

Guidance for Schools: Securing Regular and Punctual Attendance

Part 1

Statutory and recommended practice for schools

Part 2

School intervention and the legal process for attendance of concern

Part 3

Gloucestershire County Council's Code of Conduct for issuing Penalty Notices

A guide for schools and other professionals in Gloucestershire

September 2017

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Responsibilities for Securing Good Attendance for all Children

Parents

It is the duty of parents to secure education of children of compulsory school age. Education Act Section 7¹.

All parents are responsible for securing regular attendance as identified in the statutory guidance: School attendance parental responsibility measures².

Schools

Every school must keep:

- an admission register; and
- an attendance register except in the case of a school of which all pupils are boarders

Every school must make a return to the local authority of every registered pupil of compulsory school age who:

- fails to attend school regularly; or
- has been absent from school, where the absence has not been authorised, for a continuous period of not less than 10-days, specifying the cause of absence if known³.

Schools and the Local Authority

Local authorities and **all** schools have legal powers to use parenting contracts, parenting orders and penalty notices to address poor attendance and behaviour in school. In addition to using these powers, local authorities and schools can develop other practices to improve attendance.

The *Education (Penalty Notices) Regulations 2007*⁴ set out the details of how the penalty notice scheme must operate. In Gloucestershire, penalty notices are issued solely by the local authority in accordance with the Code of Conduct for issuing penalty notices. Local authorities also have other powers to enforce school attendance where this becomes problematic, including the power to prosecute parents who fail to comply with a school attendance order, or fail to ensure their child's regular attendance at school.

¹ Duty of parents to secure education of children of compulsory school age link:
<http://www.legislation.gov.uk/ukpga/1996/56/section/7>

² School attendance parental responsibility measures link:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/581539/School_attendance_parental_responsibility_measures_statutory_guidance.pdf

³ Link 10+ absence reporting:
<http://www.gloucestershire.gov.uk/schoolsnet/your-pupils/attendance/>

⁴ S.I. 2007/1867 (SI Statutory Instrument) Link:
<http://www.legislation.gov.uk/uksi/2007/1867/made>

Key Attendance Documents and Legislation Documents

1. Attendance

- **Guidance**

Current non-statutory DfE guidance including register codes

[DfE guidance on school attendance](#)

DfE document with a comprehensive guide to the pupil absence in schools in England statistics with useful guidance and legislation relating to attendance

[DfE guide to absence statistics](#)

DfE statutory guidance on legislation and powers to enforce school attendance

[DfE School Attendance Parental Responsibility Measures: statutory guidance](#)

[DfE statutory guidance: Supporting pupils at school with medical conditions](#)

- **Legislation**

The Education Act 1996:

<http://www.legislation.gov.uk/ukpga/1996/56/contents>

The Education (Pupil Registration) (England) Regulations 2006:

<http://www.legislation.gov.uk/uksi/2006/1751/contents/made>

The Education (Pupil Registration) (England) (Amendment) Regulations 2010

<http://www.legislation.gov.uk/uksi/2010/1725/contents/made>

The Education (Pupil Registration) (England) (Amendment) Regulations 2011

<http://www.legislation.gov.uk/uksi/2011/1625/contents/made>

The Education (Pupil Registration) (England) (Amendment) Regulations 2013

<http://www.legislation.gov.uk/uksi/2013/756/contents/made>

The Education (Pupil Registration) (England) (Amendment) Regulations 2016

<http://www.legislation.gov.uk/uksi/2016/792/contents/made>

2. Missing Education

- **Guidance**

[DfE Children Missing Education: Statutory guidance](#)

This Ofsted Missing Children 2013 report explores the effectiveness of arrangements to safeguard children and young people, including those who are looked after by the local authority, who are at risk of going missing or running away. It includes key findings and recommendations.

[Ofsted Report: Missing Children 2013](#)

- **Legislation**

The Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

3. Penalty Notices

- **Legislation**

The Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Anti-social Behaviour Act 2003:

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Education (Penalty Notices) (England) Regulations 2007:

<http://www.legislation.gov.uk/uksi/2007/1867/contents/made>

The Education (Penalty Notices) (England) (Amendment) Regulations 2012:

<http://www.legislation.gov.uk/uksi/2012/1046/contents/made>

The Education (Penalty Notices) (England) (Amendment) Regulations 2013:

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

4. Key Legislation and Guidance

- The Anti-Social Behaviour Act 2003

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

- The Education Act 1996 and subsequent updates

<http://www.legislation.gov.uk/ukpga/1996/56/contents>

- The Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

- The Education (Pupil Registration) (England) Regulations 2006, and subsequent Amendment Regulations

<http://www.legislation.gov.uk/uksi/2006/1751/contents/made>

- The Education (Penalty Notices) (England) Regulations 2007, and subsequent Amendment Regulations

<http://www.legislation.gov.uk/uksi/2007/1867/contents/made>

- Police and Criminal Evidence Act 1984

<http://www.legislation.gov.uk/ukpga/1984/60/contents>

- Criminal Procedures Investigations Act 1996 Attorney General's Guidelines for Crown Prosecutors

<http://www.legislation.gov.uk/ukpga/1996/25/contents>

5. Definitions

- **School**

School is used in this document to include all educational providers used by Gloucestershire County Council to educate pupils of statutory school age including academies, free schools, colleges and alternative provision schools.

- **Compulsory School Age**

A child begins to be of statutory school age on the prescribed day which either falls on or follows their fifth birthday.

The prescribed days are currently 31 August, 31 December and 31 March. This is the term following their 5th birthday.

A child ceases to be of statutory school age on the school leaving date in the academic year in which they turn 16.

The school leaving date is the last Friday in June.

Raising the participation age does not affect the statutory school age.

An academic year commences on 1 September and ends on 31 August.

Part 1: Statutory and Recommended Practice for Schools

1. Early Intervention

A key element of school absence procedures is the school systems for identifying and addressing emergent patterns of irregular attendance at an early stage.

Early intervention strategies include:

- A robust school attendance policy, shared with all stakeholders and consistently applied (see below for Attendance Policy Advice to Schools).
- First day contact with parents for all pupils absent without known reason.
- Analysis of individual pupil data to identify quickly any patterns of absence which cause concern.
- Providing attendance certificates to parents/carers regularly, so they are aware of their child's attendance.
- Procedures to investigate and resolve unexplained absences within a week.
- School attendance panels for pupils causing significant concern.
- Reporting/requesting support from the allocated Inclusion Adviser for any child missing education – see CME guidelines.
- A system for regularly checking the attendance of pupils at approved educational activities off-site.

Attendance Policy Advice to Schools

Legal Duty of Parents to Secure Regular School Attendance

The parent of any child of compulsory school age has a legal duty to secure the regular attendance of that child at the school where he or she is registered. Failure to secure the regular attendance at school of a registered pupil is a criminal offence which can lead to prosecution of the parent(s) in a magistrates' court.

In Education Law, (Section 576 of Education Act 1996), '**parent**' means:

- All natural parents, whether they are married or not.
- Any person who has parental responsibility for a child or young person.
- Any person who has care of a child or young person, i.e. lives with and looks after the child.

The local authority and school will need to decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day-to-day responsibility for a child.

Regular Attendance and Unauthorised Absence

The overall level of attendance that all schools should aim to achieve is 100%. Ideally, there should be no unauthorised absence.

Attendance policies should make clear the days when, and, times by which pupils are expected to be at school including the times when registers close and the consequence of arriving after that time.

Schools have the discretion to decide what constitutes "regular attendance". Whatever definition is chosen should be clearly stated in the school's attendance policy. It can be as simple as "regular attendance means no unauthorised absence within the last six

months". A school's attendance policy should emphasise that all pupils should attend school for every session available to them, unless the reason for their absence is one that meets the school's criteria for authorising absences, e.g. illness, non-routine medical/dental appointments, religious observance, educational visits and other unavoidable cause. The attendance policy should also make clear the circumstances in which absence can be authorised or will be deemed unauthorised.

Holidays During Term-Time

Head teachers have the discretion to authorise holiday during term-time in exceptional circumstances. Attendance policies should make clear that the requirement for exceptional circumstances means that the vast majority of requests will be refused and, if the holiday is taken anyway, this will constitute unauthorised absence which may result in the issue of a penalty notice to each parent in respect of each absent child.

Dealing with Unauthorised Absence

Schools should take a pragmatic approach to dealing with persistent or unauthorised absence and work collaboratively with families to get the pupil back into the habit of regular attendance. The attendance policy should describe the steps which the school will usually take.

Related events to which the absence is attributed by the pupil and/or the parent(s), such as allegations of bullying or other complaints, should be followed up in accordance with the relevant school policies. If the absence is attributed to illness, and there is doubt that this is genuine, parent(s) should be given a reasonable opportunity to provide supporting medical evidence. If that evidence is lacking or unsatisfactory, the school should inform the parent(s) that it has deemed the absence to be unauthorised and explain why.

If reasonable efforts to resolve unauthorised absence do not result in improvement, the case can then be referred to the local authority.

Consideration of Legal Action

The local authority fully supports schools in their aim to achieve 100% attendance, however, the decision to pursue a criminal sanction is a serious matter which must not be taken lightly.

The local authority will therefore review each case on its own merits, considering all the available evidence, before deciding on the method of disposal. To that end, schools may be asked to provide additional information or further steps may be suggested. The methods of disposal available to the local authority are:

- No further action
- Warning
- Penalty notice
- Simple caution
- Criminal prosecution

When a criminal prosecution, caution or penalty notice is being considered, the two-stage legal test to which all criminal prosecutions are subject will be applied, namely:

1. There is sufficient evidence to provide a realistic prospect of conviction, and
2. It is in the public interest to bring the prosecution.

In the event of prosecution, schools may be asked to provide witness statements and other evidence. Although written evidence is usually sufficient, witnesses can sometimes be required to attend court to give evidence in person.

Inclusion Advisers will liaise with schools and provide updates accordingly.

2. Use of Data

Schools can use data gathered internally, along with published data and local/national comparative data available, to help identify causes and patterns of absence, devise solutions and evaluate the effectiveness of interventions.

Effective ways to use data include:

- Comparison of attendance rates across year groups, vulnerable groups or to other schools in similar circumstances.
- An awareness and analysis of the attendance data of vulnerable groups in comparison to the attendance of those who are not part of this group, e.g. pupils in receipt of pupil premium compared to pupils not in receipt of it, in order that any differences can be diminished.
- Regular monitoring of progress towards attendance targets in school.
- Collection and analysis of attendance data, to identify causes and patterns of absence.
- Evaluation of the effectiveness of interventions used to improve attendance.
- Regular updates to the senior management team and to the governing body about attendance.
- Regular updates for parents in letters, newsletters, parents' evenings, assemblies, notice boards, etc.

3. Deletions from the Admissions Register

A pupil can lawfully be deleted from the admission register on the grounds prescribed in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006, including subsequent amendments, <http://www.legislation.gov.uk/uksi/2016/792/contents/made>

Deletion from the register for any reason, including non-attendance, other than those prescribed, is unlawful and could result in court proceedings being taken against the governing body.

Deletions from Admission Register: excerpt from Education (Pupil Registration) (England) Regulations 2006, including subsequent amendments:

8.(1) The following are prescribed as the grounds on which the name of a pupil of compulsory school age shall be deleted from the admission register:

(a) where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local education authority for that named in the order or the order is revoked by the local education authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school;

(b) except where it has been agreed by the proprietor that the pupil should be registered at

more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school;

(c) where a pupil is registered at more than one school, and in a case not falling within subparagraph

(j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion;

(d) in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school;

(e) except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered;

(f) in the case of a pupil granted leave of absence exceeding ten school days for the purpose of a holiday in accordance with regulation 7(3), that

(i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted;

(ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

(iii) both the proprietor and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;

(g) that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age;

(h) that he has been continuously absent from the school for a period of not less than twenty school days and

(i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);

(ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and

(iii) both the proprietor of the school and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is;

(i) that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period;

(j) that the pupil has died;

(k) that he will cease to be of compulsory school age before the school next meets and the relevant person has indicated that he will cease to attend the school;

(l) in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school;

(m) that he has been permanently excluded from the school; or

(n) where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school.

(2) In a case not covered by paragraph (1)(a), (j) or (m), the name of a child who has under arrangements made by a local education authority become a registered pupil at a special school shall not be removed from the admission register of that school without the consent of that authority, or if that authority refuse to give consent, without a direction of the Secretary of State.

4. Children at Risk of Missing Education (Including children missing education (CME), 10+ days continuous unauthorised absence and part-time timetables).

All schools must notify the local authority when a pupil's name is to be deleted from the admission register under any of the grounds prescribed in Regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 as amended, as soon as the ground for removal is met and no later than the time at which the pupil's name is removed from the register. This duty does not apply where the pupil's name is removed after they have completed the school's final year, unless the local authority requests for such information to be provided.

Local authorities have a duty to put in place arrangements for identifying (as far as it is possible) those children of compulsory school age in their area who are not school registered or receiving suitable education otherwise than at a school. Local authorities should trace those children and ensure that they receive full-time education.

5. Pupils Recorded with 10 or More Days of Continuous Unauthorised Absence

All schools (including academies) must agree with the relevant local authority, the regular interval that the school will inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school's permission for a continuous period of 10 days or more.

We request you send information as soon as possible to support the safeguarding of pupils. Schools can discuss individual cases with their Inclusion Adviser (IA).

How to report:

Complete the: [10-day absence reporting template](#) and

Email it to: attendance@gloucestershire.gov.uk

6. Part-time Timetables

The DfE Guidance: School Attendance November 2016, refers to part-time timetables in the Frequently Asked Questions:

- ***Can a school place a pupil on a part-time timetable?***

As a rule, no. All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a part-time timetable is considered as part of a re-integration package. A part-time timetable must not be treated as a long-term solution. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full-time or be provided with alternative provision. In agreeing to a part-time timetable a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as authorised absence.

It is important as a local authority that we have a central record of all children not accessing full-time education in the usual way, including those accessing alternative provision full-time away from their mainstream schools, regardless of where they are on roll.

How to report:

To submit details of any current part-time timetables as they occur:

Complete the: [Part-time timetables spreadsheet](#) and

Email it to: PTTimetables@gloucestershire.gov.uk

Information taken from ***School Attendance: Guidance for maintained schools, academies, independent schools and local authorities November 2016***

7. Children Missing Education (CME)

Anyone concerned that a child is missing education (CME) can make a referral to Education Performance and Inclusion (EPI) at Gloucestershire County Council as detailed below.

CME refers to 'any child of compulsory school age who is **not** registered at any formally approved education activity, e.g. school, alternative provision, elective home education, **and** has been out of education provision for at least 4 weeks'.

CME also includes those children who are **missing** (family whereabouts unknown), and are usually children who are registered on a school roll/alternative provision. This might be a child who is not at their last known address **and either:**

- has not taken up an allocated school place as expected;
- has 10 or more days of continuous absence from school without explanation, or
- left school suddenly and the destination is unknown.

It is the responsibility of Education Performance and Inclusion, on behalf of the Local Authority, to:

- collate information on all reported cases of CME of statutory school age children in Gloucestershire maintained schools, academies, free schools, alternative provision academies and Alternative Provision Schools (APS).
- liaise with partner agencies and other local authorities and schools across Britain to track pupils who may be missing education.
- ensure each child missing education is offered full-time education within 2 weeks of the date the local authority was informed.

Alerting the LA that a child may be missing education

Any professional should alert the LA when they suspect that a child might be missing from education. To make this process as easy as possible, a referral form should be used.

How to alert the LA:

Complete form: <http://www.gloucestershire.gov.uk/schoolsnet/your-pupils/children-missing-education/>

Email it to: missingpupils@gloucestershire.gov.uk

Post: Education Performance and Inclusion, Gloucestershire County Council,
Block 4, 3rd Floor, Shire Hall, Westgate Street, Gloucester GL1 2TP

Telephone: 01452 328033 or 01452 427800

Other info: <http://www.gloucestershire.gov.uk/schoolsnet/your-pupils/children-missing-education/>

Part 2: School Intervention and the Legal Process for Attendance of Concern

1. School Interventions

Schools will have a range of strategies for dealing with attendance of concern. The Education Performance and Inclusion team, on behalf of the Local Authority, requires schools to have:

- Investigated the reasons for absence and confirmed that they are unauthorised.
- Met with parent(s)/carer(s) by off-site visit if necessary, e.g. at home or in a public place.
- Warned parents in writing at the outset of the possibility of prosecution.
- Implemented strategies to remove any barriers to regular attendance, and provided evidence of this.
- Considered and followed the Graduated Pathway as appropriate.
- Held a formal, documented Attendance Improvement Meeting (AIM) with those who have parental responsibility, as well as the child, in order to draw up a plan, setting agreed targets.
- Undertaken at least one AIM Review with all stakeholders, assessing whether or not the targets have been met and considering additional interventions that could be implemented if required.

Schools are reminded to refer to the flowchart: **“School Actions when considering request for legal proceedings following unauthorised absence”** included within this guidance document.

The Local Authority must consider a number of factors before submitting a case for prosecution. These range from the requirements contained in the Attorney-General’s Guidelines for Crown Prosecutors and the appropriate use of PACE cautioning, to the obligation to consider an Education Supervision Order.

2. Request To Initiate Legal Proceedings

Once the case has been discussed with the Gloucestershire Local Authority Inclusion Adviser and agreed as meeting the criteria for possible prosecution, schools should complete the Request to Initiate Legal Proceedings form as fully as possible and then send to the school’s allocated Inclusion Adviser.

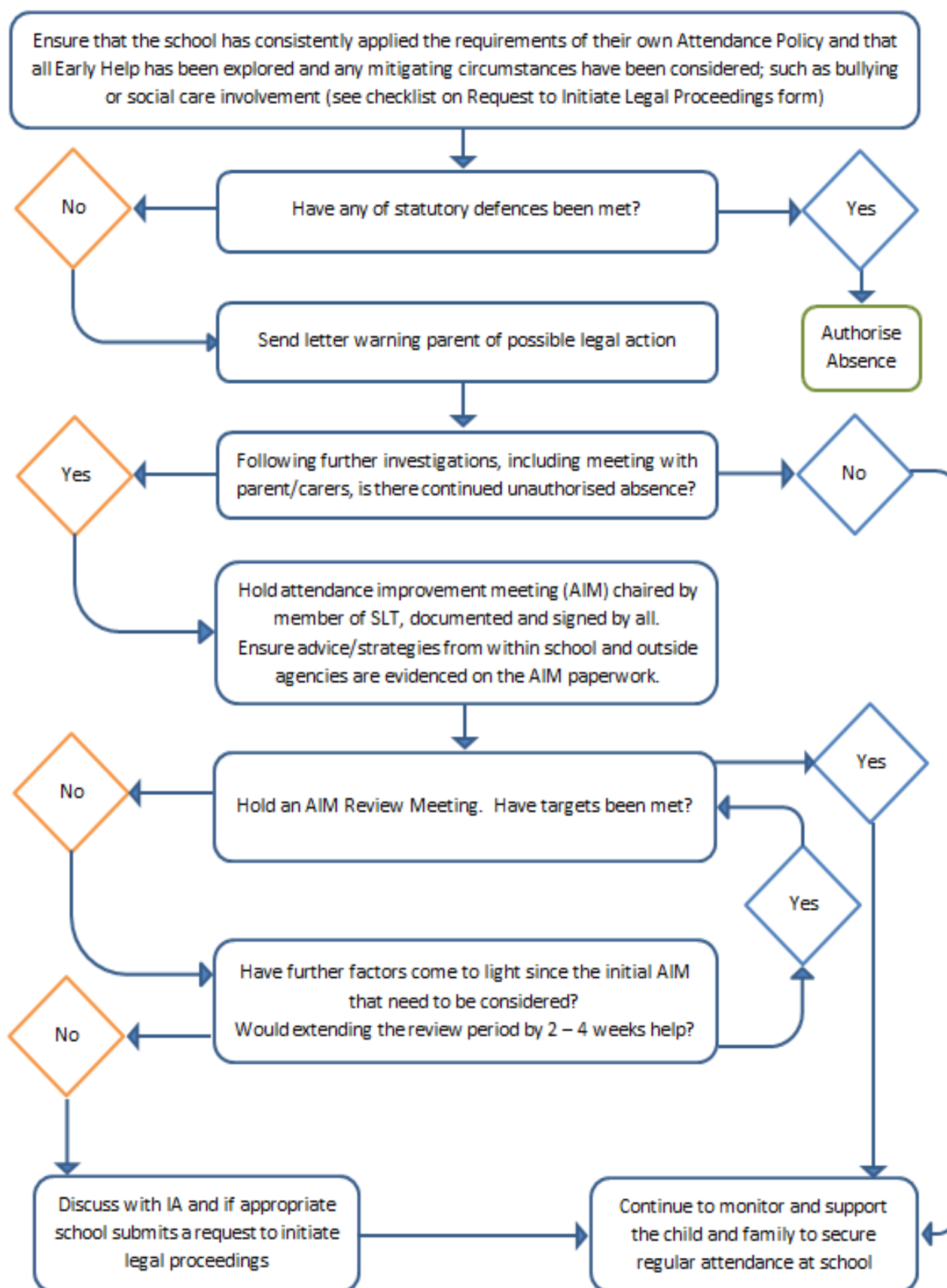
Complete the form as fully as possible and then send to the school’s allocated Inclusion Adviser.

The legal process can cease should there be any further evidence or significant improvement in attendance, and will be constantly reviewed at all stages.

3. Year 11 Referrals

The local authority uses prosecution as a tool to improve a pupil’s attendance at school. There comes a point in the school year when prosecution ceases to be a useful measure for some Year 11 pupils. By the time the local authority is able to bring a case to court, the pupil may be on the verge of leaving school or may even have left. The LA may look more stringently at requests in these circumstances.

School actions when considering request for legal proceedings following unauthorised absence



4. The Statutory Defences

Excerpt taken from The Education Act 1996 S444

(3) The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school:

- (a) with leave,
- (b) at any time when he was prevented from attending by reason of sickness or any unavoidable cause, or
- (c) on any day exclusively set apart for religious observance by the religious body to which his parent belongs.

(4) The child shall not be taken to have failed to attend regularly at the school if the parent proves—

- (a) that the school at which the child is a registered pupil is not within walking distance of the child's home, and
- (b) that no suitable arrangements have been made by the local education authority F2. . for any of the following—
 - (i) his transport to and from the school,
 - (ii) boarding accommodation for him at or near the school, or
 - (iii) enabling him to become a registered pupil at a school nearer to his home.

(5) In subsection (4) "walking distance"—

- (a) in relation to a child who is under the age of eight, means 3.218688 kilometres (two miles), and
 - (b) in relation to a child who has attained the age of eight, means 4.828032 kilometres (three miles),
- in each case measured by the nearest available route.

(6) If it is proved that the child has no fixed abode, subsection (4) shall not apply, but the parent shall be acquitted if he proves:

- (a) that he is engaged in a trade or business of such a nature as to require him to travel from place to place,
- (b) that the child has attended at a school as a registered pupil as regularly as the nature of that trade or business permits, and
- (c) if the child has attained the age of six, that he has made at least 200 attendances during the period of 12 months ending with the date on which the proceedings were instituted.

(7) In proceedings for an offence under this section in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be taken to have failed to attend regularly at the school if he is absent from it without leave during any part of the school term at a time when he was not prevented from being present by reason of sickness or any unavoidable cause

5. Warning Letter to Parents

At the outset of school's casework with a family, the parent should be given a formal written notification stating that legal action may be taken by the local authority. It is good practice to make sure parents understand the consequences of failing to ensure their child's regular attendance and in particular that the case could end up in court.

Please include the following paragraphs within the body of the letter you send to parents/carers (see flowchart for timescale).

- ***“If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. There is a risk that if your child's attendance remains at the current level a referral may be made to the local authority, who will start a legal process. I enclose a leaflet which gives more detail about school attendance.”***
- Add a statement re the definition of regular attendance in your school according to your Attendance Policy.

Please note that the local authority may be unwilling to undertake legal proceedings unless this letter has been sent.

Sometimes the prospect of prosecution may lead to a significant improvement in a child's attendance and court proceedings may not be necessary if it is believed that the improvement will be sustained.

The Request to Initiate Legal Proceedings form and the AIM forms are available as Word documents on Schoolsnet - www.gloucestershire.gov.uk/schoolsnet/attendance

What can you do to help?

If you suspect that your child may be missing school or is unhappy at school, you should contact the school as soon as possible so that you can work with them to resolve any difficulties.

Make sure your child understands that you do not approve of them missing school, but be on the alert for any particular reasons for non-attendance, such as bullying or problems with school work and discuss these with the school.

If your child is ill or absent for any other reason, contact the school on the first day of absence.

Follow the school's procedures for notifying absence, and always let the school know of any days that your child is unable to attend.

Make sure your child arrives at school on time for both the morning and afternoon sessions.

Take an interest in your child's education. Ask them about their day and praise and encourage their achievements at school.

Co-operate with any support, such as a Parenting Contract offered by the school or Local Authority

The world is run by those who turn up

Attending school every day = 100% attendance

Attending 4½ days a week = 90% attendance
= 4 weeks missed per year.

Attending 4 days a week = 80% attendance
= more than half a term missed per year or 2 full years missed over the course of their school career.

Attending 3½ days each week = 70% attendance
= more than a quarter of the school year missed.

An average attendance of 80% or less across a child's school career adds up to missing a whole 2 years from school

Being late for school reduces learning time.

- If your child is 5 minutes late every day they will miss three days of learning each year.
- If your child is 15 minutes late every day they will miss 2 weeks of learning each year.

Make every minute count

School Attendance



Information for Parents and Carers

Why is it important for children not to miss school?

Most parents want their children to get on well in life. Nowadays, it is more important than ever to have a good education behind you if you want opportunities in adult life. Children only get one chance at school, and your child's chances of a successful future may be affected by not attending school or alternative provision regularly. If children do not attend school regularly they may:

- struggle to keep up with school work. In a busy school day it is difficult for schools to find the extra time to help a child catch up.
- miss out on the social side of school life – especially at primary school. Poor attendance can affect children's ability to make and keep friendships; a vital part of growing up.

Setting good attendance patterns from an early age, from nursery classes through primary school, will also help your child later on. Employers want to recruit people who are reliable. So children who have a poor school attendance record may have less chance of getting a good job.

Being on time is also vital. Arriving late at school can be very disruptive for your child, the teacher, and the other children in the class.

Some parents may be trying but finding it hard to get their children to attend school.

What might the impact of poor attendance be on your child?

Research has shown that children who are not in school are most vulnerable and are easily drawn into crime. Those children who play truant are more likely to offend than those that do not. Research also shows that:

- less than 40% of pupils in secondary schools with an average of 17 days or more absence get 5 good GCSEs (grades A* to C and/or 9-5) compared to more than 90% in schools with an average of less than 8 days absence.
- In primary schools less than 65% get good results in Maths and English in schools with an average of 15 days absence compared to around 90% in schools where the average is less than 8 days. Many parents are surprised how quickly their children accumulate 15 days absence.

What does the law say?

By law, all children of compulsory school age (between 5 and 16) must get a suitable, full-time education. As a parent, you are responsible for making sure this happens, either by registering your child at a school or by making other arrangements which provide a suitable full-time education.

Once your child is registered at a school you are responsible for making sure he or she attends regularly.

If your child fails to attend regularly - even if they miss school without you knowing - the Local Authority (LA) may take legal action against you.

The LA is responsible for making sure that parents fulfil their responsibilities. Parents are responsible for making sure that their registered children regularly attend school and any alternative provision arranged for them.

If you think you might need to take your child out of school, discuss the reasons with the school as soon as possible.

Reasons such as family bereavement or taking part in an agreed religious observance would be

acceptable for short absences. Unacceptable reasons for missing school include shopping and birthdays.

What happens if your child does not attend school regularly?

Your child's school is responsible by law for reporting poor attendance to the LA. As a parent, you are committing an offence if you fail to make sure that your child attends school regularly, even if they are missing school without your knowledge. You run the risk of being issued with a penalty notice or being taken to court.

The LA may decide to prosecute a parent. If this happens:

- Parents can be fined up to £2,500 or imprisoned for failing to ensure that their child attends school regularly.
- Magistrates can also impose a Parenting Order, which means that the parent has to attend a counselling and guidance programme, usually a parenting class.

What about authorised absences?

There may be times when your child has to miss school because she or he is ill. This is to be expected and for the odd day off sick you should follow the school's procedures for notifying illness. Children may also have to attend a medical or dental appointment in school time. However, you should try to make routine appointments such as dental check-ups during the school holidays or after school hours. Any absence must be requested as far in advance as possible. Absences can only be authorised by the school.

6. Attendance Improvement Meetings (AIM) - Good Practice Guidance September 2017

What's the first step?

Before inviting parents to an Attendance Improvement Meeting (AIM), the school will have warned in writing of the risk of prosecution. The reason(s) for absence will have been explored by the school through formal or informal meetings possibly including off-site visits. The school will have also explored and tried a range of strategies to improve attendance.

Who should be there?

The AIM should be attended by parent(s)/carer(s), the student (where appropriate), and sometimes, where appropriate, agencies working with the family (e.g. Social worker, CYPS). It is a good idea to have two members of school staff present – usually the person who has been working with the family and a member of the Senior Leadership Team. This is so that any decisions regarding altered timetables or curriculum, for example, can be made at the time.

How should they be invited?

Parents should be invited to the AIM by letter. Arrangements might be made verbally to find a time that suits everyone – but once agreed, details should be confirmed in writing. The invitation to the meeting must make it clear that the meeting will go ahead even if the parents do not attend; unless the school is contacted and a new meeting time is agreed. A copy of the AIM plan should be sent to the parents if they do not attend the meeting. **These letters and plans can be exhibited in court.**

What's the purpose of the meeting?

The focus of the meeting should be on how to improve attendance and prevent legal proceedings being initiated. It is useful to focus on what has worked well or had a positive influence. This is an opportunity for everyone to share ideas about anything else that might help, including any new strategies or interventions that may be worth trying. At the end of the meeting, everyone will have a clear plan of the way forward.

How do we set an attendance target?

Set a realistic target for the period of attendance between the AIM and the review meeting – this helps the student feel that it's achievable. The target is up to you and may vary according to circumstances – some schools simply set a target of 'no further unauthorised absence'.

When should we review it?

We suggest a 4 week review period. This will allow you to monitor the impact of any new interventions or strategies that have been tried during the AIM process.

Things to consider

It helps us if the template is typed or clearly written, and the names and roles of people who attended are written in full. If parents don't attend, hold the meeting in their absence and complete your own ideas of what might help improve attendance. Send a copy of the plan to parents with a letter and include a date to review the plan.

REMEMBER: The purpose of this meeting is to detail a plan that will help the student improve their attendance and avoid legal proceedings being initiated against parent(s)/carer(s). It will however, be exhibited in any legal proceedings that may take place should the matter be referred to the local authority and proceed to prosecution.

7. Guidance Notes for Completing Attendance Improvement Meeting Template

Reason(s) for absence given by parent(s)/carer(s) or young person:

In this section indicate reasons previously provided or provided at this meeting to explain absence.

Please tick and date any of the following that have been previously offered and/or completed:

This will give a picture of what has already been tried and can facilitate a discussion on the positive outcomes and what may be worth exploring further.

Young Person agrees to:

If the young person does not attend or is considered too young to make agreements with regard to their attendance, leave this section blank. Ideally, this section should include agreed actions made with the pupil and include the “voice of the pupil”.

Parent(s)/Carers(s) agree(s) to:

In this section list specific points that the parent(s)/carer(s) agree to, to try and improve the young person’s attendance. For example:

- To obtain a medical appointment with a GP to discuss any illness.
- To seek a referral to a consultant via the GP.
- To co-operate with outside agencies such as Families First, Youth Support Team, CYPS, Educational Psychology Services.
- To ensure the young person goes to bed at a reasonable time.
- To ensure the young person gets up and is ready for school at a reasonable time.
- To communicate regularly with the school over any reasons preventing the young person from attending school, etc.

School agrees to:

In this section list specific points that the school agrees to undertake to support the young person and family in order to secure improved attendance. For example:

- To make a referral to Families First
- To initiate the Graduated Pathway where appropriate
- To review the academic support provided for the young person
- To consider where appropriate a reduced time-table for a specific period
- To provide access to a school counsellor
- To provide a peer mentor
- To investigate allegations of bullying
- To communicate regularly with parent(s)/carer(s)
- To initiate a vocational subject-based timetable
- To make a referral to the school nurse
- To liaise with Gloucestershire Hospital Education Service
- To consult with the Advisory Teaching Service
- To provide a Pastoral Support Plan
- To investigate the possibility of a Managed Move particularly if permanent exclusion is likely
- To seek advice from an Alternative Provision Provider to secure advice to support the young person
- To provide assistance to the young person to help catch up with missed work, etc.

Education Performance and Inclusion

Education Act 1996 and Anti Social Behaviour Act 2003

Attendance Improvement Meeting

Name of School: _____

To be completed as a contemporaneous record of the meeting and a copy given to all attendees at the close of the meeting. If parent(s)/carer(s) do not attend a copy of this record should be sent to them by post.

Name:	Year:	D.O.B.:
Date Plan Drawn Up:	Where AIM is held :	
Present:		
Current Attendance % sessions absence authorised sessions absence unauthorised		
Background information provided by school		
Reasons for absence given by parent/carers, student/ pupil		
Please tick and date any of the following that have been previously offered/completed		
<input type="checkbox"/> Pre arranged home visit to discuss how to improve attendance <input type="checkbox"/> Referral to other agencies (please state) <input type="checkbox"/> Communication with tutor, head of year, head of house , attendance officer, other, to discuss attendance concerns, e.g. telephone call, e-mails, letters, meetings <input type="checkbox"/> Alternative Curriculum <input type="checkbox"/> Reduced timetable Any other relevant intervention offered (please detail):	Date	

Plan to Improve Attendance This should detail any new intervention that either school, parent or pupil feel would be beneficial.	
Student/Pupil agrees to: See guidance notes	
Parent(s)/Carers(s) agrees to: See guidance notes	
School agrees to: See guidance notes	
Please give details of any other agencies currently involved and the work they are undertaking	
Agreed Attendance target for the next 4 school weeks % * Review Date *NB This can be a target of no unauthorised absence during the review period.	
As Parent /Carer of I understand that failure to meet these targets may result in legal proceedings taken against me. Signed: Parent Parent Date: Pupil School Other Date:	
For use if parent(s)/carer(s) do not attend Date plan posted to parent(s)/carer(s): (This should be within one day of plan being drawn up) Signed: Date:	

Education Performance & Inclusion

Education Act 1996 and Anti Social Behaviour Act 2003

Attendance Improvement Meeting – Review

Name of School: _____

To be completed as a contemporaneous record of the meeting and a copy given to all attendees at the close of the meeting. If parent(s)/carer(s) do not attend a copy of this record should be sent to them by post.

Name:	Year:	D.O.B.
Date of Review:		
Present:		
Initial AIM Date :	Current attendance	%
Sessions of absence since AIM meeting:		
Authorised		Unauthorised
<p>Have all the agreed actions from the AIM been met by all parties?</p> <p>Provide details:</p>		

Action

(please tick appropriate box below)

Targets met – No further action	
or	
Improvement but targets not met – plan to continue – Review	
or	
Targets not met – Request for legal action to Education Performance & Inclusion team	

Review Date:

As Parent /Carer of I understand that failure to meet these targets may result in legal proceedings taken against me.

Signed:

Parent **Parent**.....

Date:

Pupil **School** **Other**

Date:

For use if parent(s)/carer(s) do not attend

Date plan posted to parent(s)/carer(s):

Signed: **Date:**

8. Legal Options

Education Performance and Inclusion

The Education Performance and Inclusion team can decide on the following legal outcomes following a Police and Criminal Evidence Act (PACE) interview under caution:

- Proceed to court for prosecution
- Simple Caution
- Penalty Notice
- Written legal warning
- No Further Action

The Education Performance and Inclusion team will also consider:

- Education Supervision Order

Legal Options – Magistrates Court

When the Education Performance and Inclusion team proceeds to court for prosecution, there is a range of options available for magistrates following a conviction of a parent for failing to ensure the regular attendance at school of their child. **It is important to note that although the following disposal is an option for the magistrates, the ability to pay a fine is means tested.**

Each parent could be:

- Fined up to £1,000
- Given a Community Order
- Made subject to a Parenting Order
- Ordered to pay costs to the Council

For repeated offences, higher level prosecution under the s444 (1A) of the Education Act 1996 may occur and parents could be subject to:

- A fine of up to £2,500
- Up to 3 months' imprisonment
- A Community Order
- A Parenting Order
- An Order to pay costs to the Council

Frequently Asked Questions about the Legal Process for Non-Attendance at School

Q. If I refer a case for legal action can I be sure the local authority will take the matter to court?

The local authority must be satisfied that a prosecution is justified in terms of the Attorney-General's Guidelines for Crown Prosecutors. These guidelines set out the general principles which should be applied when making decisions about prosecutions to ensure that they are fair and consistent. Out-of-court settlements such as penalty notices and simple cautions will also be considered.

Q. Can a head teacher be called to court as a witness?

Yes. Anyone who has provided a witness statement as part of the legal proceedings may be called to attend a court hearing if the parent requests it.

Q. Why do we hear of some parents being sent to prison when their children don't attend school while others get a small fine?

The amount of any fine is determined by the magistrates taking into account the number of any previous offences, the length of non-attendance, parental collusion, affect on others, mitigation and ability to pay.

Q. When should we consider asking the local authority to prosecute a parent for their child's poor school attendance?

You should only consider prosecution when you have made every attempt to help resolve the attendance issues with both the child and the parent(s). As a minimum the parent must have been warned in writing and you must have made every attempt to meet with them to try and resolve the problems.

Q. When should we send a letter warning parents that they are at risk of prosecution?

It is good practice to send the letter as soon as you feel there is an attendance problem – this would probably be when you stop authorising absences for that child. It will help you to start an evidence file for that child at the same time.

Q. Do we have to use your AIM template?

No. You may use your own form, however, it should include all the same information that we ask for on our form. It is important that the form can be easily read and clearly understood by all as it will be presented in court. It should not include abbreviations or acronyms

Q. A child with poor attendance lives with his mother, but his father is involved in his day-to-day care. Should we include him on the Request to Initiate Legal Proceedings?

Yes, and sometimes it is a useful tool to ensure that the absent parent works together with the other parent to improve the child's attendance.

Q. We have held an AIM meeting for a child who already hasn't attended school for 2 months. Neither parents nor the child attended the meeting. We have sent a copy of the plan to the parents and have had no response, and the child has still not been into school. How long must we wait before sending the Request to Initiate Legal Proceedings form to you?

We advise that you wait no more than 2 weeks from when you would expect parents to have received the plan.

Q. We haven't done an AIM before and are not really sure how to go about it. Is there any help you can give?

The Education Performance and Inclusion team are always available during office hours by phone and email and are happy to advise you. In addition, this guidance document contains good practice guidance to support you.

Q. Do we need to have completed a home visit/visit off the school site where parents are present before we can complete a Request to Initiate Legal Proceedings?

Yes. This is good practice and evidence that you have tried to engage with parents using all means possible.

Q. What happens if the Education Performance and Inclusion team have not contacted me within 5 school days of sending the Request to Initiate Legal Proceedings form?

There are details on the form about how to send it to us. The attendance email address is checked on a daily basis and there will always be a member of the team available to deal with the completed form.

Q. What if a parent does not turn up to the AIM meeting?

If there is no reason provided, we would suggest that the meeting goes ahead, the plan is drawn up and sent to the parent with a covering letter emphasising the review date and requesting that they contact you to discuss.

Request to Initiate Legal Proceedings

Education Performance & Inclusion

Pupil Name:			School:	
Male/Female:			Home Address:	
Date of Birth:				
Year group:				
Ethnicity:			Names and Dates of Birth for Siblings in School:	
Pupil Current Attendance %				
SEND category				
My Plan	My Plan +	EHCP	Child Protection Plan	Children in Care
Full Names of Parents/Carers:				
Additional address:				
Parental Communication Difficulties			Telephone Numbers:	
			Home:	
First Language Spoken:			Work:	
			Mobile:	
Date parent warned in writing of possible LA prosecution:			Dates of Attendance Improvement Meetings	
Other Agencies Involved				
	Agency/Department	Officer Name	Tel Number	
Social Care				
Educational eg EPS, Alternative provision				
Medical				
Other				

Please indicate below the paperwork that will be available for the Inclusion Adviser following receipt of this form:

Copy of letter sent to parent at outset of working with family to warn of possible LA prosecution	
Any medical evidence (where relevant), including letters from GPs/consultants/CYPS	
Records of attendance meetings held with parents	
Records of home visits made by school staff to discuss attendance	
Copy of AIM plan or equivalent (and review of plan if completed)	
Electronic register history of change report	
Attendance certificate signed by Head teacher	

Any actions taken to support the child's broader social, emotional and behavioural needs

	Offered?	Start/End date
SEN Graduated pathway/Statutory Plan, e.g. EHCP		
Details of referrals made to other agencies including social care		
Transport assistance investigated		
Reduced timetable		
Alternative Provision		
Altered curriculum		
Time at school inclusion unit		
Help with catching up missed work		
Rewards/sanctions		
Behaviour support		
Pastoral Support Plan		
Managed move		
Change of tutor group		
Bullying resolution		
Mentoring/buddying		
School nurse input		
Counselling		
Parenting help/referral		
Other strategy/support. Please evidence.		

Please ensure all paperwork is dated and signed by the headteacher.

Signed (Headteacher):

Date:

In all cases, other than unauthorised holiday during term-time, schools requesting legal proceedings for poor attendance will have already had conversations with the school's allocated IA. This is to ensure that there is accurate evidence of intervention and support provided to the pupil and family to improve attendance.

Following these discussions, requests from schools to initiate legal proceedings should be sent via secure email to attendance@gloucestershire.gov.uk or via first class post to: Education Performance & Inclusion, 3rd Floor, Block 4, Shire Hall, Westgate Street, Gloucester GL1 2TP.

Please ensure all paperwork is dated and signed by the Headteacher

Part 3:

Gloucestershire County Council

Penalty Notice Code of Conduct

1. Introduction

1.1 This code has been issued pursuant to The Education (Penalty Notices) (England) Regulations 2007/1867 (as amended) and applies to all schools and academies in Gloucestershire except for independent schools. All references to the Local Authority mean Gloucestershire County Council.

1.2 Regular and punctual attendance of pupils at school is essential in order for pupils to maximise the opportunities available to them. The purpose of this code is to set out the procedure for issuing penalty notices in respect of the following two offences:

- **Education Act 1996, section 444(1):** failure by a parent to secure regular attendance at school of a registered pupil
- **Education and Inspections Act 2006, section 103:** duty of a parent of an excluded pupil to ensure the pupil is not present in a public place at any time during school hours on a school day.

1.3 Penalty notices are not the only means of disposal for these offences. Depending on the circumstances of each case, the Local Authority may alternatively decide to issue a caution, or to prosecute the offence in a magistrates' court, or to take no further action.

1.4 It is important that decisions about these offences are made in accordance with the Human Rights Act 1998 and the Equality Act 2010 as well as specific relevant legislation, regulations and statutory guidance. Therefore, in Gloucestershire the standard practice is that all penalty notices will be issued by the Local Authority.

2. Who is a parent?

2.1 Parent means:

- all natural parents, whether they are married or not;
- any person who has parental responsibility for a child or young person; and,
- any person who has care of a child or young person i.e. lives with and looks after the child.

The Local Authority and school will need to decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day to day responsibility for a child.

3. Who Can Issue Penalty Notices?

3.1 Penalty notices for offences under section 444(1) of the Education Act 1996 must be issued by an authorised officer in accordance with section 444A of the Education Act 1996.

3.2 Penalty notices for offences under section 103 of the Education and Inspections Act 2006 must be issued by an authorised officer in accordance with section 105 of the Education and Inspections Act 2006.

3.3 For the purposes of sections 444A and 105 above, an authorised officer is the Local Authority, a police officer, the head teacher of the relevant school, or a member of staff at the relevant school who has been authorised by the head teacher.

3.4 The standard practice in Gloucestershire is for all penalty notices to be issued by the Local Authority; therefore it is a requirement of this code that other authorised persons consult with the Local Authority's Education Performance and Inclusion Team before deviating from the standard practice. The reason for this standard practice is that if the penalty notice is unpaid, only the local authority may prosecute parents for the original offence, under either Section 444 (1) of the Education Act 1996 or Section 103 of the Education and Inspections Act 2006.

4. About Penalty Notices

4.1 A penalty notice may be issued under any of the following circumstances:

4.1a An excluded pupil is found in a public place, without a justifiable reason for being there, during school hours on a school day during the first five days of a fixed exclusion period or a permanent exclusion. The parents must have been notified in writing by the school, at the time of the exclusion, of their duty to ensure the child is not found in a public place during school hours and the days to which it applies.

4.1b Code G Absence from school during term-time in order to take a holiday, where the school has not authorised the absence, (recorded as **Code G** on the school attendance register). In such a case, each parent may be issued with a separate penalty notice for each child taken out of school. The issue of penalty notices will also be dependent on the level of unauthorised absence and the school's attendance policy.

4.1ci Code U Persistent lateness of a pupil arriving at school after the registers have closed (recorded as **Code U** on the school attendance register). For U coded absence, schools must have thoroughly explored the reasons for the U coded absence and considered whether any support or reasonable adjustment may be required from the school to the pupil. Schools should also be able to provide evidence to the Local Authority that this has been done. Once again, the issue of penalty notices will also be dependent on the level of unauthorised absence and the school's attendance policy.

4.1cii Before requesting a penalty notice in respect of unauthorised absence for lateness, the school should issue a letter to the parent(s) warning that if a further session is coded as an unauthorised absence within the next fifteen school days, or if there is a further period of unauthorised absence, a penalty notice may be issued to each parent, or magistrates' court proceedings may be commenced against the parent(s) with no further warning. The warning letter must be sent by first class post.

4.1di Code O Absence which has not been authorised by the school, where the parent has failed to provide an explanation for the absence that meets the expectations of the school's attendance policy (recorded as **Code O** on the school attendance register). The issuing of penalty notices for O coded absence may be an appropriate disposal following receipt of a completed Request to Initiate Legal Proceedings form and associated paperwork and a full investigation has been undertaken including interview under caution of the parent by the Local Authority.

4.1dii Before a penalty notice can be issued in respect of absences under code O, the school must provide evidence that the reason for the absence has been fully investigated and that efforts have been made to work with the parent(s) and pupil to improve attendance. The school may be required to provide a detailed witness statement setting out this evidence and the witness may be required to attend court.

4.2 The penalty notice must be paid within 28 days of deemed service, (see 4.3). The amount that will need to be paid will depend on when the payment is made. If full payment is made within the first 21 days, the fine will be £60.00. If, however, payment is made between the 22nd and 28th day, the fine will be £120.00.

4.3 Penalty notices must be served on parents by first class post. Deemed service will be on the second working day after posting. Working day means a day other than a Saturday, Sunday or a public holiday.

4.4 The parent's liability for the specific instance of the offence to which a penalty notice relates will be discharged provided that full payment is made within the prescribed time period.

4.5 If a penalty notice remains unpaid more than 28 days after deemed service, and provided that the penalty notice has not been withdrawn, the Local Authority may proceed to prosecute the

original offence in a magistrates' court.

4.6 A maximum of two penalty notices per individual child may be issued in any twelve-month period to any one parent.

4.7 All schools and academies in Gloucestershire (except for independent schools) are allocated an Inclusion Adviser from the EP&I Team who can offer the schools support regarding effective attendance practice.

4.8 There is no right of appeal against a penalty notice. Although this Code of Conduct states that there is no requirement to issue a warning letter before requesting a penalty notice for unauthorised holiday absences, (Code G), parents should have been warned of this possibility in the School Attendance Policy and in other avenues of parental communication which can be clearly evidenced by the school if required.

5. Procedure for Issue

5.1 Responsibility within the Local Authority for the issue of penalty notices is held by the Education Performance and Inclusion Team.

5.2 Requests for the issue of penalty notices should be sent either by email or post to:

Email Address: attendance@gloucestershire.gov.uk

Postal Address: Education Performance and Inclusion Team, 3rd Floor, Block 4, Shire Hall, Westgate Street, Gloucester GL1 2TP

Penalty Notices for offences under section 444(1) of the Education Act 1996:

Each request should include the following documents:

- Completed Request For Penalty Notice form
- Copy of the warning/exclusion letter sent to the parent(s) other than in the case of unauthorised holiday absence, (G Code)
- Excerpt from the school's Attendance Policy that demonstrates the school's expectation that registered pupils should attend school for all available sessions unless the absence is authorised by the school
- Records of any other relevant communications with the parent(s) e.g. letters, emails, logging of phone calls, home visits
- Evidence of a fifteen day monitoring period other than in the case of unauthorised holiday absence (G Code)
- Current copy of the attendance register, which includes the period in question signed by the head teacher.
- In the case of U/O coded absences, evidence of the work that the school has done with the parent(s) in order to try to resolve the situation (see 4.1 above)

Penalty notices for offences under section 103 of the Education and Inspections Act 2006:

Each request should include the following documents:

- Completed Request For Penalty Notice form
- Copy of the exclusion letter sent to the parent(s)
- Records of any other relevant communications with the parent(s)
- Evidence that the pupil was present in a public place during a prohibited period also needs to be provided, typically the statement of a responsible person who witnessed the event. Evidence that supports the witness statement, such as photographs, should be exhibited to the statement.

5.3 The Education Performance and Inclusion Team will: Check that the criteria for issuing a penalty notice are met:

- Contact the referrer in writing regarding the outcome of the request
- Serve Penalty Notices by first class post in accordance with relevant legislation, regulations and this code of conduct
- Where appropriate and in accordance with section 6.1 below, withdraw penalty notices in accordance with relevant legislation, regulations and this code of conduct
- Report annually on the use and outcomes of penalty notices issued in respect of education matters.

6. Circumstances When a Penalty Notice Can Be Withdrawn

6.1 A penalty notice, once issued, may be withdrawn if the Local Authority determines that it meets at least one of the following criteria:

- It ought not to have been issued
- It ought not to have been issued to the person named as the recipient
- It contains material errors
- It is unpaid and the Local Authority decides to take no further action.

6.2 If a penalty notice is withdrawn, the Education Performance and Inclusion Team will send notice of the withdrawal to the recipient and refund to the person who paid it any part of the penalty which has been paid and also inform the original referrer of the decision.

7. Monitoring and Review

7.1 The Education Performance and Inclusion Team must maintain records of penalty notices including:

- a copy of each notice issued
- a record of all payments made and on what dates
- whether the notice was withdrawn and on what grounds
- whether the penalty notice led to a prosecution and which offence was prosecuted.

7.2 This Code of Conduct will be reviewed on an annual basis, or as and when changes to relevant legislation and regulations are made.

Request to Issue a Penalty Notice

Education, Performance & Inclusion

This form will be used in any legal action under the Education and Inspections Act 2006 S103 and The Education Act 1996 S444 relating to non-school attendance of a registered pupil at the school.

The completed form should be signed by the headteacher/principal and returned to Education Performance & Inclusion, 3rd Floor, Block 4, Shire Hall, Westgate Street, Gloucester GL1 2TP Telephone: 01452 427274

Pupil Details:					
Name:		School:			
Date of Birth:	Male/Female:				
NCY:	CiC Yes/No	CPP Yes/No	SEN Yes/No	Traveller Yes/No	
Parent(s) Details:					
Title:	Surname	Forename	Date of birth:		
Address & postcode:			Relationship to pupil:		
Title:	Surname	Forename	Date of birth:		
Address & postcode:			Relationship to pupil:		
Title:	Surname	Forename	Date of birth:		
Address & postcode:			Relationship to pupil:		
Title:	Surname	Forename	Date of birth:		
Address & postcode:			Relationship to pupil:		
Reason for Request: Please select			Enclosed Documents: Please confirm		
Unauthorised holiday (Code G)			Attendance printout for the academic year		
Persistent late arrival at school – after the registers have closed (Code U)			Evidence of warning letter and monitoring period		
Child found in a public place during an exclusion			Copies of relevant letters to parents/carers		
Headteacher Confirmation					
I confirm that this pupil is on roll at the school named above and that he/she has had _____ sessions of unauthorised absence in the previous _____ weeks. I confirm that the attached, signed attendance printout is an accurate record of the attendance register for this pupil.					
Name		Signed		Date	



Updated: October 2017

S:\EPI\Oversights\Attendance\WebDocs\Request to issue penalty notice – Oct.2017

Sample Warning Letter for Penalty Notices

Date

Name

Address

Dear (Name)

**Re: The Education (Penalty Notices) (England) Regulations 2007
Warning of Penalty Notice**

Under the Education Act 1996, parents and carers have a duty to make sure their children regularly attend school. If parents or carers fail to do this, they can be prosecuted.

Working within a Code of Conduct the Local Authority can issue a penalty notice to parents or carers if a child has missed a number of sessions without permission from the school.

(Name) has been absent from school for () sessions in the previous () weeks without prior authorisation or an acceptable reason being given to the head teacher. Please note there are normally 2 sessions in each school day.

This absence has therefore been recorded as unauthorised in the school register.

I need to inform you that the level of (Name's) unauthorised absence places you at risk of a penalty notice and/or court action by the Local Authority.

Providing there are no further unauthorised absences within the next 15 school days, which will start 2 days after the date of this letter, to allow for postage, a penalty notice will not be issued on this occasion.

I must also draw your attention to the fact that should (Name) have more unauthorised absences within the next 12 months, you may receive a penalty notice without further warning.

Yours sincerely

Penalty Notices and the Education Act 1996

Section 444 of the Education Act gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but unwilling to secure an improvement in their child's school attendance and/or punctuality.

Government Advice on School Attendance

'Pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.'

Penalty Notices



Information for Parents and Carers

Q. Why are Penalty Notices used?

Missing school damages children's attainment levels, disrupts school routines and the learning of others. Children who miss school are vulnerable to anti-social behaviour and youth crime. Above all, missing school seriously affects children's longer-term life opportunities.

If your child fails to attend school regularly and punctually and the absence is recorded by the school as unauthorised, you are guilty of a criminal offence under Section 444 of the Education Act.

Q. What is a Penalty Notice?

A Penalty Notice is a fine which may be issued as an alternative to prosecution. It does not require a court appearance and does not result in a criminal record. Payment of a Penalty Notice means you avoid the potential danger of prosecution and subsequent conviction.

Q. When might a Penalty Notice be issued?

If your child is absent from school, without authorisation from the Headteacher, you may be sent a warning letter by the school or in the case of unauthorised holiday, warnings will have already been made clear to you by the school. This includes sessions where your child has arrived after the school's registration period without an acceptable reason.

The school will continue to monitor your child's attendance and if there are further unauthorised absences there will be no further warning and a Penalty Notice may be issued by the Local Authority.

**Each school day contains two sessions.*

Q. How is a Penalty Notice issued?

You will receive the Penalty Notice by post to your home. Fines are issued to each parent (as defined in Education Law) for each child.

Q. What is the cost of the fine?

The penalty notice allows you 21 days to pay a £60 fine. If you pay after the 21-day period but within 28 days, the fine increases to £120. If the fine remains unpaid at this stage, we would initiate legal proceedings against you for your child's non-attendance.

Q. How can a Penalty Notice be paid?

Your Penalty Notice will include clear instructions on how to pay. There are two main ways - by cheque or over the phone using your debit or credit card. We cannot accept payment in part or by instalment for a Penalty Notice.

Q. What happens if I do not pay?

You will have up to 28 days from receipt to pay the Penalty Notice in full. If you fail to do so, the Local Authority is required, by law, to consider proceedings in the Magistrates' Court for the original offence of poor school attendance and/or punctuality.

If you are convicted of this offence there are a number of possible sentences, including a fine of up to £2,500 and/or a period of up to 3 months' imprisonment.

Q. Is there an appeal process?

No. When you receive your Penalty Notice all investigations will have taken place, so once a Penalty Notice has been issued, we cannot withdraw it unless it has been issued in error. It must be paid.

Q. What happens if the Penalty Notice is paid but my child still misses school?

Parents/carers are not liable for prosecution for their child's school attendance for the period in question once the Penalty Notice is paid. However, prosecution may be considered for further periods of absence not covered by the Notice. Prosecution will be considered if two Penalty Notices have been served in any single year.

Q. Who can I contact about a Penalty Notice that has been issued?

In the first instance you should contact the Attendance Officer at the school your child attends.

Q. Where can I find more information?

For more information about the issuing of Penalty Notices you can contact the Education Performance and Inclusion Team at:

Gloucestershire County Council
Education Performance and Inclusion Team
3rd Floor
Block 4
Shire Hall
Westgate Street
Gloucester
GL1 2TP

Phone: 01452 427274

Email: Attendance@gloucestershire.gov.uk

Updated October 2017

S:\EP\oversights\Attendance\WebDocs\Leaflet for Parents - Penalty Notices Oct.2017

Frequently Asked Questions about Penalty Notices

Q. What can we issue Penalty Notices for?

Penalty Notices are seen as a quick, effective way to bring about change where a child has relatively low level of unauthorised absence perhaps due to holiday in term time or for persistent late arrival after the register closes.

Q. Can a school issue their own Penalty Notices?

No. In Gloucestershire the Penalty Notice scheme is administered by the Local Authority.

Q. After we have sent a warning letter, when does the 15 school day monitoring period start?

You should allow 2 working days from the date of the letter for delivery before starting to monitor for further unauthorised absences.

Q. A pupil for whom we sent a warning letter has had unauthorised absence on the 1st day of the 15 school day monitoring period, how soon can we refer this for a Penalty Notice?

You could send a referral for Penalty Notice on the first occurrence of unauthorised absence but good practice would be to wait for the end of the 15 school days.

Q. A pupil for whom we sent a warning letter has been recorded with an N-code (no reason yet given) during the 15 school days monitoring period, can we refer for a Penalty Notice?

No. You must establish the reason for absence. If, once a reason is provided for the absence, the absence is changed to G or U, you can then refer.

Q. A pupil has had further unauthorised absences within the 15 school day monitoring period and we would like to refer for a Penalty Notice, how soon must we do this?

In order to ensure any evidence we may have to produce in court is kept within the timeframes, we ask that any referrals are made within 2 weeks of the last day of the monitoring period.

Q. We have a pupil in Reception who is persistently late after the register closes, can we send a warning letter?

Yes, if the pupil has reached compulsory school age.

Q. A pupil has had a number of sessions of unauthorised absence for a variety of reasons, even though the school's Attendance Policy makes it clear that this is not acceptable. Can we send a warning letter?

Yes. However, we suggest you use the majority so if child has lots of O-coded absences you should consider a request to initiate legal proceedings rather than a penalty notice.

Q. We have already sent a warning letter this academic year and now the child is off on holiday again or started to be late after the registers have closed, do I send another warning letter?

No. Providing the original warning letter contained an explanation that any further unauthorised absences within the next 12 months could result in a penalty notice being issued without further warning, you do not need to send another warning letter.

Q. A pupil normally lives with their mother, but their father has taken them on holiday during term time which has not been authorised by the school. Who should we send a warning letter to?

Any adult, who lives with and looks after a child, is considered to be a parent in Education law. The fact that a parent does not live with the child is not a defence. For that reason, a warning letter could be sent to both mother and father in this case.

Q. We have a pupil in NCY11 who has been recorded as having a number of sessions of unauthorised absence. Can we send a warning letter?

Yes, however, due to timescales for court evidence, warning letters for Year 11 pupils should not be issued after 1 March.