

Little Paxton Primary School



Policy: Attendance Policy

Last reviewed & approved: October 2015

Next review due: Autumn 2016

1. Statement of Intent

- (i) The school aims to work together with parents to ensure that all children registered at the school attend both regularly and punctually.

2. Parents' Responsibilities

- (i) Parents have a legal duty to ensure that children of compulsory school age attend on a regular and full-time basis.
- (ii) Parents should ensure that if their child is to be absent from school for any unavoidable reason such as sickness they should contact the school as soon as possible by phone call, text, email, letter or in person
- (iii) Parents should try and arrange routine medical appointments outside school hours. If this is unavoidable parents should inform the school prior to the appointment in writing or by email. Children should come to school / return to school before/after their appointment so as to miss as little learning as possible. Absences for medical appointments can only be authorised if a medical appointment card or letter is sent or shown to the office.
- (iii) Parents cannot authorise their child's absence - only the school can do this on the basis of the explanation provided by the parents. (Should parents fail to provide a satisfactory reason for their child's absence the school will record such absence as unauthorised.)
- (iv) Parents should ensure that their child arrives at school in time to come into school for the start of registration at 9.00am. If a child arrives after 9.00 am they must be signed in at the school office by an adult.
- (V) Parents should not book family holidays during term-time. If there is an exceptional circumstance then this should be discussed with the headteacher before booking.

3. School Responsibilities

- (i) The school will record and monitor attendance in accordance both with the statutory requirements and with the principle that regular, uninterrupted attendance is vital to a child's educational progress.
- (ii) Registers will be called twice daily at 9.00 am and 1.00 pm. Any child arriving after the closing of the register (9.15am & 1.05pm) will be recorded as 'unauthorised late' for that session.
- (iii) Teachers will complete registers in accordance with the guidance contained in the staff handbook. Registers will be inspected each day in order to ensure that these are being satisfactorily maintained and monitored monthly to ensure that any potential attendance difficulties are identified at an early stage.
- (iv) Should a class teacher have particular concerns about an individual child's attendance or punctuality they should speak to the headteacher.
- (v) Should a child be absent the class teacher will enter the appropriate code in the register. Should no explanation be received from the child's parent the office staff will endeavour to make contact with the parent by telephone, email or text and record the response in the register. (This is to ensure the child's safety between leaving home and registration) Should this prove impossible the office staff will refer the matter to the headteacher.
- (vi) All absence notes from parents should be initialed by the class teacher and sent to the office with the register. Only notes concerning absences about which there are concerns/queries should be brought to the attention of the headteacher (who may then choose to speak to the parents concerned).
- (vii) The headteacher will collect attendance data on a monthly basis and will use this data during meetings with the school's Education Welfare Officer. These meetings will agree on attendance thresholds and targets and will identify respective tasks and follow-up actions for both the school and the EWO.
- (viii) The school will employ a number of strategies to promote regular, punctual attendance:
 - the headteacher and class teachers will communicate regularly with parents on attendance matters;
 - the staff will work closely with parents to encourage good attendance
 - children's attendance figures will be sent home on a regular basis where there are concerns

- attendance information will be sent to parents and carers via the school website and school newsletters
- Parents will be reminded of the school's attendance policy by letter.
- local authority parents leaflets will be sent to all new parents.

4. **Fixed Penalty Notices**

Little Paxton School has agreed to follow the Cambridgeshire LA guidelines and policies for Fixed Term Penalty notices. Annexes 1 and 2 included below describe the processes and procedures that the school will be following from 1st December 2014.

5. This attendance policy will be reviewed in Autumn 2016

Annex 1

PENALTY NOTICES NON-SCHOOL ATTENDANCE CAMBRIDGESHIRE COUNTY COUNCIL LOCAL AUTHORITY CODE OF CONDUCT

Introduction

1. Under Section 23 of the Anti-Social Behaviour Act 2003 local education authority officers, headteachers and the police have the discretionary power to issue Penalty Notices in cases of unauthorised absence from school.
2. The new power provides an alternative to prosecution of parents under Section 444 of the Education Act 1996 and enables parents to discharge potential liability for conviction for that offence by paying a penalty of £60 if paid within 21 days or £120 if paid within 28 days.
3. Should the Penalty Notice remain unpaid or have been paid only in part at the end of the 28 day period Cambridgeshire County Council must prosecute the parents for the offence to which the notice relates, or, in specified circumstances (see section 29 below), withdraw the notice.
4. Penalty Notices may only be issued in Cambridgeshire in accordance with the terms of this Code of Conduct. The purpose of the Code of Conduct is to ensure that the power is applied fairly and consistently across the County Council and that suitable arrangements are in place for the effective and efficient administration of the scheme.
5. In implementing this Code of Conduct the County Council will liaise when appropriate with neighbouring education and police authorities.
6. This Code of Conduct has been drafted in accordance with the Education (Penalty Notices) (England) Regulations 2004: Statutory Instrument 2004 No 181 and guidance issued by the Department for Education and Skills.
7. In preparing this Code of Conduct the County Council has consulted with Cambridgeshire headteachers and the Chief Officer of Cambridgeshire Constabulary. This complies with The Education (Penalty Notices) (England) Regulations 2007.

Penalty Notices 05.09.2014 amendment in light of changes in Legislation

Circumstances in which Penalty Notices may be issued

8. Penalty Notice may only be issued in relation to a child whose attendance at school has been 85% or below over a 4-week period (6 sessions absent).
9. **UNAUTHORISED ABSENCE:** A Penalty Notice may be issued in cases of nonschool attendance which is unauthorised. Such a notice is intended to offer a rapid intervention, which may be used to address non-school attendance before it becomes entrenched, following guidance in section 13.
10. **UNAUTHORISED TERM TIME LEAVE(includes Holiday):** Any parent who takes a child out of school for term time leave of more than 6 sessions over a 4 weeks period, not authorised by the school (under exceptional circumstances rule), may receive a Penalty Notice. Such cases will have to be supported by evidence of previous unauthorised term time leave taken in the last 3 years and evidence of parents being warned about a potential Penalty Notice.

Procedural guidelines

11. The key consideration in deciding whether to issue a Penalty Notice should be whether it is considered likely to be effective in helping the child to whom it relates to return to regular attendance.

12. Before issuing a Penalty Notice for unauthorised absence (refer section 9), due consideration should be given to other strategies which may help return the child concerned to regular school attendance. Such strategies might include:

- a) writing to the child's parents to remind them of their legal responsibilities;
- b) meeting with the child's parents;
- c) ensuring a first-day response to any absence;
- d) setting targets for improvement;
- e) referral to the Education Welfare Officer;
- f) involvement of other services/agencies.

NB. Above strategies do not apply to term time leave / holiday.

13. The usual response to a first offence would be to warn the parent rather than to issue a Penalty Notice. Authorised officers do, however, have the discretion, in exceptional circumstances, to issue a Penalty Notice for a first offence. Such exceptional circumstances could be where the unauthorised absence had been for an extended period of time and condoned by the parent (refer section 10).

14. Headteachers and police officers should only issue a Penalty Notice following consultation, discussion, reflection and joint decision with a County Council Education Welfare Officer.

15. The Education Welfare Officer will not agree to sanction the issuing of a Penalty Notice unless he/she considers that with regard to the offence to which it relates there is sufficient evidence to secure a conviction under Section 444 of the

Education Act 1996. Evidence could be letters sent to parent, minutes of meetings and record of telephone conversations.

16. A maximum of three Penalty Notices may be served on any one parent over a 12-month period.

17. There is no statutory right of appeal against the issuing of a Penalty Notice.

A parent should therefore, if possible, be given warning of the possibility of a notice being issued in order to allow him/her to make representations should he/she wish to do so.

Authority to Issue a Penalty Notice

18. An Education Welfare Officer / CCC Legal Panel may issue a Penalty Notice to the parent of a child who is a registered pupil at a school in Cambridgeshire or who is a registered pupil at a school in an authority, which has an agreement to that effect with Cambridgeshire County Council.

19. A headteacher or an authorised deputy or assistant headteacher may issue a Penalty Notice to the parent of a child who is registered at his/her school, in consultation with a CCC Legal Panel.

20. A police officer, including a community support officer or other accredited person, may issue a Penalty Notice.

21. Headteachers and Police Officers should comply with the terms of this Code of Conduct when issuing a Penalty Notice and should provide a copy of any notice issued to the relevant Education Welfare Officer.

Form and Content of Penalty Notices

22. A Penalty Notice should give the following particulars alleged to constitute the

offence to which the notice relates and should contain:

- a) the name and address of the person to whom the notice is issued;
- b) the name and address of the child who is failing to attend school regularly and the name of the school at which he/she is a registered pupil;
- c) the name, title and official details of the authorised person issuing the notice;
- d) the date of the offence and of the issue of the notice;
- e) the amount of the penalty which is to be paid and details of the timescales and any variation involved;
- f) the address of the County Council office at which the penalty is to be paid and to which any correspondence relating to the notice may be sent;
- g) the method/methods by which payment may be made;
- h) the specified period within which the penalty should be paid;
- i) a statement that full payment within the specified period will discharge any liability for the offence;
- j) an explanation of the consequences should the penalty not be paid in full before the expiry of the specified period;
- k) an explanation of the grounds on which the notice may be withdrawn.

23. Should there be more than one person liable for the offence a separate notice should be issued to each person.

24. Should the offence involve more than one child a separate notice should be issued for each child.

Service of Penalty Notices

25. A Penalty Notice may be served by:

- a) giving it to the recipient; or
- b) leaving it at the recipient's usual or last-known address; or
- c) sending it to the recipient at that address by first-class post.

26. Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first-class post.

Failure to Pay a Penalty Notice

27. Should the recipient of a Penalty Notice fail to pay the full amount before the expiry of the period for paying it the County Council will either begin proceedings against the parent under Section 444 of the Education Act 1996 or withdraw the notice in accordance with specified conditions (see section 29 below).

28. A certificate signed by the Attendance & Behaviour Manager to the effect that the recipient of a Penalty Notice has or has not paid the amount due on or before the date specified should be retained and presented as evidence in any subsequent Section 444 Education Act 1996 proceedings.

Withdrawal of a Penalty Notice

29. A Penalty Notice may be withdrawn by the County Council, regardless of whom within the authority issued it, if it is deemed that:

- a) the notice ought not to have been issued (i.e. where it has issued outside of the terms of this Code of Conduct or where no offence has been committed); or
- b) the notice ought not to have been issued to the person named as the recipient.

30. Should a Penalty Notice be withdrawn:

- a) notice of the withdrawal should be given to the recipient;
- b) any amount already paid by the recipient should be reimbursed;
- c) any proceedings under Section 444 of the Education Act 1996 instituted against the recipient should be discontinued.

Retention of Receipts and Revenue Collection

31. The County Council will retain all revenue from the issuing of Penalty Notices in order to cover the costs of issuing and enforcing notices and the cost of prosecuting those recipients of the notices who fail to pay.

32. The County Council will produce an annual audit statement as part of its usual audit procedures in order to show that income received from Penalty Notices does not exceed enforcement costs as defined above. Any surplus acquired will be surrendered to a consolidated fund.

Penalty Notices 05.09.2014 amendment in light of changes in Legislation

PENALTY NOTICE

SECTION 444A

EDUCATION ACT 1996

Please read the notes overleaf.

PART 1

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 under Section 444 of the Education Act 1996.

To: (Title)
 (Forenames)
 (Surname)
 Date of birth (if known):
 Of: (Address)

 (Postcode)

You are a parent of (name and address of pupil) (called in this notice “the pupil”) who is a

registered pupil at (name of school).

Between (date) and (date) the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for

the offence given above. The amount of the penalty is £60/£120 in accordance with the

table overleaf. If you pay this penalty within the time limits set out below, no further action

will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days. If paid after 21 days but within 28 days the penalty is doubled to £120. Payment should be made to an Education Welfare Officer at

one of the following addresses:

XXXXX

Payments for term time leave / holiday should be paid to:

XXXX

NEW WAYS TO PAY TO BE ADDED HERE

(Insert address at which payment should be made)

Penalty Notices 05.09.2014 amendment in light of changes in Legislation

Payment may be made by post or in person. (Offices are open from 9 a.m. to 5 p.m. Monday to Thursday and from 9 a.m. to 4 p.m. on Friday). Cheques should be made payable to Cambridgeshire County Council. Should you wish to make payment in person,

you are required to telephone the appropriate office in order to make a mutually convenient appointment.

Late or part payments will not be accepted and no reminders will be sent. If payment is not received by (insert date 28 days from date of issue), you may be prosecuted for the offence and could be subject to a fine of up to £2,500 and/or up to 3 months in prison.

This notice is issued by: (name)

(title)

Organisation:

Date:

PART 2

Please complete the following and return this notice to one of the addresses overleaf.

Name:

Address:

.....

I attach payment in the sum of:

Signed:

Date:

.....

.....

Received the sum of £..... in relation to a Penalty Notice issued on in respect of (name of child)

Dated.....

Signed.....

Name..... (Please print)

Title.....

(A copy of this receipt should be sent to all parties subject to the Notice and a copy retained on file)

Notes

1. Contact Details

If you have any queries about this notice please contact the relevant Education Welfare Officer at one of the addresses shown in Part 1 of the Notice.

2. Amount of penalty

The amount of the penalty is as follows:

When paid **within 21 days £60**

When paid **within 28 days £120**

3. Code of Conduct

This notice is issued in accordance with a Code of Conduct drawn up by the Local Authority. Any enquiries regarding this Code of Conduct should be addressed to the relevant Education Welfare Officer at one of the addresses overleaf.

4. Withdrawal

This notice may be withdrawn should it be shown that it should not have been issued to you or has not been issued to you in accordance with the Code of Conduct. Should you believe that the notice was wrongly issued you should contact the relevant Education Welfare Officer as soon as possible (no later than within 10 days of the notice having been issued), stating why you believe the notice to have been incorrectly issued. Your query will be considered and you will be contacted to notify you whether the notice is to be withdrawn. Should it be decided not to withdraw the notice and you fail to pay the sum specified you will be liable to prosecution for the offence that your child has failed to attend school regularly.

5. Payment

You should complete the notice above (**Part 2**) and send or deliver it to one of the addresses given. Please telephone the appropriate office to make an appointment should you wish to make payment in person.

6. Prosecution

Should you not pay the penalty notice and should the notice not be withdrawn you will be prosecuted for the offence of failing to ensure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be given the opportunity to defend yourself and you are advised to seek legal representation; in some circumstances you may be entitled to legal aid.

Annex 2

Briefing - appropriate use of Penalty Notices Cambridgeshire County Council

Background

This paper should be read in conjunction with the Penalty Notice Code of Conduct.

Introduction

The use of sanctions is a critical part of the toolkit available to every Education Welfare Officer and should be utilised alongside other strategies. The decision to apply a Penalty Notice must be based on clear threshold criteria, further information can be obtained from your Education Welfare Officer who will offer advice and guidance.

It's a requirement for schools to have developed a bespoke Attendance Policy that highlights the use of Penalty Notices.

Threshold Criteria:

