

Greenways Primary Academy

A part of Windsor Academy Trust



Greenways Primary Academy Attendance Policy

Attendance Policy 2023-2024	
Responsible Committee:	Local Advisory Board
Date approved by the LAB:	September 2023
Next review date:	September 2024

Introduction:

Regular attendance at our academy is vital if children are to make good progress and to benefit from the opportunities that the academy offers. We expect children to achieve a minimum of 96% attendance.

This policy is designed to support good attendance and punctuality across the trust. Educational research shows a strong correlation between over 96% attendance and high achievement.

We understand that barriers to attendance are complex, and that some pupils find it harder than others to attend school; therefore, we will continue to promote a safe and supportive environment at our academy, as well as strong and trusting relationships with pupils, parents and carers.

The academy has high expectations for pupils' attendance and punctuality, and ensures that these expectations are communicated regularly to parents and pupils. Pupils will be expected to attend the academy punctually every day they are required to be at the academy, for the full day.

We take a whole-academy approach to securing good attendance, and recognise the impact that our efforts in other areas – such as the curriculum, behaviour standards, bullying, SEND support, pastoral support, and the effective use of resources such as pupil premium – can have on improving pupil attendance

Aims:

This attendance policy ensures that all staff and governors in our academy are fully aware of and clear about the actions necessary to promote good attendance.

- Improve pupils' achievement by ensuring high levels of attendance and punctuality.
- The Government expects children to attend school at least 96% of the time.

- Create an ethos in which good attendance and punctuality is recognised as the norm, and is valued by the academy.
- Raise awareness of parents, carers and pupils of the importance of uninterrupted attendance and punctuality at every stage of a child's education.
- Ensure that our policy applies to nursery and reception age children in order to promote good habits at an early age.
- Work in partnership with pupils, parents, staff and the Education Welfare Services so that all pupils realise their potential, unhindered by unnecessary absence.
- Promote a positive and welcoming atmosphere in which pupils feel safe, secure and valued, and encourage in pupils a sense of their own responsibility.
- Establish a pattern of monitoring attendance and ensure consistency in recognising achievement and dealing with difficulties.
- Recognise the key role of all staff in promoting good attendance.
- Intervening early and working with other agencies to ensure the health and safety of our pupils.
- Build strong relationships with families to overcome barriers to attendance.
- Work collaboratively with other schools and academies in the area, as well as other agencies.
- Ensuring parents follow the framework set in section 7 of the Education Act 1996, which states that the parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable to their age, ability and aptitude, and to any SEND they may have, either by regular attendance at school or otherwise.

The academy's attendance lead is Kirsty Mellor. Miss Mellor can be contacted via email at info@greenways.windsoracademytrust.org.uk. Parents and carers will be expected to contact the academy office for queries or concerns about attendance.

Greenways Primary Academy has adopted the SOTCC Code of Conduct for the issuing of Penalty Notices (appendix 1)

Legal framework:

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Equality Act 2010
- The Education (Pupil Registration) (England) Regulations 2006 (As amended)
- The Children (Performances and Activities) (England) Regulations 2014
- Children and Young Persons Act 1963
- DfE (2022) 'Working together to improve school attendance'
- DfE (2023) 'Keeping children safe in education 2023'
- DfE (2016) 'Children missing education'

This policy operates in conjunction with the following academy policies:

- Child Protection and Safeguarding Policy
- Complaints Procedures Policy
- Behaviour Policy
- SEND Policy

- Supporting Pupils with Medical Conditions Policy

Definitions:

The following definitions apply for the purposes of this policy:

Absence:

- Arrival at the academy after the register has closed
- Not attending the academy for any reason

Authorised absence:

- Absences for illness, appointments, family emergencies or religious observances for which the academy has granted leave.
- The academy will grant one day of authorised leave for recognised religious observance.

Unauthorised absence:

- Parents keeping children off unnecessarily or without reason
- Truancy before or during the academy day
- Absences which have never been properly explained
- Arrival at the academy after the register has closed
- Absence due to shopping, looking after other children or birthdays
- Absence due to day trips and holidays in term-time which have not been agreed
- Leaving the academy for no reason during the day
- Where medical evidence has been requested but not provided.

Persistent absence (PA):

- Missing 10 percent or more of schooling across the academy year for any reason

Roles and responsibilities:

The Local Advisory Board (LAB) has overall responsibility for:

- Monitoring the implementation of this policy and all relevant procedures across the academy.
- Promoting the importance of good attendance through the academy's ethos and policies.
- Arranging attendance training for all relevant staff that is appropriate to their role.
- Working with senior leaders to set goals for attendance and providing support and challenge around delivery against those goals.
- Regularly reviewing attendance data.
- Ensuring that this policy, as written, does not discriminate on any grounds, including, but not limited to, ethnicity/national origin, culture, religion, gender, disability or sexual orientation.
- Handling complaints regarding this policy as outlined in the trust Complaints Policy.
- Having regard to 'Keeping children safe in education' when making arrangements to safeguard and promote the welfare of children.

The headteacher is responsible for:

- The day-to-day implementation and management of this policy and all relevant procedures across the academy.
- Appointing a member of the SLT or another trusted staff member to the attendance officer role.
- Ensuring all parents are aware of the academy's attendance expectations and procedures.
- Ensuring that every pupil has access to full-time education and will act as early as possible to address patterns of absence.

Staff are responsible for:

- Following this policy and ensuring pupils do so too.
- Ensuring this policy is implemented fairly and consistently.
- Modelling good attendance behaviour.
- Using their professional judgement and knowledge of individual pupils to inform decisions as to whether any welfare concerns should be escalated.
- Taking the attendance register at the relevant times during the academy day.

The academy will always follow up any absences in order to:

- Ascertain the reason for the absence.
- Ensure any necessary safeguarding actions are being taken.
- Identify whether the absence is authorised or not.
- Identify the correct code to use to enter the data onto the school census system.

The attendance lead staff are responsible for:

- The overall strategic approach to attendance in school.
- Developing a clear vision for improving attendance.
- Monitoring attendance and the impact of interventions.
- Analysing attendance data and identifying areas of intervention and improvement.
- Communicating with pupils and parents with regard to attendance.
- Following up on incidents of persistent poor attendance.
- Informing the LA of any pupil being deleted from the admission and attendance registers

Pupils are responsible for:

- Attending their lessons and any agreed activities when at the academy.
- Arriving punctually to lessons when at the academy.

Parents are responsible for:

- Providing accurate and up-to-date contact details.
- Providing the academy with at least two emergency contact numbers.
- Updating the academy if their details change.
- The attendance of their children at the academy.
- Ensuring excellent attendance of their children

Attendance expectations:

Children can very easily get upset when they arrive late at the academy. This may cause unnecessary distress to a child. If a child misses the beginning of the academy day by being late, they miss vital learning and the main teaching input of the lesson.

It is the parent/carers responsibility:

- To ensure that their children arrive at the academy on time.
- Our site opens at 8:30am and the academy doors open at 8:45am - children should arrive between 8:45am and 8:55am.
- At 8:55am the doors and the academy gates are locked - this is the start of the academy day.
- Children and parents arriving after 8:55am must report to the academy office and register pupils on the arrivals system stating the time and reason for lateness. Children arriving between 8.55am and 9.20am are considered late. After this, children are classed as absent.
- The academy will carry out unannounced late gates if required in a morning, sometimes accompanied by the Education Welfare Officer.
- Parents will be challenged regarding persistent lateness and the Education Welfare Officer may become involved.
- Persistent late arrival of a child after the academy register has been closed may lead to a formal referral to the Education Welfare Service (12 unauthorised late marks in the register within a 12-week period)

Attendance register:

The attendance register is marked twice daily on SIMS at the start of the morning and afternoon sessions.

Absence Procedures:

Daily Procedure:

- On the first day of absence, parents/carers must report absence to a member of staff either in person, by email or via the designated absence line. We ask that the absence is reported by 9:00am - the pupil's name, class and reason for absence must be reported.
- If an absence has not been reported on the first day, the academy will send a text, or make a phone call.
- The academy will liaise with other external agencies including social care, where it is deemed appropriate
- The academy will also seek advice from the Education Welfare Service where necessary when considering further action during a period of absence.
- PUPILS MUST HAVE at least 2 EMERGENCY CONTACTS ON OUR OFFICE SYSTEM *in line with KCSIE*

Child Missing in Education:

Should a child be missing from school for 20 school days or more, we may apply to the Local Authority for the child to be removed from the school roll.

Medical and dental appointments:

We expect parents to make medical and dental appointments for their children before or after the academy day, or during the academy holidays. If this is not possible, then authorisation will be given where confirmation of the appointment is received via one of the methods already listed. A signing in/out system is kept in the office to record such appointments. Children are expected to attend the academy prior to the appointment and parents are expected to return their children to the academy following the appointment wherever possible.

Performances and activities, including paid work:

The academy will ensure that parents and carers of pupils engaging in performances or activities, whether they receive payment or not, which require them to be absent from the academy, understand that they will be required to obtain a licence from the LA which authorises the absence.

Where an application does not specify dates, and it has been approved by the LA, it is at the discretion of the headteacher to authorise the leave of absence for each day.

Traveller absence:

The special position of traveller families is recognised by section 444 (6) of the Education Act 1996. The trust will meet statutory requirements on traveller absence.

SEND- and health-related absences:

The academy recognises that pupils with SEND and/or health conditions, including mental health issues, may face greater barriers to attendance than their peers, and will incorporate robust procedures to support pupils who find attending academy difficult.

In line with the SEND Policy and Supporting Pupils with Medical Conditions Policy, the academy will ensure that reasonable adjustments are made for disabled pupils to reduce barriers to attendance, in line with any EHC plans or health care plans that have been implemented. The academy will secure additional support from external partners to help with attendance where appropriate.

Where the academy has concerns that a pupil's non-attendance may be related to mental health issues, parents will be contacted to discuss the issue and whether there are any contributory factors to their child's lack of attendance. Where staff have a mental health concern about a pupil that is also a safeguarding concern, they will inform the DSL and the Child Protection and Safeguarding Policy will be followed.

If a pupil is unable to attend the academy for long periods of time due to their health, the academy will liaise with the local authority.

The academy will provide support for any pupils with SEND and/or health issues who are experiencing stress and anxiety in relation to attendance.

To support the attendance of pupils with SEND and/or health issues, the academy will consider:

- Holding meetings to evaluate any implemented reasonable adjustments.
- Incorporating support from the welfare team.
- Carrying out strengths and difficulties questionnaire.
- Enabling a pupil to have a reduced timetable in accordance with LA procedures.
- Phased returns to the academy where there has been a long absence.
- Tailored support to meet their individual needs.

PA (Persistent Absence):

The Government expects every child to be in at least 96% of the time. Those who fall below 90% are classed as persistently absent from school and those under 50% are classed as being severely absent from school.

There are various groups of pupils who may be vulnerable to high absence and being classed as a PA pupil.

- Children open to CIN, CP and Early Help
- LAC and PLAC
- Young carers
- Pupils who are eligible for FSM
- Pupils with EAL
- Pupils with SEND
- Pupils who have faced bullying and/or discrimination

The academy will use a number of methods to help support pupils at risk of PA to attend. These include:

- Offering meet and greets for pupils who may be anxious or require support coming in.
- Child led attendance discussions.
- Establishing plans to remove barriers and provide additional support to families and children.
- Making regular contact with families to discuss progress.
- Assessing whether additional support is required and if any external agencies can provide this.
- Considering what support for re-engagement might be needed with an individual attendance plans if appropriate

The academy will focus particularly on pupils who have rates of absence between 96% and 90% and will be monitored for attendance. This monitoring may include letters being sent, invitations for parents to attendance clinics or home visits by our traded EWO.

Attendance Interventions:

Promoting good attendance is a key part of the academy's objectives. A variety of initiatives will be used to promote good attendance including the following:

- Absence is monitored closely by the attendance lead, supported by SLT.
- Parental support is provided by the SLT/SENCo where appropriate
- A wealth of wider professional services are accessed to support parents
- Class attendance is shared during achievement assembly, on the classroom doors, weekly via our Facebook page and on our academy newsletter
- Class treats for attendance winners weekly on the MUGA
- Termly and annual attendance certificates
- A bespoke layer of support/reward is in place to recognise improved attendance through personalised postcards sent home
- Termly class attendance recognition on the newsletter

Monitoring:

Active monitoring of attendance and regular communication with parents is an important part of ensuring good attendance. Attendance matters are managed by the attendance leads, the SLT and the academy's Education Welfare Officer. If there is no improvement, this may be followed by a formal referral to the Education Welfare Service, who may pursue statutory action, to ensure regular attendance if necessary.

If a child's attendance is a cause for concern, the class teacher, or other staff members, may speak to parents to discuss attendance via a telephone call or a meeting in the academy. The academy's Education Welfare Officer, who will provide a link between the academy and families, may become involved at any point.

Our academy attendance team will monitor attendance on a weekly basis. Where attendance falls below the expected level of 96%, the academy's monitoring procedure may begin. This will be in the form of our attendance monitoring letters.

Monitoring Tiered Intervention:

Letter 1 – Cause For Concern (additional version for EYFS)

Letter 2 –Request for medical evidence and an attendance clinic to be held with the EWO, and a member of SLT informed where appropriate.

Level 3 - Statutory Referral and Penalty Notice Warning Letters

Late letters

Leave of Absence:

It is important that the academy has an awareness of where all pupils are, so we ask parents to ensure all leave of absence is communicated with the academy. If we have concerns regarding a child's absence, we may need to involve wider professionals.

The academy will only grant a pupil a leave of absence in exceptional circumstances. In order to have requests for a leave of absence considered, the academy will expect parents to contact the headteacher in writing at least four weeks prior to the proposed start date of the leave of absence, providing the reason for the proposed absence and the dates during which the absence would be expected to occur.

Any requests for leave during term time will be considered on an individual basis and the pupil's previous attendance record will be taken into account.

Issuing of Penalty Notices:

Following consultation, the following circumstances may also result in the issue of a Penalty Notice:

- a) Where one or both parents persistently fails to ensure their child of compulsory school age attends the academy in which they are registered as a pupil, or attends at another place of learning and attendance is below 90 per cent in a academy term i.e. 12 or more sessions of absence in a 12 week period, and;
- b) Also, persistent late arrival of a child after the academy register has been closed (Attendance Code U only) being 12 unauthorised late marks in the register within a 12 week period.
- c) A parent's failure to make arrangements to ensure that a child who has been excluded from academy on disciplinary grounds is not in a public place at any time during the academy hours on a day which is during the first five academy days of any exclusion, without reasonable justification. [Section 103 of the Education and Inspections Act 2006].

It is the parent's responsibility in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere other than at home.

The new leave of absence form in line with this Code of Conduct is available from the academy office.

Adoption of the SOTCC: Code of Conduct for the issuing of Penalty notices see Appendix 1.

Parents are strongly discouraged from taking any leave of absence during term time.

An amendment to the Education (Pupil Registration) (England) Regulations 2006 removes reference to family holidays to make it clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. This amendment came into effect on 1st September 2013.

Parents/carers do not have an automatic right to withdraw pupils from academy during term time, and, in law, are obliged to ask for permission in advance.

Parents should complete an application for 'Leave of Absence' form provided by the academy office to request any leave. The form should be completed well in advance of the proposed period of absence and handed in to the academy office. Academy will respond to the request within 5 academy days.

Review

The LAB will review this policy annually. The LAB may review the policy earlier than this if the government introduces new regulations, or if the LAB receives recommendations on how the policy might be improved.

Appendix 1 - Stoke-on-Trent Code of Conduct

Stoke-on-Trent City Council:

Code of Conduct for the issuing of Penalty Notices

1. Purpose of the code

The Government has made it clear that it expects Local Authorities to have a Code of Conduct in place so that the full range of measures for improving attendance are available to schools. Regular academy attendance is both a legal requirement and essential if the children of Stoke-on-Trent are to achieve better outcomes in education and maximise the opportunities available to them. Stoke-on-Trent schools consistently work towards a goal of 100% attendance for all children in academy.

The purpose of the local Code of Conduct is to ensure that Penalty Notices are issued consistently and fairly across the Local Authority area, in accordance with the relevant legislation, and that suitable arrangements are in place for the administration of the scheme.

The Education (Penalty Notices) (England) Regulations 2007, No. 1867 specify that each Local Authority must draw up a Code of Conduct which sets out measures to ensure consistency in the issuing of Penalty Notices including:-

- Means of avoiding the issue of duplicate notices;
- Measures to ensure that a notice is not issued when proceedings for an offence under S.444 of the Education Act 1996 [or S.444(1A) of that section] or section 103(3) of the Education and Inspections Act 2006 are contemplated or have been commenced by the Local Authority;
- The occasions when it will be appropriate to issue a Penalty Notice for an offence;
- The maximum number of Penalty Notices that may be issued to a parent in a twelve-month period, in respect of any individual child;
- Arrangements for co-ordination between the Local Authority, neighbouring local authorities where appropriate, the police and authorised officers.

Authorised officers are defined in section 444B(4) of the 1996 Act in relation to penalty notices under section 444A of that Act, and in subsection (6) of section 105 of the 2006 Act in relation to penalty notices under that section.

The Code will be reviewed annually in consultation among the local partners, namely:-

- The Local Authority;
- Board of trustees and headteachers of schools and academies including Primary, Secondary and Special Schools as well as Academies;
- The Chief Officer of Police for the police area which includes all or part of the area of the Local Authority.

2. Background Legislation

In February 2004, section 23(1) of the Anti-Social Behaviour Act 2003 added sections 444A and 444B to the Education Act 1996. These sections enable Penalty Notices to be used as an alternative to prosecution and provide parents with the opportunity to discharge liability for conviction of an offence under section 444 by paying a financial penalty to the Local Authority.

Section 103 of the Education and Inspections Act 2006 enables Penalty Notices to be issued to parents in relation to an excluded pupil should they fail to ensure their child is not present in a public place during academy hours in the first five days of each, and every fixed period, or permanent exclusion without reasonable justification.

It is a defence for a person charged with an offence under section 103(3) to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere other than at home.

Persons authorised to issue Penalty Notices must have regard to The Education (Penalty Notices) (England) Regulations 2007 as subsequently amended or modified by The Education (Penalty Notices) (England) (Amendment) Regulations 2013 No. 757, any guidance issued by the Secretary of State in relation to Academy Attendance, Absenteeism and Penalty Notices, together with the following legislation: -

- Disability Discrimination Act 1995
- Data Protection Act 1998
- Human Rights Act 1998
- Equality Act 2010

In relation to all legislation and guidance, regard must be given to any subsequent amendments or modifications to the above documents.

3. Circumstances in which a Penalty Notice warning can be issued

Regulation 15 of The Education (Penalty Notices)(England) Regulations 2007 states that in preparing the Code of Conduct the Local Education Authority must consult with board of trustees, headteachers and the Chief Officer for the Police in the area of the Local Education Authority.

Following consultation with the said consultees it has been decided that the following circumstances may result in the issue of a Penalty Notice:

- a. Where one or both parents persistently fails to ensure their child of compulsory academy age attends the academy in which they are registered as a pupil or attends at another place of learning and attendance is below 90 per cent in a academy term i.e. 12 or more sessions of absence in a 12 week period, and;
2. Any absence by the child which is not due to the instances stated in the Education Act 1996, namely:-
3. Sickness or unavoidable cause [Section 444(2A)]

4. With leave i.e. Authorised absence [Section 444(3)(a)]
5. For religious observance by the religious body to which his/her parent belongs [Section 444(3)(c)]
6. The Local Authority has a duty to make travel arrangements to facilitate the child's attendance at the academy and has failed to discharge that duty [Section 444(3B)]; and
7. Where the academy can show evidence to the Local Authority that they have attempted all of the following:-

- i. Contact by telephone;
- ii. Contact by letter;
- iii. Invitation to a formal meeting

8. Term time leave is taken without obtaining the prior written agreement of the headteacher or an authorised deputy or assistant headteacher and the parents have been warned that a Penalty Notice may result.
9. Unwarranted delayed return from term time leave without the prior written agreement of the headteacher or an authorised deputy or assistant headteacher
10. Persistent late arrival of a child after the academy register has been closed (Attendance Code U only) being 12 unauthorised late marks in the register within a 12 week period.
11. A parent's failure to make arrangements to ensure that a child who has been excluded from academy on disciplinary grounds is not in a public place at any time during academy hours on a day which is during the first five academy days of any exclusion, without reasonable justification. [Section 103 of the Education and Inspections Act 2006].

It is incumbent upon the parent in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere other than at home.

In light of the above, a letter containing a Penalty Notice warning may be sent out by the headteacher or an authorised deputy or assistant headteacher on Stoke-on-Trent City Council letter-headed paper, signed by a headteacher or an authorised deputy or assistant headteacher and counter-signed by either:

1. Education Welfare Team Manager; or
2. Education Welfare Officer for the academy (where appropriate)

4. Authorisation to issue a Penalty Notice (fine)

The Education (Penalty Notices) (England) Regulations 2007 No. 1867 deals with the Issue of Penalty Notices in paragraphs 10, 11, 12 and 13. The authority to issue a Penalty Notice is only given to a headteacher, or if they authorise it, to a deputy or assistant headteacher [para. 10] – the headteacher cannot authorise any other member of staff to issue a Penalty Notice. However, although a Local Education Authority has the power to issue Penalty Notices there are limits to this as detailed in para. 12 – the child must be a registered pupil at an academy in the area of the Local Education Authority; or for whom the Local Education Authority has made arrangements for alternative educational provision (whether or not in the area of the Local Education Authority; or is a

child who is not a registered pupil at any academy due to exclusion or otherwise), but lives in the area of the Local Education Authority.

In consultation with the said consultees, it has been agreed that the Local Authority will issue Penalty Notices (fines) on behalf of those authorised to issue a penalty notice under The Education (Penalty Notices) (England) Regulations 2007. This will avoid the potential for duplicate notices to be issued, or for notices to be issued when legal proceedings are underway. A Penalty Notice (fine) may be issued once two sessions of unauthorised absence have occurred during the time frame outlined in the Penalty Notice warning. The request for the Penalty Notice to be actioned needs to be sent by a headteacher or authorised deputy or assistant headteacher to the Education Welfare Team Manager at Stoke-on-Trent City Council.

5. Who can be issued with a Penalty Notice

Anyone defined as a 'parent' under Section 576 Education Act 1996 is a parent for the purposes of these provisions. The 1996 Act states that 'parent' includes any person who is not a parent of the child but has parental responsibility for him, or who has care of him. This means a parent can include:

- all natural parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility for a child or young person;
- any person who, although not a natural parent, has care of a child or young person.

'Parental responsibility' is defined by section 3(1) of the Children Act 1989 as being "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.

Having care of a 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.

A 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 a 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. A Penalty Notice must not be issued jointly to both parents, as each parent should be issued with their own Penalty Notice.

6. Maximum number of Penalty Notices that can be issued

The said consultees have agreed that the maximum number of formal written warnings that may be issued in a twelve-month period is two. A parent would be advised, within the Penalty Notice Warning letter, that at this stage they can only make representations to the nominated Senior Local Authority officer. The maximum number of Penalty Notices that can be issued in respect of an individual child in a twelve-month period is two.

7. Amount of Penalty and Payment Arrangements

Regulation 4 of The Education (Penalty Notices) (England) Regulations 2007 states the amount of the penalty payable by a parent and the period within which payment is to be made. The 2007 Regulations were subsequently amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2013 No. 757. The penalty for each parent is £60 for each child if paid within 21 days of receipt of the Penalty Notice. The penalty increases to £120 if paid after 21 days, but within 28 days of receipt of the Penalty Notice. (Service by post is deemed to have been effected, unless otherwise proved, on the second working day after postage by first class post). Arrangements for payment to the Local Education Authority are detailed on the Penalty Notice.

If a penalty is not paid in full by the end of the 28 day period, the Education Welfare Team at Stoke-on-Trent City Council will either prosecute for the offence for which the Penalty Notice has been issued, or withdraw the Penalty Notice. The prosecution is not for non-payment of the Penalty Notice, but is a prosecution for irregular academy attendance (Section 444(1) Education Act 1996). The reasons for issuing a Penalty Notice need to accord with Section 444 of the Education Act 1996 and associated legislation. There is no statutory right of appeal against the issuing of a Penalty Notice.

A Penalty Notice can only be withdrawn in accordance with Regulation 8 of The Education (Penalty Notices) (England) Regulations 2007, namely, where it should not have been issued, or that it should not have been issued to the person named as the recipient or the Penalty Notice contains material errors.

In accordance with Regulation 23 of The Education (Penalty Notices) (England) Regulations 2007, sums of money received by the Local Education Authority in respect of the payment of penalties will be used solely for the purpose of issuing and enforcing Penalty Notices and for the prosecution of recipients who do not pay. If any sums received are not used for those purposes, then they must be paid to the Secretary of State.

8. Procedures for issuing Penalty Notices

The issuing of Penalty Notices will be undertaken by staff authorised by Stoke-on-Trent City Council. A Checklist for academies and a Penalty Notice Warning Letter in respect of offences under sections 444(1) and 444(ZA) of the Education Act 1996 respectively, has been prepared by the Education Welfare Service and copies of these are shown in the appendices.

9. Pupil watch/truancy sweeps

Where a child is located on a truancy patrol, then unless there is a justifiable reason for the child's absence from attending academy, the following procedure will occur:-

- Child is located during a truancy patrol;
- Letter is sent to parent advising them that if the child is located during a truancy patrol, a Fixed Penalty Notice will be issued to the parent, unless they can prove there was a justifiable reason for the child's absence from academy;
- If the absence is found to be unauthorised, then the headteacher's Certificate of Attendance for the absent child is to be made available for the evidential period

- The evidence of the child's absence from academy must have been reported by an Education Welfare Officer, a Police Officer, or a Police Community Support Officer whilst taking part in a Local Authority approved truancy operation.

Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by the headteacher will be laid before the court alongside a witness statement completed by the reporting officer; copies of the Penalty Notice; and a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 28 days have elapsed since the Penalty Notice was deemed to have been received by the parent for the child. From that point, the Education Welfare Team will make an application for a hearing in the Magistrate's Court to be scheduled for a date within 21 days, subject to court availability.

10. Holidays in term time

A parent must obtain prior written permission from the headteacher of the academy where the child is registered as a pupil if they want to take their child out of academy during term time.

They can only do this if:

- a parent the child normally lives with makes a written application to the headteacher at least four weeks in advance of the proposed absence during term time.
- there are exceptional circumstances in which case, the period of notice may be reduced, but should, nevertheless, be at least two working days' written application prior to the proposed absence.

The headteacher (or an authorised deputy or assistant headteacher) has absolute discretion regarding whether or not a child's absence from academy is to be permitted during term time and if so, the period of absence to be permitted.

A parent can be fined for taking a child on holiday during term time without the prior written permission of the headteacher (or an authorised deputy or assistant headteacher) at the academy where the child is registered as a pupil.

Unauthorised leave of absence (holidays) taken during term time

A parent will be expected to complete a holiday application form at least four weeks in advance of the proposed holiday. The form will include information about the use of Penalty Notices as a consequence of leave of absence taken in term time without the headteacher's prior written authorisation.

Where a parent has taken a child out of academy for a holiday or other leave of absence without prior written authorisation, there should be evidence on the attendance certificate of unauthorised absence. The headteacher will notify the Local Authority that an unauthorised leave of absence has taken place and will complete the following documents:-

- A completed pro-forma witness statement;
- A Certificate of Attendance for the period in question;
- A copy of the advisory letter sent to the parent;

- A copy of the holiday application form from the parent and reply from the headteacher;
- A completed referral form

If a holiday form has not been completed, but a headteacher has sufficient evidence that the child has been absent from academy due to an unauthorised holiday/leave of absence, then the headteacher, or their authorised representative, should provide this evidence in the witness statement and submit the following documents to the Education Welfare Service:-

- A completed referral form
- A completed pro-forma witness statement
- A Certificate of Attendance for the period in question

On receipt of these, the Education Welfare Service will issue a Fixed Penalty Notice by first class post to the parent. Where a parent fails or refuses to pay a penalty issued in these circumstances, then the evidence provided by the headteacher will be laid before the court, alongside a witness statement completed by the reporting officer; copies of the Penalty Notice; and a Certificate of Confirmation of Non-payment of the Fixed Penalty. This will be done after 28 days have elapsed since the Penalty Notice was deemed to have been received by the parent. From that point, the Education Welfare Team will make an application for a hearing in the Magistrates' Court to be scheduled for a date within 21 days subject to court availability. The prosecution of the parent will be on the grounds that the parent has failed to ensure the child has regularly attended the academy with whom is registered as a pupil, rather than for non-payment of the amount detailed in the Penalty Notice.

11. Copy of Penalty Notice to be supplied to the Local Education Authority

A person issuing a Penalty Notice must provide a copy to the Local Education Authority which is named as the recipient for any payment of the penalty.

12. Records

Pursuant to Regulation 20 of The Education (Penalty Notices) (England) Regulations 2007, a Local Education Authority must keep records of Penalty Notices, namely, a copy of each Penalty Notice issued with a record of all payments made; the dates of such payments; details about whether the Penalty Notice was withdrawn; the grounds for such a withdrawal; information as to whether the recipient was subsequently prosecuted for the offence for which the Penalty Notice was issued.

13. Information to the Secretary of State

A Local Education Authority must supply the Secretary of State with such information as he may require in respect of Penalty Notices.

14. Compliance with the Code of Conduct

Any person issuing a Penalty Notice must do so in accordance with the Code of Conduct, any regulations regarding Penalty Notices and any directions issued by the Secretary of State to a Local Education Authority at any time.

Appendix 2

Our reference: Education Welfare Service/AB
Date:



**City of
Stoke-on-Trent**

Name
Address

Children & Family Services
Civic Centre
Glebe Street
Stoke-on-Trent
ST4 1HH

Lisa Lyons
Director

Dear

Education Act 1996 – School Attendance (Inserted by S23 of the Anti-Social Behaviour Act 2003)

It has been brought to my attention that your children who are in irregular attendance, which has been recorded as unauthorised absence, at Greenways Primary Academy.

Section 444 (1) of the Education Act, 1996 states that:

“If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school, his (her) parent is guilty of an offence.”

The Education Welfare Team, in line with Stoke-on-Trent City Council’s Code of Practice, is now giving you an opportunity to ensure your children’s improved attendance at school. On receipt of this letter your children’s attendance will be monitored for 20 school days from

Should there be no improvement in your children’s attendance and further unauthorised absences recorded, then the Education Welfare Service may take the following legal proceedings against you for failure to comply with the Law:

- A Penalty Notice payable of a **£60 or £120 fine**.
- Prosecution under s444(1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under s444(1)(a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

We look forward to seeing an improvement in your children’s attendance over the coming 20 days and trust it will not be necessary to take enforcement proceedings in this respect.

In the first instance, if you have any issues, please contact the Education Welfare Service using the details below.

Yours sincerely

Education Welfare Officer
Contact Number: 01782 235355

J.Garside

Headteacher
Greenways Primary Academy

**APPLICATION FOR LEAVE OF ABSENCE IN
EXCEPTIONAL CIRCUMSTANCES IN TERM TIME
(The Education (Pupil Registration) Regulations 2006)**

This form should be completed 4 weeks prior to the “Leave of Absence” request date.

A Leave of Absence request is required for any absence which is not due to the instances stated in the Education Act 1996, namely:-

1. Sickness or unavoidable cause [Section 444(2A)]
2. For religious observance by the religious body to which his/her parent belongs [Section 444(3)(c)]

Failure to submit a Leave of Absence application could result in a referral to Social care and/or the Educational Service for a child missing in education.

Unauthorised “Leave of Absence” could result in legal action and a Penalty Notice being issued. The penalty for each parent is £60 for each child, if paid within 21 days of receipt of the Penalty Notice. The penalty increases to £120 if paid after 21 days but within 28 days of receipt of the Penalty Notice, per parent, per child.

If a penalty is not paid in full by the end of the 28 day period, the Education Welfare Team at Stoke-on-Trent City Council will either prosecute for the offence for which the Penalty Notice has been issued, or withdraw the Penalty Notice. The prosecution is not for non-payment of the Penalty Notice but is a prosecution for irregular academy attendance (Section 444(1) Education Act 1996).

I wish to apply for leave of absence from academy for my child:

Name of ChildClass

First day of leave requestedLast day

Number of academy days involved:

Exceptional circumstances leading to request:

Signed (Parent/carer) Date

The above request is authorised / not authorised (delete as applicable), in accordance with the academies policy and procedure.

Signed

Date.....