. Each request will be considered individually and should meet the circumstances of being 'exceptional'.
- Leave of absence is made by completing the 'Leave of Absence Request Form' which can be obtained from the school office. Please note that family holidays will not count as a reason to authorise absence in term time, with the exception of the children of the armed forces personnel on leave from active service. Leave of absence requests must be made at least 5 days in advance.
- We do not give retrospective agreement for leave of absence so any absence not advised to the school in advance will be unauthorised.
- Parents/carers will be asked to provide evidence if a pupil does not return to school on the agreed date following a holiday as a result of delayed or cancelled flights or other travel arrangements.
- Any pupil who has taken a term time holiday will be required to provide medical evidence if they are ill in the period directly before or after the dates advised to school.

'Exceptional Circumstances' Criteria
• Exceptional family circumstances, such as bereavement/religious observance/wedding of an immediate family member/family emergency; • Unavoidable medical/dental appointment (although it is the school's expectation that every effort should be made to secure routine doctor/dentist appointments out of school hours or during the holidays); • Absence, within reason, for an external exam such as ballet and music and to attend elite events (e.g. National Youth Orchestra or a representative sporting event).

Parents should note that holidays during term time can only be authorised if there are exceptional circumstances. Where there are no exceptional circumstances it is important to be aware that the school position is clear. Holiday absence during term time:

- WILL affect your child's learning
- WILL put additional pressure on class teachers and support staff
- WILL impact negatively on the school during an Ofsted
- Inevitably there will be occasions when absence is unavoidable or justifiable, these will include:
 - illness
 - bereavement
 - emergency or unavoidable medical/dental appointments
 - days of religious observance
 - visits to other schools (secondary transfer, entrance exams)
 - education at another establishment (e.g. alternative provision, referral unit)
 - approved sporting activity / performance
 - annual family holiday in **exceptional circumstances**

- Where an absence is unavoidable or unplanned, then parents/carers are asked to follow the procedures for reporting absences as outlined above.
- Where an absence is for anything else apart from an annual holiday (in exceptional circumstances), the school needs to be informed in writing.

Responsibilities of the School

- The Head Teacher is responsible for ensuring that the policy is effectively implemented and communicated to parents/carers and for improving and maintaining good attendance.
- The school will ensure that all parents/carers are made aware of this policy as it forms part of our Home/School agreement, through our Number 1 programme and information that is published weekly in our school newsletter.
- **The Headteacher, alongside the Inclusion Team,** is responsible for developing coherent whole school systems for improving attendance including supportive interventions involving other agencies if necessary. The members of staff with particular responsibility for monitoring attendance are Mrs Anna Pemberton, Headteacher and Mrs Morwenna Rutland, Family Link Worker.
- The Admin Inclusion Officer responsible for attendance and absence will ensure that data is monitored and circulated regularly and liaises with the Head Teacher, the Deputy Head Teacher and the EWS on any attendance issues causing concern. Agreed procedures will be implemented by the team for pupils whose attendance causes concern and poses a risk of underachievement.
- Teachers are responsible for ensuring that an accurate register is taken at the designated time. All teachers challenge lateness and set high standards of punctuality themselves.
- Where any follow up action is taken by teachers or Inclusion staff, accurate records must be kept and copies placed on pupil records.

Responsibilities of the Governing Body

- The Head Teacher will ensure that the school's attendance figures are reported termly to the Safeguarding Committee who will monitor progress against annual attendance targets and will in turn report figures to the Full Governing Body once per year.

Concerns over attendance, punctuality and 'unauthorised absences'

- Early identification is crucial and communication with parents/carers needs to begin as soon as the problem is detected. Initial concerns will either be communicated in person, by phone or by letter (if in person or by phone this should be followed up by a letter), explaining the actions that might be taken should the problem persist and seeing if the school can offer any support to the parents/carers to resolve the problem.
- We will make every effort to work constructively and sympathetically with parents/carers to respond to their individual circumstances.
- Where appropriate, the school may request that the parents/carers enter into a 'parenting contract' which sets out what is expected of the parents/carers, pupil and school.
- The school is obliged to report any concerns regarding attendance (including persistent late arrival) and absence to the EWS.
- The Local Authority can issue a penalty notice in the following circumstances:
 - overt truancy
 - absence from school, either when a parent continually fails to provide an explanation or the school considers the absence to be avoidable.
 - holidays taken during term time where the absence has not been authorised by the school.
- Penalty Notices are also issued for absence taken during term time where a pupil's overall attendance is less than 90% and the leave of absence has not been unauthorised by the school, or an absence has not been requested in advance and the pupil has had a minimum of 10 sessions (5 school days) lost to unauthorised absence during the previous six months in the academic year and additional unauthorised absence during the previous twelve months up to and including the day the Education Welfare Service is notified.
- A Penalty Notice can also be issued to the parent/carer of an excluded child in the event that their child is present in a public place during school hours on a day which is one of the first five school days of that exclusion or, where the exclusion is for a fixed period of five days or less, any of the days of that exclusion period.

Policy Review

This policy will be reviewed every 3 years or, as appropriate, with any changes to legislation.

Appendices:

Appendix 1: National Absence and Attendance Codes

Appendix 2: The Grove Attendance Flow Chart

Appendix 3: The Grove Attendance Groups

Appendix 4: Grounds For Deleting Registered Pupils From School Admission Registers

Appendix 5: Children Missing From Education Or Who May Otherwise Be At Risk

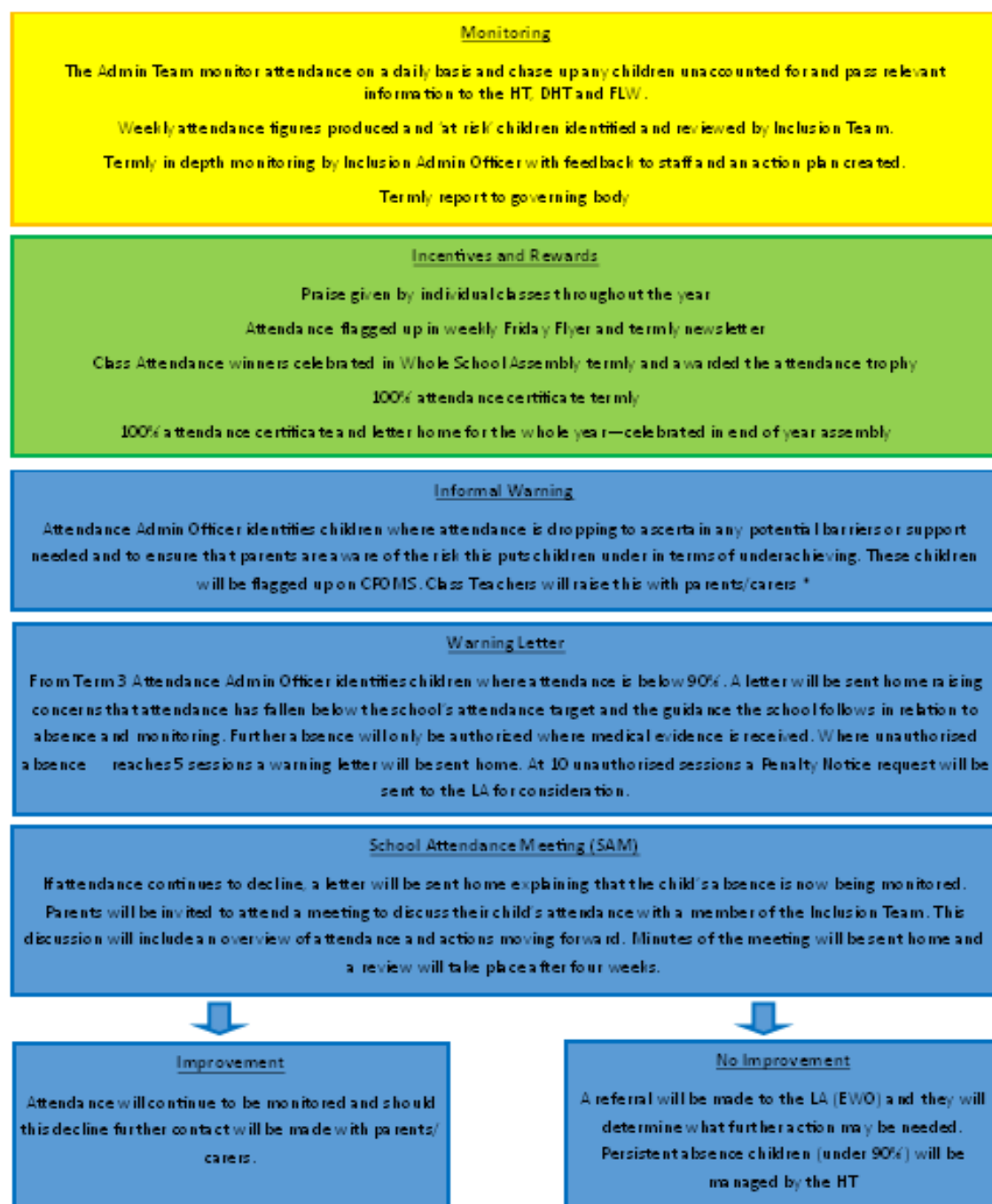
Appendix 6: Penalty Notice Code of Conduct

Appendix 1: National Absence and Attendance Codes

Present Codes	
/ \	present during registration
B	educated off site and for taster days and do not fit K, V, P or W codes
K	attending provision arranged by the local authority under Section 19 of the EA 1996
L	arrived after the register has started but before it has closed
P	participation in a sporting activity with prior agreement from school
V	educational visit or trip supervised by a member of the school staff
W	attending work experience under arrangements by the school or local authority
Absent Codes	
Authorised Absences	
C	absence due to exceptional circumstances, agreed by the headteacher
C1	in a regulated performance/undertaking regulated employment abroad
C2	absent due to part-time timetable, agreed by the headteacher and parent(s)/carer(s)
D	dual registered
E	suspended or permanently excluded, and no alternative provision made
I	illness (both physical and mental health related; not medical or dental appointments)
J1	job/school/college interview
M	medical or dental appointment
Q	unable to attend because of a lack of access arrangements
R	religious observance (only 1 day allowed; any more coded as C if agreed)
S	study leave
T	parent travelling for occupational purposes
X	non-compulsory school age pupil not required to attend school
Y1	unable to attend due to transport provided not being available
Y2	unable to attend due to widespread transport disruption
Y3	unable to attend due to part of the school premises being unexpectedly closed
Y4	unable to attend due to unexpected whole school closure
Y5	unable to attend as pupil is in criminal justice detention
Y6	unable to attend in accordance with public health guidance or law
Y7	unable to attend due to other avoidable cause (must affect the pupil NOT the parent)
Unauthorised Absences	
G	holiday or absence for leisure-related purposes (not agreed by the headteacher)
N	reason for absence not yet established (must be corrected within 5 days)
O	absent in other or unknown circumstances
U	late after register has closed
Administrative Codes	
Z	prospective pupil not yet on register
#	planned whole school closure (e.g., holidays, Insets and polling station days)

Appendix 2: The Grove Attendance Flowchart

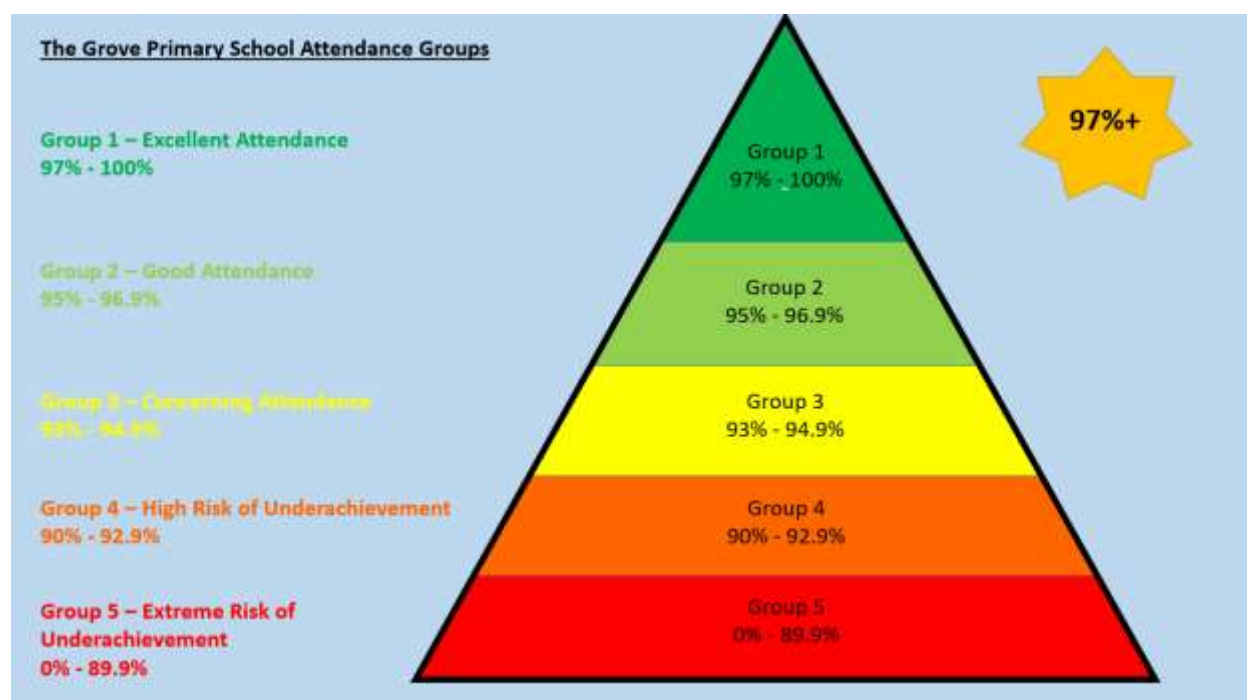
The Grove Primary School Attendance Flow Chart



* NB: It is noted by the school that attendance % varies depending on the point of the school year (e.g. 96% in Term 1 looks very different to 96% by the end of Term 6 and this will be taken into consideration when monitoring attendance figures)

All correspondence regarding attendance to be uploaded to CPOMS.

Appendix 3: The Grove Attendance Groups



IMPACT OF NON-ATTENDANCE		
86%	27 days of missed education	5 school weeks and 2 days
88%	23 days of missed education	4 school weeks and 3 days
90%	19 days of missed education	3 school weeks and 4 days
92%	15 days of missed education	3 school weeks
94%	11 days of missed education	2 school weeks and 1 day
96%	7 days of missed education	1 school week and 2 days
98%	3 days of missed education	3 days
100%	0 days of missed education	0 days

Appendix 4: Grounds For Deleting Registered Pupils From School Admission Registers

The Education (Pupil Registration) (Amendment) (England) Regulations 2016 places duties on all schools in England, including **academies** and **independent schools**. See:

<http://legislation.data.gov.uk/ukxi/2016/792/made/data.html>

These duties include providing the local authority (LA) with information about **pupils both leaving and joining the school** at non-standard transition points, i.e. in-year moves or when a pupil leaves before the end of that school's final year of education e.g. a pupil leaving at the end of Y8 so not going into Y9 at that school.

GROUND'S FOR DELETING REGISTERED PUPILS FROM SCHOOL ADMISSION REGISTERS **(Regulation 8(1) of the Education (Pupil Registration) (England) Regulations 2006)**

- A** Where a pupil is subject to a school attendance order but another school is substituted by the LA or where the LA revokes it as the child will to receive efficient full-time education otherwise than at school.
- B** Where a pupil is registered at another school (except where it has been agreed the pupil should be registered at more than one school).
- C** Where a pupil is registered at more than one school and any other school at which the pupil is registered has agreed.
- D** Where a pupil has ceased to attend the school and it has received written notification from the parent that the pupil is receiving education otherwise than at school.
- E** Where a pupil (other than a boarder) has ceased to attend and no longer ordinarily resides at a place which is a reasonable distance from the school.
- F** Where a pupil granted leave of absence but:
 - (i) the pupil has failed to attend the school within the ten school days immediately following the end of the leave
 - (ii) the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) the school and the local authority have failed, after jointly making reasonable enquiries, to find the pupil.
- G** Where a pupil has been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age.
- H** Where a pupil - that he has been continuously absent from the school for a period of not less than twenty school days and —
 - (i) at no time was his absence during that period authorised;
 - (ii) the school does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) the school and the LA have failed, after jointly making reasonable enquiries, to find the pupil.
- I** Where a pupil is legally detained for a period of not less than four months and the school does not have reasonable grounds to believe that the pupil will return to the school at the end of that period.
- J** Where the pupil has died.
- K** Where the pupil will cease to be of compulsory school age before the school next meets and—
 - (i) the pupil will cease to attend the school; or

(ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form.

- L** Where a pupil at a school other than a maintained school, an academy, a city technology college or a city college for the technology of the arts, has ceased to be a pupil of the school.
- M** Where a pupil has been permanently excluded from the school.
- N** Where the pupil has been admitted to the school to receive nursery but is not being educated beyond this at the school.
- O** Where the pupil is a boarder at a maintained school or an academy and where charges for board and lodging remain unpaid by the pupil's parent at the end of the school term to which they relate.

Pupils not of compulsory school age (Regulation 8 (3))

The following are prescribed as the grounds on which the name of a pupil not of compulsory school age is to be deleted from the admission register:

- 3 (a) That he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school;
- b) That he has been continuously absent from the school for a period of not less than twenty school days and (i) at no time was his absence during that period agreed by the proprietor; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness of any unavoidable cause; (iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is;
- c) that the pupil had died;
- d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher class at the school; or
- e) that he has been permanently excluded from the school.

Appendix 5: Children Missing From Education Or Who May Otherwise Be At Risk

CHILDREN MISSING FROM EDUCATION OR WHO MAY OTHERWISE BE AT RISK

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Aspects of Safeguarding and preventing Children Missing Education contained within the Education (Pupil Registration) (England) Regulations 2006:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

Wiltshire Council Penalty Notice - Code of Conduct

Rationale

- 1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to deal with unauthorised absence to avoid this becoming entrenched.
- 1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.
- 1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person 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 what their relationship is with that child, is considered to be a parent in education law.
- 1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.
- 1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:
- The pupil's absence was authorised by the school
 - The pupil was ill or prevented from attending by unavoidable cause
 - The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
 - The school is not within walking distance of the child's home and the LA has made no suitable arrangements
 - The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade or business allows, and the child has attended school for at least 200 sessions during the preceding twelve months
- 1.6 Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five schools days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence.
- Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

Legislation

- 2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section 444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.
- 2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).
- 2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.
- 2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice
- 2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)
- 2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007
- 2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

Procedure

- 3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.
- 3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period
- 3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

- 3.4 The Education Welfare Service will receive requests to issue penalty notices from schools /academies/ colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:
- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
 - All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.
- 3.5 The Education Welfare Service will ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

Criteria for the Issuing of a Penalty Notice

- 4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within a ten week period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.
- 4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:
- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
 - Advise the parent of the powers of the Local Authority to issue penalty notices
 - State the number of unauthorised absences accrued which give rise to the formal warning being issued
 - Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.
- 4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan

Circumstances in which a Penalty Notice will be issued:

- 5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.
- 5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions

- 5.3 Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions
- 5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous ten week period and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken.
- 5.5 Following notification from a neighbouring Local Authority
- 5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

Costs

FIRST OFFENCE PENALTY NOTICE £160 per parent per child Reduced to £80 if paid within 21 days	SECOND OFFENCE PENALTY NOTICE (within 3 years) £160 per parent per child paid within 28 days
THIRD OFFENCE AND FURTHER OFFENCES (within 3 years) The third or subsequent time an offence is committed for unauthorised absence Penalty Notice will not be issued, and the case will be presented straight to the Magistrates' Court.	

Procedure for withdrawing Penalty Notices

- 6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:
- It ought not to have been issued
 - It ought not to have been issued to the person named as the recipient
 - It is materially defective
- 6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection

with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.

- 6.3 A Penalty Notice cannot be withdrawn because of an inability to pay
- 6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.

Appeals

- 7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college.
- 7.2 The Education (Pupil Registration) (England) Regulations does not permit Headteachers to give authorisation for absence retrospectively.

Payment of Penalty Notices

- 8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice
- 8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

Non-payment of Penalty Notices

- 9.1 Non-payment of a Penalty Notice will normally result in prosecution under the provisions of section 444 of the Education Act 1996 or prosecution under section 103 of the Education and Inspections Act 2006

Publicity

- 10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:
 - Set out the establishment's process for managing absence
 - Ensure that all parents / carers are aware of the process to request leave of absence during term time
 - Make notifications to the Local Authority without delay when the particular criteria is reached
 - Publish details regarding arrangements of managing absence within the establishment's Attendance Policy.