

Leverton Church of England Academy



Attendance & Punctuality Policy

Introduction

Leverton Church of England Academy is a successful school and your child plays their part in making it so. We aim for an environment, which enables and encourages all members of the school community to reach out for excellence. For our children to gain the greatest benefit from their education it is vital that they attend regularly and your child should be at school, on time, every day the school is open unless the reason for the absence is unavoidable.

It is very important therefore that you make sure that your child attends regularly and this policy sets out how together we will achieve this.

Why regular attendance is important

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning, pupil absence can disrupt teaching routines. Ensuring your child's regular attendance at school is **your legal responsibility** and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

Your child may be at risk of harm if they do not attend school regularly. Safeguarding the interests of each child is everyone's responsibility. We all have a duty of care to promote the welfare and life opportunities for each child.

Failing to attend school on a regular basis will be considered as a safeguarding matter.

Roles and responsibilities

Parents and Carers:

- Ensure their child attends regularly and on time
- Work with the school where attendance is an issue
- Work with the Targeted Support service as appropriate
- Ensure that your child arrives at school before the start of the school day.
- Inform the school office on the first day of absence, no later than 9.15am, why your child will not be in school.
- Ensure if your child is late; they are brought to the office so they can be registered and their late arrival recorded.

Class Teacher:

- To record and monitor any patterns/changes in a child's attendance and raise this with the attendance officer.
- Complete the register daily and accurately with the correct coding and reason given if known.
- Inform the office
- staff as soon as possible of any children that are absent without explanation.

Headteacher:

- Monitor the whole school attendance and look for patterns in pupil absence
- Liaise with parents/carers to help improve attendance – this may include a home visit

- To ensure a consistent and reinforced message is delivered to parent, carers, children and the school community
- Keep governors informed about attendance within the school via the Head teacher's report

Attendance Officer

- Half termly monitoring of attendance raising any concerns with the Headteacher
- Family liaison and support to improve children's attendance
- Attend attendance meetings with Headteacher
- To ensure the computerised administration system is working effectively
- To provide regular attendance data for the Headteacher, Governors, Class Teacher and parents/carers
- To prepare any necessary correspondence with parents
- Report individual attendance to parents on a termly basis or more regularly if attendance is causing a concern.
- To inform the Headteacher of any significant individual concerns so more detailed analysis of attendance/patterns can be checked
- To process requests for absences
- To pursue reasons for absence on the first day in the interest of child safety, when the Parents/Carers have not informed the school

Targeted Support/Family Service Enforcement Lead

- Work with the school to help improve the school's attendance figures
- Work with the Headteacher and the Class Teacher to follow up poor attendance of individual children
- Make home visits and maintain contact between home and school
- Prosecute the Parent or Carers of children whose attendance falls below an acceptable level

Celebrating and rewarding good attendance

Whole school attendance is celebrated in our Friday celebration Assembly, displayed in the hall. Each class has a school ambassador that helps promote good attendance to be in with a chance to win our class termly award.

Each term all children with 100% attendance will be added to the prize draw to win a family voucher.

Absences

The **school, not parents/carers**, determine if an absence can be authorised. All avoidable absences will be discouraged but initially any attendance that falls below 95% within a term will trigger an investigation into the cause and appropriate action taken. The Department for Education (DfE) classifies any attendance that falls below 90% as persistent absence. The Leverton Church of England Academy Attendance guidance provides further information as an appendix to this policy (appendix 1).

The following would be classed as an authorised absence:

- Genuine illness
- Hospital appointments
- Non-routine dental appointments that cannot be made during the school holidays (children are encouraged to come to school before/after their appointment where possible)

- Family funeral/bereavement
- Cultural/religious observations
- External examinations such as dance, music or sporting exams

The Law and School Attendance

The DfE has made amendments to the School Attendance Regulations 2006. These amendments to the legislation **remove** the reference to 'special circumstances' of up to ten days leave (which maybe for the purpose of a family holiday). The existing regulations now only allow the Headteacher to authorise any leave of absence during term time if there are 'exceptional circumstances' as determined by the Headteacher.

Only schools can authorise an absence is exceptional circumstances.

These are some examples of unauthorised absences **NOT** considered 'exceptional circumstances':

- Family holidays
- Shopping
- Birthdays
- Parental/sibling illness/appointments
- Woke up late/tired

Evaluation

This policy will be reviewed every year in the Autumn Term to ensure it is still up to date and relevant.

Leverton Church of England Academy Attendance Guidance (appendix 1)

Aims of the attendance policy:

- For all children to attend school as often as possible (98%)
- For the average whole school attendance to be above 96%
- Please note: under the new guidance when a child's attendance falls below 90%, the DfE classifies this as 'persistent absence'.
- Everyone in school has a responsibility to improve or maintain excellent attendance and adults in school should model these expectations as well as encourage them.

Daily Actions

- School starts at 8:50am (school gates open from 8:45am). Registration is taken at 8:50am
- School gates close at 8:50am. Any child arriving after this time needs to be brought to the school office so that they can be signed into the class register.
- Any child arriving up to 9:15am will be given a late mark (L) in the register.
- Any child arriving after 9:15am will be given a U mark denoting a late after the register closes.
- If a child is absent, Parents and Carers are asked to inform school as soon as possible so that the reason for their absence is known and can be recorded in the register correctly. Parents and Carers should give an expected date of return to school, or **inform the school each day of their child's continued absence.**
- If a call has not been received by 9:15am, then a member of staff from the school office will contact the parent/carer to find out the reason for a child's absence. This is not only to find out the reason for the absence, but also complies with our Whole School Safeguarding policy whereby it is vital we know that we know that all children are safe with either their Parents or Carers and not in a situation that may endanger them. If we are unable to contact a parent then an on the day safe and well welfare home visit will be undertaken by 2 members of staff. If there is no reply at the home address a welfare visit letter will be posted through the door informing the parents/carers we have visited to carry out the safe and well check.
- During this correspondence the member of staff may ask the Parent or Carer if there is any support or help that the school can provide to the child attend school and may ask if there are any difficulties that the school should be aware of in the interests of your child's safety and attendance at school. If the school feel it is appropriate, the member of staff has an obligation to suggest when a child should be at school (rather than off). The school does not have to accept reasons given for absence and may ask for proof of doctors or other appointments. Even when provided with a reason or evidence the absence may be record as unauthorised if staff members believe it to be the correct course of action.

- If a Class Teacher is told the reason for a child's absence directly, they will enter the reason into the notes on the Class Register. The Class Teacher is responsible for the correct administration of the register and must put the correct code in wherever possible. Registers are a legal document that must be completed by 9.00am and 1.15pm daily.
- For the afternoon sessions, all these actions are completed by 1.15 pm.
- At all times, we will act in a fair and consistent manner, adhering to the principles within Nottinghamshire's Code of Conduct and their Attendance Toolkit.

Weekly actions:

- The Attendance Officer monitors weekly attendance, checking for gaps and errors.

Half-termly actions:

- Each half term pupils whose attendance or punctuality is causing concern will be identified and the Parents or Carers contacted (see example letters below).
- If appropriate, a member of staff will talk to children with low attendance to explore their issues around school and how they can improve their attendance.

Other actions:

- Staff will highlight children with attendance below 90% at parent's evenings. Staff will not talk in detail about attendance but will point out the impact this will have on their child's progress. If a Parent or Carer then wishes to discuss their child's attendance further after this meeting, they can then discuss this with Headteacher and attendance officer at an agreed time
- Use the school's positive behaviour rewards to help with this where appropriate. If a class has a child with very significantly poor attendance, that child is excluded from the weekly totals so as not to discourage the rest of the class. The class with the best attendance over each half term will be rewarded with an activity of their choice.

Actions taken when attendance/punctuality is causing concern:

- Attendance begins to cause a concern when a child is absent for a number of sessions that would lead to attendance falling below 95%, has an identifiable pattern of absence (e.g. most Fridays), or changes suddenly without explanation.
- The thresholds for our school attendance are:
 - Excellent attendance = 98% and above

- Good attendance = 97.9% - 95%
 - Below average attendance = 94.9% - 92%
 - Attendance causing concern = below 92%
 - Attendance causing significant concern in relation to persistent absence (a referral to targeted support maybe made) = 90% and below
- At the point when a child's absence falls below 95% for the year to date, Letter A and a copy of the detailed attendance record will be sent home to parents to inform them of their child's attendance and how this may impact upon their learning. This letter also informs Parents or Carers that we may not authorise any absence without appropriate evidence (appointment cards, prescriptions etc.).
 - We will then start monitoring a child's attendance on a rolling 6-week period and, if attendance does not improve over this period, we will issue a warning letter (Letter B). This warning letter will also ask the parents/Carers to come into school and meet with the Headteacher and the attendance officer to discuss their child's absence and if the school can help with improving attendance in any way.
 - If the parents/Carers do not reply to the warning letter (letter B) then a further letter will be sent (letter C) explaining that if the parents have not made contact to arrange a meeting within a week of the date of the letter a referral to Targeted Support/Family Services is being made due to non-engagement.
 - If, at any time, there are wider concerns about the child's welfare then safeguarding procedures should be started immediately in line with the Safeguarding policy.

Fixed penalty notices for unauthorised absences

- If a Parent/Carer, requests to take their child on holiday during school time due to exceptional circumstances they must complete the Leave of Absence request form (Appendix 3) and return it to the school office.
- The Headteacher, on an individual basis, will consider this request to decide if it meets the criteria for exceptional circumstances. A letter will then be written to the parent either authorising (letter D) or not-authorising (letter E) the holiday request.
- If the request is unauthorised and the parent still take s the child out of school for the holiday and they miss more than 6 sessions (3 days) then a letter will be sent to the Local Authority to request that a Penalty Notice is issued to the Parents/Carers (letter F).
- The school follows the 'Nottinghamshire Local Code of Conduct for penalty notices issued in respect of truancy and excluded pupils'. A copy of this can be found in Appendix 4 to this policy.

Example letter A: Attendance causing concern (below 96%)

Date.....

Dear

Dear XXXX,

The registers at Leverton Church of England Academy show that, to date, XXX has missed XX sessions of school and their attendance figure has fallen below 95%. As set out in our Attendance Policy, this is classed at a level, which is below average, and therefore of a concern in relation to the impact this could have on your child's learning and progress.

As a result, XXX attendance will be monitored over the next 6 weeks from the date of this letter. If your child's attendance does not improve during this period, then a further letter will be sent to you requesting an attendance meeting with the attendance officer and myself. During this monitoring period, appropriate evidence may need to be produced to authorise absences e.g. appointment cards, prescriptions etc. If there are any circumstances that we are not aware of that may affect your child's attendance that we may be able to support with please do not hesitate to get in touch.

If an absence is not authorised by the school, the pupil's attendance is deemed to be irregular. Under section 444 of the Education Act 1996, if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly, his/her parent/carer (s) are guilty of an offence. Please also note that if you have more than one child, each child's irregular attendance is dealt with as a separate matter.

The Local Authority may take formal action against you for failure to comply with the law. Penalty notices are issued as an alternative to prosecution, but may not be issued if prosecution is a more appropriate response to the attendance issues.

Therefore, your child's irregular attendance could result in one of the following actions:

1. A Penalty Notice being issued. Each penalty notice is £60 if paid within the first 21 days, rising to £120 if paid between 22-28 days. Failure to pay will result in prosecution
2. Prosecution. This could lead to fines of up to £2500 and/or 3 months imprisonment

We want every child at Leverton Church of England Academy to achieve their full potential and therefore continue to strive for good punctuality and attendance to support this.

Thank you for your support in this matter.

Yours sincerely

Mrs R Longworth

Headteacher

Example letter B: Attendance continuing to causing concern

Date.....

Parents Address

Dear XXX

In relation to my previous letter dated XXXX your child's attendance has been monitored. The registers indicate that he/she has missed XX sessions this academic year due to absence. XXX overall attendance figure is XXX%.

If an absence is not authorised by the school, the pupil's attendance is deemed to be irregular. Under section 444 of the Education Act 1996, if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly, his/her parent/carer (s) are guilty of an offence. Please also note that if you have more than one child, each child's irregular attendance is dealt with as a separate matter.

The Local Authority may take formal action against you for failure to comply with the law. Penalty notices are issued as an alternative to prosecution, but may not be issued if prosecution is a more appropriate response to the attendance issues.

Therefore, your child's irregular attendance could result in one of the following actions:

3. A Penalty Notice being issued. Each penalty notice is £60 if paid within the first 21 days, rising to £120 if paid between 22-28 days. Failure to pay will result in prosecution
4. Prosecution. This could lead to fines of up to £2500 and/or 3 months imprisonment attendance figures.

We want every child at Leverton Church of England Academy to achieve their full potential and therefore continue to strive for good punctuality and attendance to support this.

Thank you for your support in this matter.

Yours sincerely

Mrs R Longworth

Headteacher

Example letter C: Attendance continuing to causing concern & non-attendance to meeting

Date.....

Parents Address

Dear

In relation to my previous letter dated..... you have failed to contact the school to arrange an attendance meeting with myself and the attendance office to discuss ways to improve attendance.

Therefore, I am referring the case to the Local Authority Targeted Support team to investigate and advise on the next cause of action.

We want every child at Leverton Church of England Academy to achieve their full potential and therefore continue to strive for good punctuality and attendance to support this.
Thank you for your support in this matter.

Yours sincerely

Mrs R Longworth
Headteacher

Example letter D – Authorised exceptional circumstances

Date

Parents Address

Dear XXX

I note your application to take XXX out of education for 8 days to go on holiday. Schools are only allowed to agree a level of absence during term time in exceptional circumstances.

I have considered your application and feel it meets the exceptional circumstances criteria due to explanation given on the leave of absence form. Therefore, on this occasion your request has been granted and the absence will be authorised.

Please note this is a one off exception and does not guarantee that future holidays will be authorised and an application should be made for any further requests.

If an absence is not authorised by the school, the pupil's attendance is deemed to be irregular. Under section 444 of the Education Act 1996, if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly, his/her parent/carer (s) are guilty of an offence. Please also note that if you have more than one child, each child's irregular attendance is dealt with as a separate matter.

The Local Authority may take formal action against you for failure to comply with the law. Penalty notices are issued as an alternative to prosecution, but may not be issued if prosecution is a more appropriate response to the attendance issues.

Therefore, your child's irregular attendance could result in one of the following actions:

5. A Penalty Notice being issued. Each penalty notice is £60 if paid within the first 21 days, rising to £120 if paid between 22-28 days. Failure to pay will result in prosecution
6. Prosecution. This could lead to fines of up to £2500 and/or 3 months imprisonment

Yours sincerely

Mrs R Longworth

Headteacher

Letter E – Non Authorised Leave of absence

Date

Parents Address

Dear XXX

I note your application to take XXX out of education for XXX days for XXX on date. Schools are only allowed to agree a leave of absence during term time in exceptional circumstances.

I have considered your application and do not feel it meets the exceptional circumstances criteria and therefore your request has been declined. Should you decide to remove XXX from school on the dates indicated in your application their absence will be marked in the register as unauthorised.

An unauthorised leave of absence of more than 3 days/6 sessions (over a 6 week rolling period) for the purpose of a family holiday will lead to you being issued with a penalty notice fine of up to £120 for each child aged 5 and above who is absent. The fines can be issued to both parents for each child.

If an absence is not authorised by the school, the pupil's attendance is deemed to be irregular. Under section 444 of the Education Act 1996, if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly, his/her parent/carer (s) are guilty of an offence. Please also note that if you have more than one child, each child's irregular attendance is dealt with as a separate matter.

The Local Authority may take formal action against you for failure to comply with the law. Penalty notices are issued as an alternative to prosecution, but may not be issued if prosecution is considered to be a more appropriate response to the attendance issues.

Therefore your child's irregular attendance could result in one of the following actions:

1. A Penalty Notice being issued. Each penalty notice is £60 if paid within the first 21 days, rising to £120 if paid between 22-28 days. Failure to pay will result in prosecution.

Prosecution. This could lead to fines of up to £2500 and/or 3 months imprisonment

Yours sincerely

Mrs R Longworth

Headteacher

Letter F – Penalty Request Letter

Date

Home Address

Dear XXX,

On **date of original letter** we wrote to you to explain that Leverton C of E Academy would not authorise **XXX** absence from school for **XX days for a family holiday**. We also informed you that this could lead to a Penalty Notice being issued to you.

I am now writing to advise you that a request has been made to the Local authority to issue a Penalty Notice for failing to ensure that your children attend school regularly.

Should you wish to discuss any of the above, please do not hesitate to contact me.

If an absence is not authorised by the school, the pupil's attendance is deemed to be irregular. Under section 444 of the Education Act 1996, if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly, his/her parent/carer (s) are guilty of an offence. Please also note that if you have more than one child, each child's irregular attendance is dealt with as a separate matter.

The Local Authority may take formal action against you for failure to comply with the law. Penalty notices are issued as an alternative to prosecution, but may not be issued if prosecution is a more appropriate response to the attendance issues.

Therefore, your child's irregular attendance could result in one of the following actions:

1. A Penalty Notice being issued. Each penalty notice is £60 if paid within the first 21 days, rising to £120 if paid between 22-28 days. Failure to pay will result in prosecution
2. Prosecution. This could lead to fines of up to £2500 and/or 3 months imprisonment

Yours sincerely

Mrs R Longworth

Headteacher

Leave of Absence Request Form

This form should be completed and submitted with two weeks of the start of the proposed leave of absence.

Parent & Carers are reminded that Leave of Absence taken without permission may result in the issuing of fixed penalty fines by the Local Authority of up to £120 per parent per child.

Parents are also reminded that Leave of Absence for the purpose of holidays in term time can no longer be granted except in the most exceptional circumstances.

Please attach a copy of appointment letter/card in the case of medical/dental appointments.

Name of child:	
Class:	
Name of Parent(s):	
Address:	
Telephone Number:	
Start date of proposed leave of absence:	
End date of proposed leave of absence:	
Number of days requested:	
Reason for request:	

Signed _____

Dated _____

**NOTTINGHAMSHIRE LOCAL CODE OF CONDUCT
FOR PENALTY NOTICES ISSUED
IN RESPECT OF TRUANCY AND EXCLUDED PUPILS
(appendix 4)**

INTRODUCTION:

1. The purpose of this local code of conduct is to ensure that the power to issue penalty notices is applied consistently and fairly across the local authority area and that suitable arrangements are in place for the administration of the scheme.

For the purpose of this Code of Conduct the term “school” refers to any primary or secondary phase school regardless of their status as maintained, academy or Independent Sector as well Special Schools, Free schools and Studio Schools or Pupil Referral Unit.

2. A penalty notice is a suitable intervention in circumstances where the parent is judged capable of securing their child’s regular attendance at school or whereabouts during school hours but is not willing to take responsibility for doing so. For example this may include situations where the parent fails to engage with any voluntary or supportive measures proposed to address the non-attendance, act following a warning or notification of a child’s absence from school or make adequate arrangements for the whereabouts of their child.
3. The following may issue penalty notices, although there is no requirement for them to do so:
 - authorised local authority staff;
 - head teachers and school staff authorised by them (limited by regulations to deputy and assistant heads); and
 - the police, community support officers and accredited persons.
4. Head teachers wishing to issue, or authorise their staff to issue, penalty notices should first discuss this with their school’s governing body. **Schools deciding to issue penalty Notices themselves should ensure that this is made clear to parents/carers and is reflected in their Attendance and Behaviour Policy.**
5. Any Penalty Notice issued or requests to the Local Authority for a Penalty Notice to be issued, must comply with the Local code of conduct.

As outlined in the regulations the payment of all monies for Penalty Notices go to the Local Authority.

6. The issuing of a penalty notice must not conflict with other intervention strategies or legal proceedings that are already in process.

LEGAL BASIS FOR ISSUING PENALTY NOTICES

7. This code of conduct has been drawn up to comply with The Education (Penalty Notices) (England) Regulations 2007 that came into force on 1st September 2007. These regulations were subsequently updated in 2012 and 2013.
8. This code of conduct applies to the parents of children of compulsory school age who are registered at a maintained school, a pupil referral unit, an Academy, a city technology college, or a city college for the technology of the arts and those attending alternative provision.

Definition of a parent

9. All those recognised as a parent under section 576 of the Education Act 1996 are parents for the purposes of this code of conduct. A penalty notice may be issued to each parent liable for the offence or offences.

Parental responsibility for regular school attendance

10. Sections 444A and 444B of the Education Act 1996 (introduced by section 23 of the Anti-social Behaviour Act 2003) introduced penalty notices as an alternative to prosecution under section 444. Parents may discharge their potential liability for conviction for an offence under section 444 by paying a penalty.

There is no legal requirement for a penalty notice to be issued before proceeding to prosecution through the magistrate's court.

Parental responsibility for the whereabouts of excluded pupils

11. Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion.

The **Attendance Register** is a **Legal Document** and must be treated as such at all times. The register **must** be maintained as a wholly accurate and current record of an individual student's education provision and their attendance at that provision.

ISSUING PENALTY NOTICES

12. In Nottinghamshire, both the Local Authority (through the Family Service) and Schools can issue penalty notices.

Any School deciding to issue a Penalty Notice is responsible for:

- keeping accurate records as outlined in the Penalty Notice Toolkit and Guidance
- ensuring that the maximum number of notices issued to a parent as set out in this document is not exceeded,
- ensuring that a notice is not issued where court proceedings are being considered and that duplicate notices are not issued.

The Local Authority through the Family Service will be responsible for the collection of the penalty and where a Penalty Notice is unpaid (and the code of conduct has been followed in the issuing of the penalty) will take legal action under section 444(1) of the Education Act 1996 for the original offence.

Please Note: Nationally a high proportion of Penalty Notices (almost 50%) are unpaid and therefore may result in prosecution through the magistrate's court for the original offence. Therefore it is essential that there is good written evidence that **(a)** the parent knew of the consequences of the absence and **(b)** that in the case of general unauthorised absence the parents/family were offered the opportunity to discuss and receive support to identify and overcome any barriers to school absence).

ISSUING PENALTY NOTICES FOR TRUANCY

12. Warning Letters and Penalty Notice Fines may be issued as follows:

Persistent Absence

Once a child has reached 3 days (6 sessions) unauthorised absence over a 6 week rolling period, the school can issue or ask the Local Authority to issue a warning letter. The letter will make it clear that any further absence may result in the issuing of a Penalty Notice to each parent for each child to whom persistent absence applies.

It is advised that the monitoring period for warning letters should be 12 weeks with the school will take the lead in monitoring this.

If the unauthorised absence persists and then rises to 5 days (10 sessions) over a 6 week rolling period then the school can issue or ask the Local Authority to issue Penalty Notices to each parent for each child to whom persistent absence applies.

In these cases the Local Authority may also consider what services or measures may be provided to prevent or reduce further unauthorised absence including support and interventions through the Family Service.

Holidays During School Term Time

If the school has evidence that a parent has removed a child from school for the purposes of a holiday during term time without authorisation and the level of absence is in excess of 3 days (6sessions) in total over a 6 week rolling period, then the school can issue or request the Local Authority to issue Penalty Notices to each parent for each child to whom unauthorised absence applies.

The standard of evidence required will be the same as that required for court cases brought under section 444(1) of the Education Act 1996.).

The evidence should include a warning to the parent/s at the start of the 6 week time period and a record of support offered to the parent/s.

Where a penalty notice is unpaid with the 28 day deadline, it will be necessary for the person who issued a penalty notice to provide evidence for the court case by way of a Section 9 Statement (a witness statement admissible in court under the Criminal Justice Act and the Magistrates' Courts Act and Rules).

An Enforcement Lead from the Family Service will consult with the person providing the Section 9 Statement and offer guidance as required and arrange for the Section 9 Statement to be completed in the appropriate format.

If the defendant requests the author of a Section 9 Statement to be present at the court hearing the Local Authority will notify the person concerned as soon as such a request is made.

15. A parent will be issued with no more than two penalty notices, relating to the same child, within a twelve month period.

Where notices are issued by the Local Authority:

16. The Family Service Enforcement Lead for each area will receive requests for penalty notices to be issued from those persons authorised to issue such notices and will oversee the process.

17. Where the issue of a penalty notice is requested it will be necessary for the Family Service Enforcement Lead to receive details of the pupil's absence and the evidence that will be available to present to the magistrates' court should the penalty be unpaid.

Where notices are issued by the School / Academy:

18. The designated person authorised by the Head Teacher to issue a Penalty Notice will oversee the process.
19. **Before the issue of a penalty notice is requested it will be necessary for the designated person to check the pupil's absence and the evidence that will be available to present to the magistrates' court should the penalty be unpaid.**
20. Where a penalty notice has been issued the designated person will provide a copy to the Family Service Enforcement Lead within one week.
21. The Family Service Enforcement Lead will monitor payment of the penalty and where payment is not received the LA will prosecute for the offence to which the notice applies or withdraw the notice (which can only be done in limited circumstances). All fines must be paid within the required timescales as set out in the national regulations. **There will be no flexibility to allow for the late payment of fines**

Please Note: The Local Authority will only prosecute those cases where the Code of Conduct has been followed fully in the issuing of the Penalty Notice.

ISSUING PENALTY NOTICES FOR EXCLUSION

22. For notices issued by the Local Authority, The Family Service Enforcement Lead for each area will receive requests for penalty notices to be issued from those persons authorised to issue such notices and will oversee the process.
23. Where penalty notices are issued by the school, the designated person authorised by the Head Teacher will oversee the process of issuing the notice in line with the Code of Conduct.
24. A penalty notice may only be issued when there is no reasonable justification for the child being in public at the times set out in the next paragraph. Reasonable justification may include pre-arranged medical and dental appointments or emergency appointments. It might also be necessary for a child to accompany a parent with similar appointments if the parent considers it inappropriate to leave the child unsupervised. Attendance at a court hearing or an interview at a police

station or with the Youth Offending Service may also provide reasonable justification.

25. Where a penalty notice is requested by a school, it will be necessary for the Family Service Enforcement Lead to receive from the school evidence that a notice under section 104 of the Education and Inspections Act 2006 has been given to a parent of the pupil.

Where the school is issuing the Penalty Notice, the designated person in school is responsible for checking that a notice under section 104 of the Education and Inspections Act 2006 has been given to a parent of the pupil.

In addition to the above, the person issuing the notice must have evidence that the excluded pupil was present in a public place during school opening hours without reasonable justification. The time and date must be provided to ensure that this falls within the time the school at which the pupil is on roll is open and that the incident occurred within the period set out in the notice issued under section 104 of the Education and Inspections Act 2006.

Before requesting or issuing a Penalty Notice the school will need to evidence that they have checked that there was no reasonable justification for the child or young person being in a public place and that the parent had been told verbally or by letter that an excluded child cannot be seen in a public place.

Where a penalty has not been paid, it will be necessary for the person who requested the issue of a penalty notice to provide evidence for the court case by way of a Section 9 Statement (a witness statement admissible in court under the Criminal Justice Act and the Magistrates' Courts Act and Rules).

The Family Service Enforcement Lead for each area will consult with the person providing the Section 9 Statement and offer guidance as required and arrange for the Section 9 Statement to be completed in the appropriate format.

If the defendant requests the author of a Section 9 Statement to be present at the court hearing the LA will notify the person concerned as soon as such requests are made.

26. A parent will be issued with no more than two penalty notices, relating to the same child, within a twelve month period.

ISSUING PENALTY NOTICES FOR PERSISTENT LATENESS:

- 27 A penalty notice may only be issued where a pupil is persistently late for 10 separate instances over a period of six school weeks and where these are signified as a "U" in the attendance register.

28 Schools should make it clear to parents/carers and pupils in their attendance policy what they categorise as being late ("L") and the time after which arrival will be marked as unauthorised absence ("U") in the attendance register.

29 The issuing of Penalty notices will be only in cases where the persistent lateness is marked as unauthorised absence.

WITHDRAWING A PENALTY NOTICE

30. The Education (Penalty Notices)(England) Regulations 2007 limit the circumstances in which local authorities can withdraw penalty notices and the normal response to non-payment of a penalty notice will be prosecution for the offence to which the notice relates.

31. A penalty notice **may only be** withdrawn by the local authority named in the notice as the authority to which payment is to be made. The only circumstances in which a Penalty Notice will be withdrawn include cases in which:

- it ought not to have been issued; or
- it ought not to have been issued to the person named as the recipient; or
- it appears to the authority that the notice contains material errors,
- it interferes with existing intervention strategies or legal proceedings

32. Where a penalty notice has been withdrawn -

- notice of the withdrawal must be given to the recipient; and
- any amount paid by way of penalty in pursuance of that notice must be repaid to the person who paid it.