



## Clee Hill Community Academy Attendance Policy



Author	Executive Headteacher
Review Cycle	Annually
Date Approved	September 2024
Approved By	Local Governing Body
Next Review Date	September 2025

## 1. Aim of this policy

To support excellent levels of attendance for all pupils to enable fulfilment of their potential at Clew Hill Community Academy.

This policy has been prepared with regard to the Academy's statutory duties relating to attendance, including those set out in the Department for Education's statutory guidance entitled **Working together to improve school attendance** (2024), which is referred to in this policy as the "DfE Attendance Guidance".

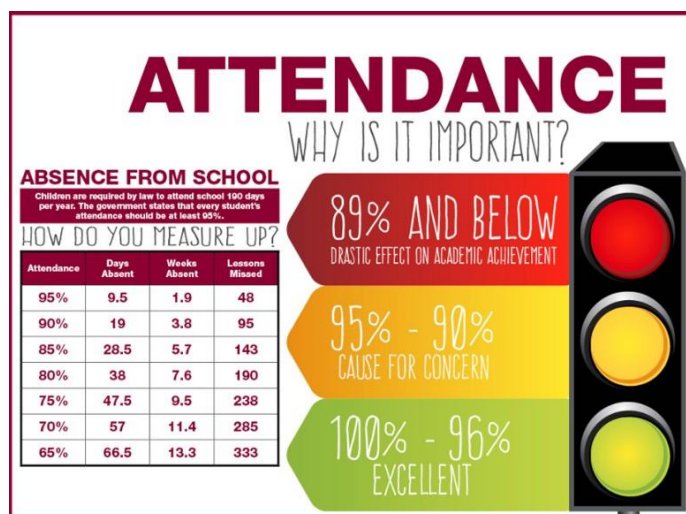
## 2. Key principles

- High levels of attendance and punctuality levels are promoted and rewarded.
  - It is the responsibility of everybody in the Academy to improve attendance and punctuality.
  - Where attendance or punctuality fall short of expected standards, steps will be taken to address this and sanctions may be applied in accordance with the behaviour policy.
  - Some pupils find it harder than others to attend school. The Academy will work with pupils, parents and other local partners to remove any barriers to attendance.
3. Subject to the terms of this policy, any day-to-day attendance issues that parents or pupils have, should be discussed with the school office. Where more detailed support around attendance is required, parents and pupils should contact the Headteacher.
4. Roles and responsibilities

### 3.1 The Academy

The Academy will:

- develop and maintain a whole academy culture that promotes the benefit of high attendance including
  - Information promoting an understanding of the importance of good attendance and punctuality in our School Newsletters and on our website.
  - Letters which remind and highlight the importance of good attendance and punctuality.
  - Termly pupil reports that include attendance statistics (attendance; lates;



unauthorised absences; authorised absences).

- A Management Information System (Arbor) which includes a parent portal where they can see their child's attendance continuously.
- work with pupils and their families, building strong relationships, to support high levels of attendance and punctuality and understand any barriers to attendance
- investigate unexplained or unjustified absence, applying sanctions where appropriate
- take into account individual needs when implementing this policy, including having regard to the Academy's obligations under the Equality Act 2010 and the UN Convention on the Rights of the Child
- share information, including returns information required to be shared in accordance with regulations<sup>1</sup> and the DfE Attendance Guidance, and work collaboratively with the local authority, other schools in the area and other partners including, where required, making appropriate referrals in accordance with local procedures, legislation and guidance
- regularly monitor, review and analyse attendance and absence data including to identify pupils or cohorts that require attendance support and to set targets for the future
- ensure that all pupils can access full-time education, putting strategies in place where there is evidence to suggest that this is not the case
- ensure that the Trust's Directors, Local Governing Bodies and Academy's leadership team work together to monitor attendance levels and the effectiveness of this policy
- ensure that all legislation and guidance are complied with and reflected in our policies and procedures, including the DfE Attendance Guidance;
- have in place appropriate safeguarding responses for children who are at risk of missing education, having regard to the statutory guidance Keeping Children Safe in Education (please refer to our [Child Protection policy](#))
- provide information requested by the Secretary of State, including termly absence data collected by the Department for Education
- regularly inform parents about their child's attendance and absence levels
- support pupils who are returning to education following long term absence
- ensure that effective systems to record and report attendance data are in place, including accurate completion of admission and attendance registers using an electronic management information system
- assign overall responsibility for championing and improving attendance at the Academy to a designated senior leader, known as the Senior Attendance Champion.

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<sup>1</sup> School Attendance (Pupil Registration) (England) Regulations 2024

- observe and fulfil the responsibilities set out in guidance issued by the Department for Education ([Summary table of responsibilities for school attendance \(applies from 19 August 2024\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115111/summary-table-of-responsibilities-for-school-attendance-applies-from-19-august-2024.pdf) ([publishing.service.gov.uk](https://www.publishing.service.gov.uk)) to the extent not covered above or elsewhere in this policy.

### 3.2 Parents and carers

We expect parents and carers to:

- ensure that their child arrives at the Academy on time, in the correct uniform and with the necessary equipment
- promote the importance of regular attendance at home
- follow the correct procedure for reporting the absence of their child from the Academy (see section 6.3 below)
- avoid unnecessary absences
- keep the Academy informed of any circumstances which may affect their child's attendance
- not take their child out of education for holidays during term time (see section 6.5 below)
- inform the Academy in advance of any proposed change of address for their child(ren), along with the name of the parent with whom the child shall live
- observe and fulfil their responsibilities set out in the guidance issued by the Department for Education: [Summary table of responsibilities for school attendance \(applies from 19 August 2024\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115111/summary-table-of-responsibilities-for-school-attendance-applies-from-19-august-2024.pdf) ([publishing.service.gov.uk](https://www.publishing.service.gov.uk)) .

### 3.3 Pupils

We expect pupils to:

- attend the Academy regularly and on time
- be punctual to all lessons
- follow the correct procedure if they arrive to the Academy late (see sections 4 and 5 below).

### 3.4 Senior Attendance Champion

The Senior Attendance Champion ("**SAC**") at the Academy is Ceri Little.

The SAC has overall responsibility for championing and improving attendance at the Academy and will:

- set a clear vision for improving and maintaining good attendance
- establish and maintain effective systems for tackling absence and ensure that these are followed by all staff
- evaluate and monitor attendance expectations and processes

- have a strong grasp of absence data to focus the collective efforts of the Academy
- ensure that key attendance messages are communicated to parents and pupils.
- provide data and reports to support the work of the Local Governing Body and Directors.

### 3.5 The Local Governing Body

The Local Governing Body will:

- take an active role in attendance improvement, recognise the importance of school attendance and promote it across the Academy's ethos and policies
- ensure the Academy's leaders fulfil expectations and statutory duties
- regularly review attendance data, discuss and challenge trends and help Academy leaders focus improvement efforts on the individual pupils or cohorts who need it most
- ensure Academy staff receive adequate training on attendance, including dedicated training for staff with specific attendance responsibilities and any additional training that would help support pupils or cohorts overcome common barriers to attendance

### 3.6 The Board of Directors

The Board of Directors will:

- recognise the importance of school attendance and promote it across the Trust's ethos and policies
- share effective practice on attendance management and improvement across its academies
- hold termly attendance review meetings with the Academy through the Executive Headteacher
- [require the Academy to report to the trustees on the Academy's attendance at regular intervals]

## 5. Registration

The Academy maintains an attendance register and uses this to record each pupil's attendance at the start of the school day and again in the afternoon.

Registration session	Start time	End time
Morning	08:45	09.00
Afternoon	13:00	13.05

Pupils who arrive after the start of a registration session but before the end of the registration session will be marked as late. Where pupils arrive after the end of a registration session, the process set out at section 5 applies.

The register is marked using the national statutory attendance and absence codes which can be found in the [DfE Attendance Guidance](#).

Where a pupil attends a registration session but does not attend subsequent lessons, we will treat this as a truancy and non-attendance matter in accordance with the behaviour policy and engage parents where necessary.

## 6. Late arrival

If a pupil arrives at the Academy after the relevant registration period has ended but within the relevant session, they must immediately go to the Academy office to sign in and provide a reason for the lateness to enable the Academy to establish the appropriate attendance or absence code. In the absence of a satisfactory explanation, the register will be marked as unauthorised absence.

Persistent lateness will be treated as a disciplinary matter and will be dealt with in line with behaviour policy or If a pattern of lateness emerges the classteacher/headteacher will discuss the issue with parents and how it is negatively impacting on their child's education. Appendix C will be used to formally record the concern. If the pattern continues the appropriate support agencies will be informed. This may include penalty notices – see Appendix F (Shropshire Local Penalty Notice Code of Conduct)

## 7. Reasons for absence and how to report or request authorisation

**6.1 Authorised absence** - absence will only be authorised where the Academy has given approval in advance for a pupil to not be in attendance or has accepted an explanation offered afterwards as justification for the absence. Only the Academy can authorise absence.

**6.2 Unauthorised absence** – absence will be marked as unauthorised where the Academy is not satisfied with the reasons given for the absence.

### 6.3 Reporting absence from the Academy

Where a pupil is to be absent from the Academy without prior permission, the parent/carer should inform the Academy by telephone (01584890384) or by email (admin@chcacademy.co.uk) on the morning (by 9am or as soon as practically possible) of the day of the first absence and let the Academy know when they expect the pupil to return. If the return date is not confirmed on the first day of absence, parents/carers must contact the Academy on each day of absence.

- Any unexplained absence will be followed up by the Academy promptly. with emails, phone calls, texts and, where appropriate, safe and well checks, home welfare checks and/or invitation to parent/carer meetings. If no response is received by midday and the Academy cannot reach any of the pupil's emergency contacts, the school will continue to call, may contact the police or other support services as appropriate.

In cases where the academy needs clarification to accurately record the absence in the attendance register, the parents/cares may be asked to provide the Academy with

medical evidence, such as a note from the child's doctor to support an absence for illness. If satisfactory evidence is not provided, the absence may be marked as unauthorised.

#### 6.4 Appointments

Medical, dental and other essential appointments for a pupil should take place outside of school hours where this is reasonably possible.

Where an appointment must take place during school time, the pupil should attend the Academy for as much of the day as possible and as much prior notice as possible should be given to the class teacher.

#### 6.5 Leave of absence (including holidays during term time)

The Academy will grant permission for a pupil to be absent from school in the circumstances described in paragraph 37 of the DfE Attendance Guidance which can be summarised as follows:

- taking part in a regulated performance or employment abroad
- attendance at an interview for entry into another educational setting or future employment
- study leave for public examinations
- temporary, time-limited part-time timetable
- other exceptional circumstances.

Parents and carers should make every effort to avoid taking pupils out of education for holidays or other extended leave during term time and they are not considered an exceptional circumstance.

To request a leave of absence, parents/carers must make the request in advance using the form in Appendix A and, wherever possible, at least 4 school weeks ahead of the planned leave.

Where a leave of absence is requested as above, the Head Teacher will consider the specific facts and circumstances relating to the request. The decision:

- will be confirmed in writing
- is solely at the Head Teacher's discretion and
- is final.

Where permission is granted, the Head Teacher will confirm the number of days and dates of absence which are authorised.

If permission is not granted and the parents/carers proceed to take their child out of the Academy, the absence will be marked as unauthorised and parents may be issued

with a penalty notice or be subject to prosecution by the local authority (see section 7 and Appendix F below).

## 6.6 Religious observance

We recognise that pupils of certain faiths may need to participate in days of religious observance. Where a day of religious observance:

- falls during school time and
- has been exclusively set apart for religious observance by the religious body to which the pupil belongs,

the absence from the Academy will be authorised.

We ask that parents/carers notify the Academy by using Appendix A in advance where absence is required due to religious observance.

## 6.7 Coronavirus (Covid-19)

There may be circumstances in which pupils cannot attend school due to Covid-19. The Academy will adhere to any current guidance issued by the Department for Education relating to the recording of attendance in relation to Covid-19.

If a pupil tests positive for coronavirus, their absence will be recorded as illness.

## 8. Addressing poor attendance and punctuality (see Appendix E flowchart)

The Academy will use data to target attendance improvement efforts to the [pupils/students] or groups of [pupils/students] who need it most. In doing so, the Academy, led by the SAC, will:

- monitor and analyse weekly attendance patterns, proactively using data to identify pupils at risk of poor attendance
- provide regular attendance reports to class teachers and relevant leaders
- identify [pupils] who need support from wider partners as soon as possible and deliver this support in a targeted manner
- conduct thorough analysis of half-termly, termly and fully year data to identify patterns and trends
- benchmark Academy attendance data at each level against local, regional and national level
- monitor the impact of academy strategies and actions to improve attendance on particular pupils and particular groups
- work with the local authority and other local partners to identify groups
- hold regular meetings with the parents or carers of [pupils] who the Academy and/or local authority consider to be vulnerable



Where absence or punctuality is a cause for concern, for example because there is:

- a pattern of unauthorised absence
- a question over the reasons provided for a particular absence or late arrival
- persistent truancy or lateness

we will make contact with the parents/carers (Appendix D will formally communicate the concerns) with a view to working together to support improved attendance and/or punctuality. This may include:

- holding regular meetings and reviews to remove the barriers to attendance
- providing access to wider support services
- using an action plan format (Appendix B) where appropriate

In cases where the Academy has been unable to establish a clear reason for absence and/or has welfare concerns about the pupil, a home welfare check may be carried out.

Failure to attend or arrive at lessons on time may also be dealt with as a disciplinary matter in accordance with the behaviour policy.

Absence will be classed as persistent where it falls below 90% across the academic year. Absence at this level is very likely to hinder educational prospects and we expect full parental co-operation and support to urgently address these cases. Intervention steps may include implementation of an attendance action plan, referral to other agencies and/or seeking to put in place an attendance contract.

Where out of school barriers to attendance are identified, the Academy will signpost and support access to any additional services.

Where parents/carers have failed to ensure that their child of compulsory school age is regularly attending the Academy and wider support in accordance with this policy is not appropriate or effective, we may consider issuing a penalty notice. A penalty notice is a financial penalty (£80 if paid within 21 days, £160 if paid within 28 days) imposed on parents which is intended to change behaviour without the need for criminal prosecution.

When considering whether to issue a penalty notice, we will have regard to:

- the National Framework for penalty notices as set out in paragraphs 175 – 201 of the DfE Attendance Guidance; and
- [the local authority's Code of Conduct for issuing penalty notices](#). Copy in Appendix F.

In the event that a penalty notice is issued but is not paid within 28 days, the local authority will decide whether to proceed to prosecution. The local authority also has separate powers to prosecute parents if their child of compulsory school age fails to attend school regularly.

## Appendix A

Name Of School: Clee Hill Community Academy  
Request for Pupil Leave of Absence in Term Time in Exceptional Circumstances

Headteachers can only authorise any absence when an application has been made in advance by the parent/carer with whom the child is normally resident and it is felt to be for an exceptional circumstance. An annual family holiday would not be deemed an exceptional circumstance. There are 190 school days in an academic year, leaving 175 days free for families to take holidays.

Full name of child(ren) - - -	Address:
Dates:	Number of School Days:
Reason for application and dates:	
<p>The headteacher may take into account:</p> <ul style="list-style-type: none"> <li>• It is highly unlikely that the event will occur again in a child's school life.</li> <li>• It is necessary for the child to be in attendance at the event.</li> <li>• The event <b>cannot</b> be organised outside of the school term.</li> <li>• Taking part in the event will be of greater value to the child than attending school.</li> </ul>	
Parent's full name: Parent's full name: Signature of parent(s)/carer(s): Date:	
<i>Office use only</i> <input type="checkbox"/> Authorised <input type="checkbox"/> Unauthorised Comments: Signed(headteacher): Date:	
<p><b>WARNING</b></p> <p>If this requested period of absence has not been authorised, details will be passed to Shropshire Council's Education Access Service. The Council may, in the following circumstances, issue a formal Warning, serve a Fixed Penalty Notice or take court action in respect of non-school attendance for this and any future unauthorised absence:</p> <ul style="list-style-type: none"> <li>• Parents have not sought permission from the headteacher before taking their child out of school for a holiday in term time</li> <li>• The headteacher has refused the request but the absence occurs anyway; or</li> <li>• A pupil has not returned to school by the agreed date with no satisfactory explanation</li> </ul>	

## Appendix B: Individual Attendance Plan

<b>Name of pupil</b>	
<b>Year group/class</b>	
<b>Staff supporting with attendance plan and roles</b>	
<b>Date plan was agreed</b>	

### Attendance history

Include details of attendance percentages (broken down by attendance code where appropriate), details of trends or patterns over time and any historical factors that might be relevant.

### Current risk factors/current barriers to attendance

To help with this, it might be useful to carry out an individual attendance audit (see appendix).

Targets	Milestones	Date each milestone achieved
<b>Target 1 -</b>	For each target provide a number of measurable milestones •	
<b>Target 2 -</b>	•	
<b>Target 3 -</b>	•	

### Strategies to be implemented by the school

Details of strategy (including date commenced)	Purpose of implementing strategy	Member of staff responsible
E.g. as a result of pupil voice about anxiety in some lessons class teacher/TA will check in regularly.	E.g. point of contact to support and reassure	E.g. Form tutor, class teacher, TA

### Expectations of the pupil

Details of expectations	How this has been communicated to the pupil?	Monitoring arrangements (who by and when?)
E.g. set an alarm for 7 a.m. every day	E.g. discussion with attendance officer and ongoing reminders	E.g. attendance officer will monitor this daily

### Expectations of the family

Details of expectations	How this has been communicated to the pupil's family?	Monitoring arrangements (who by and when?)
E.g. for parents to phone school before 9 a.m. to report the reason for any absence	E.g. expectations explained during face-to-face attendance meeting and agreed by parents	E.g. attendance officer will monitor this daily

External support		
Details of agency/partner	Support being offered	Date support commenced
E.g. Early Help	E.g. Early Help referral has been made as meets 3/10 outcomes	E.g. referral made 2nd November - currently awaiting first contact

Record of attendance reviewing meeting	
Date of review	
Individuals present	
Situation since last review	
Milestones/targets achieved since last review	
Areas discussed	
Outcome of meeting (tick as appropriate)	<input type="checkbox"/> Continue with initial plan <input type="checkbox"/> Continue plan with new or supplementary strategies added <input type="checkbox"/> Escalate attendance plan to next stage
Date of next review	

#### Appendix 1: Individual Attendance Audit

Potential barrier to attendance	Has this been explored?	Could this be a factor in the pupil's poor attendance?	Notes
<b>Health-related issues</b>			
Medical problems	Yes / Not yet Who by? When?	Yes / Unsure / No	
Poor medical care	Yes / Not yet Who by? When?	Yes / Unsure / No	
Disability	Yes / Not yet Who by? When?	Yes / Unsure / No	
Poor mental health	Yes / Not yet Who by? When?	Yes / Unsure / No	
Poorly controlled medical issue(s)	Yes / Not yet Who by? When?	Yes / Unsure / No	
Pregnancy	Yes / Not yet Who by? When?	Yes / Unsure / No	
Potential substance abuse	Yes / Not yet Who by? When?	Yes / Unsure / No	

Health issues caused by unsanitary environment or poor housing	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Other</b> (give details below)	Yes / Not yet Who by? When?	Yes / Unsure / No	

### *Home-related issues*

<b>Young carer</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Caring for younger siblings</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Potential substance abuse in the home</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Parental mental health issues</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Potential domestic violence in the home</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Potential abuse/neglect</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Financial issues in the home</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Unable to afford/obtain correct uniform</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Homelessness</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Other</b> (give details below)	Yes / Not yet Who by? When?	Yes / Unsure / No	

### *Academic issues*

<b>Poor academic performance</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Undiagnosed or suspected SEND</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Unmet academic needs</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Issues with staff</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Frequently excluded</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Other</b> (give details below)	Yes / Not yet Who by? When?	Yes / Unsure / No	

### *Social issues*

<b>Bullying</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Issues with peer group</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Issues with personal relationships</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	

<b>Potentially involved in gangs/criminal activity</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Doesn't feel safe on journey to/from school</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Other (give details below)</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	

### ***Transport problems***

<b>Too far to travel</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Lacking a reliable means to get to school</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Cannot afford transport costs</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Doesn't feel safe on school/public transport</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Other (give details below)</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	

### ***Pupil factors***

<b>Low self-esteem/ confidence</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Low aspirations</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Poor morning routines</b>	Yes / Not yet Who by? When??	Yes / Unsure / No	
<b>Poor sleeping patterns</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Gender/sexuality anxieties</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	
<b>Other (give details below)</b>	Yes / Not yet Who by? When?	Yes / Unsure / No	

## Appendix C : EWO 1 template for lates

Dear Parent/Carer

**Pupil Name:** «Child\_Forename1» «Child\_Surname»  
**DOB:** «ChildDOB»  
**School:** «School»

I have recently been checking school registers and am becoming concerned about «Child\_Forename1»'s record of lateness.

Below is a summary taken from the school register relating to the period between 01/01/2021 and 31/03/2021.

**There is a legal responsibility for parents to ensure that their children attend school regularly, and it is the responsibility of the Local Authority to ensure this happens.**

**Number of late sessions before registration closes**

**Number of late sessions after registration closes  
classed as unauthorised absence**

**Overall attendance (%)**                      %

There may be reasons why this is occurring and to resolve the problem, you might wish to discuss the matter with school staff. However, if you think it would be helpful to talk to me, then please telephone me on the number below and I will make arrangements to see you. I have to remind you that it is your responsibility to ensure that your child/children attend(s) school on time.

Yours sincerely



## Appendix D : EWO 1 template for attendance

Dear Parent/Carer

Pupil Name:

DOB:

Our school's attendance registers are reviewed regularly, so that we are able to contact you at the earliest opportunity if we notice that your child's attendance has started to dip.

When we looked at the registers on Insert date, child's name attendance was at ...%.

We do recognise and appreciate that children have minor childhood illness and individually they are affected in different ways. However, it is known that even a few days absence can have an impact, and if this becomes a regular occurrence, a child's social, emotional interaction and academic attainment can all be affected.

Please be assured that we are here to support your child's school experience and to help them be happy and to reach their potential. If you think it would be helpful to talk in confidence to a member of school staff about any issues that may be impacting on your child's attendance, please contact the school office.

Yours sincerely





## Appendix E Addressing Poor Attendance and Punctuality Flowchart

Daily monitoring of absence. If an absence is unexplained:

- follow up with emails, phone calls, texts to any of the pupil's emergency contacts
- Where appropriate conduct safe and well checks, home welfare checks (pupil identified as vulnerable)
- Where appropriate log/report concerns with police, support services, safeguarding.



Weekly monitoring shows attendance or punctuality patterns of concern (e.g. PA, unauthorised holiday, pattern of lates)

- Decide approach (e.g. informal discussion, use of Appendix C and D letters) and communicate information for why attendance and punctuality is so important
- For unauthorised holiday submit Appendix A (LOA) and registration certificate (signed by Headteacher) to local authority for a penalty notice
- If pupil has been recorded as absent for 10 sessions (5 school days) within 10 school weeks (consecutive or accumulative) with one of, or a combination of the following codes (G holiday not authorised; N - no reason provided; O absent without authorisation; U - late after registration closed) submit information to local authority for a penalty notice following LA Code of Conduct Appendix F



If patterns persist without an upward trend :

- hold regular meetings and reviews to remove barriers (use Appendix B where appropriate). Celebrate successes where you can and continue to communicate benefits of attendance and punctuality.
- Signpost to Early Help, Integrated Practitioner Meetings (assigned by LA to be Targeting Support Meetings), wider support services, Local Authority Education Access Service. Follow Safeguarding procedures as appropriate.

## Appendix F:

# Shropshire Code of Conduct for Issuing Penalty Notices September 2024

## 1. Introduction

This document sets out the code of conduct for issuing fixed penalty notices for irregular school attendance in Shropshire. It is based on the national framework for penalty notices as published in the Department for Education's statutory guidance, 'Working Together to Improve School Attendance'. It also incorporates the changes made by the Education (Penalty Notices) (England) (Amendment) Regulations 2024, which came into force on 19 August 2024. The purpose of this code of conduct is to ensure that penalty notices are issued in a fair, consistent and transparent manner across Shropshire. It also aims to prevent the need for court action in some cases by providing an alternative to prosecution for parents who fail to ensure their child's regular attendance at school or alternative provision. This code of conduct applies to all state-funded schools in Shropshire, including maintained schools, academies, pupil referral units and alternative provision. It also applies to any person who is authorised to issue penalty notices on behalf of the local authority.

## 2. Legal basis and rationale

Under section 444 of the Education Act 1996, parents have a legal duty to ensure that their child of compulsory school age receives a suitable education, either by regular attendance at school or otherwise. Compulsory school age is defined as commencing at the start of term on or after a child's fifth birthday and concluding on the last Friday in June of the school year in which the pupil becomes 16.

Under section 444A of the Education Act 1996, the local authority may issue a penalty notice to a parent who fails to comply with this duty. A penalty notice is a fine that can be paid by the parent to discharge their liability for the offence. If the penalty notice is not paid within the specified time, the local authority must either prosecute the parent for the original offence or withdraw the notice.

Under section 105 of the Education and Inspections Act 2006, the local authority may also issue a penalty notice to a parent whose child is in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion from school.

The Education (Penalty Notices) (England) Regulations 2007 and the Education (Penalty Notices) (England) (Amendment) Regulations 2024 set out the procedures and conditions for issuing penalty notices for school absence. They also specify the amount of the penalty, the time limits for payment and the circumstances in which a penalty notice may be withdrawn.

The national framework for penalty notices is based on the principles that a penalty notice should only be used in cases where:

- support is not appropriate (e.g. a term time holiday) or where support has been provided and not engaged with or has not achieved the desired outcome, and
- where it is the most appropriate tool to change parental behaviour and improve attendance for that particular family.

The rationale for using penalty notices is to provide a swift and effective intervention that can prevent the need for more serious legal action. Penalty notices can also act as a deterrent to parentally condoned absence and encourage parents to work with schools and other agencies to address the underlying causes of poor attendance

## 3. Parental responsibility

Section 576 of the Education Act 1996 defines "parent" as:

*All natural (biological) 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.*

Where this guidance refers to a parent, the school and/or LA will need to decide which adult is most appropriate to work with.

Generally, parents include:

- all natural parents, whether they are married or not,
- all those who have parental responsibility for a child or young person,
- those who have day to day responsibility for the child (i.e. lives with and looks after the child).

A penalty notice can be issued to each parent liable for the offence or offences.

## 4. Schools' responsibility

Under Section 13, part 7, of The School Attendance (Pupil Registration) (England) Regulations 2024, the Proprietor of a school must make a return to the local authority (an "attendance return") giving the full name and address of every registered pupil who is not a boarder and who, since the last time an attendance return was made in relation to the school has failed to attend the school regularly, including where a pupil has been absent from school for a continuous period of at least 10 school days and this absence is recorded in the attendance register exclusively using one or more of the following codes:

Code G (absent without leave for the purposes of a family holiday);

Code N (absent in circumstances not yet established);

Code O (absent in other circumstances);

Code U (absent at registration but arrived later).

**For state schools, returns are submitted automatically through the DfE portal to fulfil this duty.**

**For independent schools, the local authority will request that a return is submitted at predetermined intervals.**

## 5. Circumstances and criteria for issuing penalty notices

**When the national threshold is met**, the local authority may consider issuing a penalty notice for irregular school attendance in the following circumstances:

When a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks, with one of, or a combination of, the following unauthorised absence codes:

G (holiday not authorised)

N (no reason yet provided for absence)

O (absent from school without authorisation)

U (late after registration closed)

- The sessions can be consecutive or accumulative over a 10-week period.
- The period of 10 weeks can also span different terms or school years on a rolling basis.
- When a pupil has been absent without authorisation for the purpose of a holiday in term time and the headteacher has not granted leave of absence.
- When a pupil has been found in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion.

- When a pupil has been absent without authorisation for other reasons, such as birthdays, family events, shopping trips, etc., and the local authority believes that a penalty notice would be appropriate and in the public interest.

The local authority will apply the following criteria for issuing penalty notices:

- The penalty notice will be issued by an authorised officer of the local authority, either by post or by hand delivery.
- The penalty notice will be issued to each parent of the pupil who is liable for the offence, regardless of which parent applied for a leave of absence or condoned the absence.
- The penalty notice will be issued within 6 months of the last session of unauthorised absence.
- The penalty notice will be issued in accordance with this code of conduct and the national framework for penalty notices.
- The penalty notice will be issued only after an initial assessment of the case and consideration of the key factors by the issuing Officer, such as the level and pattern of absence, the availability and effectiveness of support, the impact of the penalty notice on the parent and the pupil, the obligations under the Equality Act 2010 and the public interest.
- The penalty notice will be issued only after a warning notice or a notice to improve has been given to the parent unless the absence is due to an unauthorised holiday in term time or being present in a public place when excluded.
- The penalty notice will be issued only after consultation with the school and, where appropriate, other relevant agencies.
- The penalty notice will not be issued if the parent can provide evidence of reasonable justification for the absence, such as illness, medical appointments, religious observance, bereavement, etc.
- The penalty notice will not be issued if the pupil is registered at more than one school and the absence is authorised by one of the schools.
- The penalty notice will not be issued more than twice to the same parent in respect of the same pupil within a three-year period. If the national threshold is met for a third or subsequent time within three years, alternative legal action will be considered, such as prosecution or an education supervision order.

### ***When the national threshold is not met***

If, in an individual case, the local authority believes a penalty notice would be appropriate, it retains the discretion to issue one before the threshold is met.

Circumstances where this may apply include (not exhaustive):

- Several term-time holidays below the threshold.
- Repeated absence for birthdays or other family events.
- Where the police, anti-social behaviour teams, neighbourhood teams or similar have reason to believe that an offence has been committed under section 444(1) of the education act 1996 and this relates to a relevant school, and on subsequent investigation of the circumstances by the LA concludes the absence(s) constitute an offence (there are no authorised circumstances).

**In all cases the local authority retains the discretion to consider going straight to prosecution.**

## 6. Amount and payment of penalty notices

The amount of the penalty is £160 if paid within 28 days of receipt of the notice, reduced to £80 if paid within 21 days. The penalty must be paid in full by the end of the 28-day period. If unpaid after 28 days, the local authority will prosecute the parents.

For a second offence committed by the same parent in respect of the same pupil, the amount will be the higher rate of £160 per parent, per child. The penalty must be paid in full by the end of the 28-day period. If unpaid after 28 days, the local authority will prosecute the parents.

Exception - Penalty notices issued for a child being present in a public place during school hours when excluded from school will be charged at the rate of £160 if paid within 28 days of receipt of the notice, reduced to £80 if paid within 21 days. The penalty must be paid in full by the end of the 28-day period. The same rate will apply if further offences are committed. If unpaid after 28 days, the local authority will prosecute the parents.

The payment must be made directly to the local authority by the methods specified on the notice. The local authority will retain the revenue from the penalty notices to cover the costs of issuing and enforcing them. Any surplus revenue will be used for the purposes of supporting and improving pupil attendance and access to education.

If the penalty is not paid in full by the end of the 28-day period, the local authority must either prosecute the parent for the original offence under section 444 of the Education Act 1996 or withdraw the notice. There is no right of appeal against a penalty notice.

## 7. Withdrawal of penalty notices

The local authority may withdraw a penalty notice in the following circumstances:

- It ought not to have been issued, i.e. it was issued outside the terms of this code of conduct or the national framework, or no offence was committed.
- It was issued to the wrong person or contains material errors.
- It was issued in respect of a pupil who is registered at more than one school and the absence was authorised by one of the schools.
- It was issued in respect of a pupil who is receiving suitable education otherwise than at school, such as home education, alternative provision or elective home education.
- The parent can provide evidence of reasonable justification for the absence, such as illness, medical appointments, religious observance, bereavement, etc.

If a penalty notice is withdrawn, the local authority will notify the parent and the school in writing and will consider taking alternative legal action if appropriate.

## 8. Monitoring and review

The local authority will monitor the implementation and effectiveness of this code of conduct on an annual basis. The local authority will also review the code of conduct in consultation with schools and other stakeholders at least every three years or whenever there are changes to the national framework or the relevant legislation.