

**HEXHAM  
MIDDLE  
SCHOOL**

**School Attendance Policy**

Revised September 2018

**Attendance is directly linked to achievement. We work to ensure all pupils reach their potential therefore intervention regarding concerns about attendance is integral to the work of all staff.**

## Introduction

Excellent attendance promotes excellent learning. Regular school attendance is essential if children are to achieve their full potential.

Hexham Middle School believes that regular school attendance is crucial in allowing children to maximise the educational opportunities available to them and become emotionally resilient, confident and competent children who are able to realise their full potential and make a positive contribution to their community. We believe that every child is entitled to an excellent education.

As set out in this policy, we will work with families to identify the reasons for poor attendance and try to resolve any difficulties. Early intervention will be a priority.

HMS believes attendance is a shared responsibility, involving the whole school community and local community: our Attendance Policy should not be viewed in isolation; it is a thread that runs through all aspects of school improvement and is supported by our policies on safeguarding, anti-bullying, behaviour and discipline and inclusion policies. This policy also takes into account the Human Rights Act 1998, the Disability Discrimination Act 1995 and the Race Relations Act 2000.

HMS defines our key levels of attendance as:

Attendance	Description	Approx. days lost per year	Approx. weeks lost per year
98 – 100%	Excellent	0 to 4	Less than 1
96 – 98%	Good	4 to 8	1 to 1 ½
93 – 96%	Of concern	8 to 13	1 ½ to 2
90 – 93%	Unsatisfactory	13 to 19	2 to 3
Below 90%	Persistent Absence	More than 19	More than 3

## Principles

HMS believes the following important principles underpin our approach to managing attendance:

- Pupils and parents/carers understand the issues and procedures for attendance and punctuality.
- All school staff, including trustees, administrative and support staff, understand the issues and procedures for monitoring attendance.
- Clear procedures exist for supporting pupils to come to school.
- Tutors and pastoral staff highlight the need for excellent attendance.

- Parents/carers and pupils have the opportunity to raise concerns and share in addressing those concerns.
- Allocating resources e.g. time, people, space to support the policy.
- Recognising, praising and rewarding pupils who have good attendance and those who strive to improve their attendance.
- Identifying patterns of absence and intervening early. Research shows patterns of attendance are established early in a school career. Children who miss significant amounts of their education in first schools are more likely to truant later on. HMS will work with the school partnership as part of our Federation using data to identify pupils of concern early.
- Sanctions for failing to ensure regular attendance and authorising attendance is fully understood by the whole school community and parents/carers.

### **Rights/Roles/ Responsibilities**

There is a clear link between poor attendance at school and lower academic achievement and progress.

HMS believes that improved school attendance can only be achieved if it is viewed as a shared responsibility of the school staff, trustees, parents/carers, pupils and the wider school community.

#### **The Trust Board will:**

- Ensure that the importance and value of good attendance is promoted to pupils and their parents/carers.
- Have a named senior manager to lead on attendance. At HMS this is Amanda Frankish, Deputy Headteacher, who oversees the work of the pastoral team on attendance.
- Annually review the school's Attendance Policy and ensure the required resources are available to fully implement the policy.
- Identify a member of the Trust Board to lead on attendance matters.
- Ensure that the Education (Pupil Registration) (England) Regulations 2006 and other attendance related legislation is complied with.
- Monitor the school's attendance and related issues through termly reporting at Trust Board meetings.
- Ensure that attendance data is reported to the Local Authority and DfE as required and on time.
- Have clear systems in school to report, record and monitor the attendance of all pupils, including those who are educated off-site.
- Ensure that there are procedures for collecting and analysing attendance data frequently to identify causes and patterns of absence.
- Ensure that data is understood and used to develop strategies and to evaluate the effectiveness of interventions.

#### **The Leadership Team will:**

- Actively promote the importance and value of good attendance to pupils and their parents/carers.
- Form positive relationships with pupils and parents/carers.
- Ensure that there is a whole school approach which reinforces good school attendance with good teaching and learning experiences that encourage all pupils to attend and to achieve.
- Monitor the implementation of the Attendance Policy and ensure that the policy is reviewed annually.
- Make staff aware of the Attendance Policy and make sure they are adequately trained to address attendance issues.

- Ensure that the Education (Pupil Registration) (England) Regulations 2006 and other attendance related legislation is complied with for example School Attendance – Departmental advice Oct 2014.
- Have a named senior manager to lead on attendance and allocate sufficient time and resource. This is Amanda Frankish, Deputy Headteacher.
- Return school attendance data to the Local Authority and DfE as required and on time.
- Report the school's attendance and related issues through termly reporting to the Trust Board.
- Ensure systems in place to report, record and monitor the attendance of all pupils, including those who are educated off-site, are implemented.
- Collate and analyse attendance data frequently to identify causes and patterns of absence.
- Interpret the data to develop solutions and to evaluate the effectiveness of interventions.
- Involve Education Welfare and develop a multi-agency response to improve attendance and support pupils and their families.
- Document interventions used to a standard required by the local authority should legal proceedings be instigated.

**Officer Staff/Pastoral Staff/Form Tutors and Curriculum Leaders will:**

- Inform parents/carers on the first day of absence via a phone call by 9:30am wherever possible.
- Actively promote the importance and value of good attendance to pupils and their parents/carers.
- Form positive trusting relationships with pupils and parents/carers.
- Contribute to a whole school approach which reinforces good school attendance, with good teaching and learning experiences that encourage all pupils to attend and to achieve. A positive learning climate is essential for promoting good attendance.
- Comply with the Education (Pupil Registration) (England) Regulations 2006 and other attendance related legislation.
- Implement systems to report, record and monitor the attendance of all pupils, including those who are educated off-site.
- Analyse attendance data to identify causes and patterns of absence.
- Contribute to the evaluation of school strategies and interventions.
- Work with the Education Welfare Officer and other agencies to improve attendance and support pupils and their families.
- Document interventions used to a standard required by the local authority should legal proceedings be instigated.

**Parents/Carers will:**

- Talk to their son/daughter about school and their experiences whilst there. Take a positive interest in their son/daughter's work and educational progress.
- Instil the value of education and regular school attendance within the home.
- Encourage their son/daughter to look to the future and have aspirations.
- Contact the school before 9.00am if their son/daughter is absent, on each day of absence to let them know the reason why and the expected date of return.
- Understand that it is the school who will authorise absence or not as appropriate and not the parent/carer.
- Avoid unnecessary absences. Make appointments for the doctors, dentists etc. outside of school hours.
- Ask the school for help if their son/daughter is experiencing difficulties.
- Inform the school of any change in circumstances that may impact on their son/daughter's attendance.
- Support the school: take every opportunity to get involved in their son/daughter's education, form a positive relationship with school and acknowledge the importance of children receiving the same messages from both school and home.
- Encourage routine at home, for example, going to bed at an appropriate time, doing homework, preparing school bag and uniform the evening before.

- Not keep their son/daughter off school to help at home or to look after other members of the family.
- Avoid taking their son/daughter on holiday during term-time. This will always be unauthorised unless there are exceptional circumstances (determined by the school).

## **Legal Framework**

Section 7 of the Education Act 1996 states that parents must ensure that children of compulsory school age receive efficient full-time education suitable to their age, ability and aptitude to any special educational needs they may have, either by regular attendance at school or otherwise.

A child is of compulsory school age at the beginning of the term following their 5<sup>th</sup> birthday. A child ceases to be of compulsory school age on the last Friday in June of the school year in which they reach the age of 16.

Under the Education Act 1996, the Local Authority has a statutory responsibility to ensure that parents secure education for children of compulsory school age and where necessary, use legal enforcement. This responsibility is undertaken by Education Welfare.

The Education (Pupil Registration) (England) Regulations 2006, expect schools to take an attendance register twice a day, once at the start of the morning session and then again during the afternoon session.

The register must record whether the pupil was:

- present;
- absent;
- present at approved educational activity; or
- unable to attend due to exceptional circumstances.

## **Categorising absence**

Where pupils of compulsory school age are recorded as absent, the register must show whether the absence is authorised or unauthorised.

Absence can only be authorised by the school and cannot be authorised by parents/carers. All absences will be treated as unauthorised unless a satisfactory explanation and or evidence for the pupil's absence has been received.

Parents/carers should advise the school by telephone on the first day of absence (before 9am) by ringing absence line on 01434 602533 and provide the school with an expected date of return. Alternative arrangements will be agreed with non-English speaking parents/carers.

Absence will be categorised as follows:

### **Illness**

In most cases a telephone call or a note from the parent/carer informing the school that their son/daughter is ill is acceptable. Where there are repeated absences due to reported illness parents/carers will be asked to provide medical evidence. This will usually be in the form of an appointment card, prescription etc. or in some cases a doctor's note. Where attendance  $\leq$  90% it is likely we will request such evidence except in extenuating circumstances.

### **Medical/Dental Appointments**

Parents/carers are advised where possible to make medical and dental appointments outside of the school day. Where this is not possible, pupils should attend school for part of the day. Parents should show the appointment card to school.

### **Other Authorised Circumstances**

This relates to occasions where there is cause for absence due to exceptional circumstances, for example family bereavement, visiting a parent in prison or part-time timetable agreed as part of a reintegration package.

### **Excluded (No alternative provision made)**

Exclusion from attending school is counted as an authorised absence. The pupil's Head of Key Stage will make arrangements for work to be sent home.

### **Leave of Absence During Term Time**

**The guidance below reflects the changes to the Pupil Registration Regulations which came into force in September 2013.**

All children of statutory school age who are registered at school must, by law, attend that school regularly. Any absence from school can seriously disrupt a pupil's continuity of learning and have a detrimental effect on their future progress. This guidance is in accordance with the Northumberland County Council Code of Conduct for Penalty Notices which was reviewed and revised in September 2013.

Amendments to the 2006 pupil regulations remove references to family holiday, extended leave and the statutory threshold of ten school days (authorised at the discretion of the Headteacher).

The amendments make clear that:

*'Headteachers shall not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days a child can be away from school if the leave is granted for exceptional circumstances'.*

Leave of absence during term time is entirely at the discretion of the Headteacher and is not a parental right.

All decisions in relation to whether leave of absence is granted (authorised) or not (unauthorised) should be applied consistently and equitably on a case by case basis.

In deciding whether or not to grant leave of absence the following are taken into account. The list is not exhaustive and each request for leave of absence in term time will be considered individually and on its own merits.

- Overall pattern of attendance (we regard attendance below 96% as of concern).
- Age of the child(ren).
- Phase of their education.
- Time of the year and examinations.
- Length, destination and purpose of the leave and whether it is likely to be a rare event in the life of the child.
- Family circumstances and the parents/carers reasons for wanting to take the annual holiday in term time.

Parents should follow the guidance in the 'Hexham Partnership of Schools' Policy for Leave of Absence during Term-Time' leaflet (a copy of this leaflet is available from the school office or can be viewed on our website) regarding any application for leave of absence. This leaflet also indicates the possible consequences of taking a child out of school without the headteacher's permission.

## *Application Process*

HMS will follow this process:

- A parent/carer requesting leave of absence during term time should make the application in writing at least two weeks in advance (see Appendix 1) where possible.
- School will contact the parent/carer to discuss the reasons for the application and the impact the absence may have on the child's education.
- School will reply to all applications in writing stating their decision. All replies will be dated and signed by the Deputy Headteacher (see Appendix 2).
- If leave is not granted, the reason for not authorising a request will be clearly stated and will explain why there are no exceptional circumstances, in addition to the possible consequences of disregarding the refusal to grant absence.
- If leave is granted, the length of authorised absence will be clearly stated including the date the child is expected to return to school including possible consequences if the child fails to return on that date.
- If a parent/carer has failed to request a leave of absence from the school, and the child is absent from school it will be marked as unauthorised absence in the register denoted as "O".
- Should the school be satisfied and can evidence the fact that the unauthorised absence is unauthorised family holiday, then the register will be marked as "G" and then the school will write to the parents/carers giving them the opportunity to explain the situation and the possible consequences of the unauthorised leave of absence.
- It is at the Headteacher's discretion as to whether a case should be referred to the local authority for a fixed penalty notice to be issued.

## **Religious Observance**

HMS acknowledges the multi-faith nature of British society and recognises that on some occasions, religious festivals may fall outside school holiday periods or weekends and this necessitates a consideration of authorised absence or special leave for religious observance.

It is reasonable for a parent/carer to request their children not to attend school on any day of religious observance if recognised by the parent's/carer's religious body.

Parents/carers are requested to give advance notice to the school if they intend their son/daughter to be absent.

However, in the interests of fulfilling the academic requirements of the school and limiting the authorised absence rate of the school, it is identified as reasonable that no more than one day be designated for any individual occasion of religious observance/festival and no more than three days in total in any academic year. Any further absence will be categorised as unauthorised.

## **Traveller Absence**

The aim for the attendance of Traveller children, in common with all other children, is to attend school as regularly and as frequently as possible.

To protect Traveller parents/carers from unreasonable prosecution for non-attendance, the Education Act 1944, section 86, states that a Traveller parent is safe from prosecution if their son/daughter accrues 200 attendances (i.e. 200 half days) in a year. This is only when the family are engaged in a trade or business that requires them to travel and when the child is attending school as regularly as that trade permits.

It does not mean that part-time education for Traveller children is legally acceptable, nor does it relieve parents/carers of their duties to ensure that their children are receiving suitable education when not at school.

When in or around Northumberland, if a family can reasonably travel back to their Base School (see below) then the expectation is that their son/daughter will attend full-time.

HMS will be regarded as the base school if it is the school where the child normally attends when they are not travelling. However, the pupil must have attended in the last 18 months. Traveller children can register at other schools temporarily while away from their base school, in such cases, the pupil's school place at HMS will be kept open for them whilst travelling. This is to protect them from unfairly losing their place at their school of usual attendance.

HMS can only effectively operate as the child's base school if it is engaged in on-going dialogue with Traveller families. This means that parents/carers must:

- advise of their forthcoming travelling patterns before they happen; and
- inform the school regarding proposed return dates

HMS will authorise absence of Traveller children if we are satisfied that a family is travelling and has given indication that they intend to return.

Traveller children will be recorded as attending an approved educational activity when:

- The child is on roll and attending another visited school.
- The child is undertaking supervised educational activity under the jurisdiction of another Local Authority's Traveller Education Service.
- The child is undertaking computer-based distance learning that is time evidenced.

Where Traveller children are registered pupils at a school and are known to be present either at a site (official or otherwise) or in a house and are not attending school, the absence will be investigated in the same way as that for any pupil.

### **Late Arrival**

Registration begins at 8.45am; pupils arriving after this time will be marked as present but arriving late (L). The register will close at 9.00am. Pupils arriving after the close of register will be recorded as late after registration (U), this will not be authorised and will count as an absence for that school session.

On arrival after the close of register, pupils must immediately report to the school office to sign in to ensure that we can be responsible for their health and safety whilst they are in school.

Absence will only be **authorised** if a satisfactory explanation for the late arrival can be provided, for example, evidence of attendance at a medical appointment.

The absence will be recorded as **unauthorised** if the pupil has arrived late without justifiable cause, for example, if they woke up late.

As a school, we are aware lateness can severely affect achievement. We monitor punctuality closely and have strategies in place to address lateness. Detentions are issued if the issue of lateness is a persistent concern. Awareness of the impact of lateness is regularly raised with pupils, staff and parents/carers.

### **Unauthorised absence**

Absence will not be authorised unless parents have provided a satisfactory explanation and that it has been accepted as such by the school. It should be noted that the school is responsible for authorising absence not parents. Attendance interventions begin when attendance falls to between 93-96%. If a pupil's absence falls to  $\leq 90\%$  this will be of great concern and the school will discuss the issue with the



Educational Welfare Officer. At this stage a pupil is regarded as persistently absent. School will not usually be able to authorise absence under this level. If the absence is due to an illness/medical issue then we will request you obtain a medical note from a GP/hospital.

Examples of unsatisfactory explanations include:

- Closure of a sibling's school for teacher training (or other) purposes.
- Illness where the child is considered well enough to attend school.
- Holidays taken without the authorisation of school.

### **Contact with Parents**

HMS runs a first day absence calling system if pupils are not in lessons by 9.30am. A call will be made to parents asking them to provide a reason for absence. Safeguarding our pupils is of utmost importance to us.

If we are aware a child has left school without permission we will notify parents. We will look for the child on the premises when we are aware that they are absent. Contact will therefore usually be made with parents after 30 minutes. If deemed necessary, school will also contact the police. If school cannot make contact with parents, they will notify the police.

### **Deletions from the Register**

In accordance with the Education (Pupil Registration) (England) Regulations 2006, pupils will only be deleted from the register when one of the following circumstances applies:

- The pupil has ceased to be of compulsory school age.
- Permanent exclusion has occurred and procedures have been completed.
- Death of a pupil.
- Transfer between schools.
- Pupil withdrawn to be educated outside the school system.
- Failure to return from an extended holiday after both the school and the local authority have tried to locate the pupil.
- A medical condition prevents their attendance and return to the school before ending compulsory school age.
- In custody for more than four months (in discussion with The Youth Offending Team).
- 20 days continuous unauthorised absence and both the local authority and school have tried to locate the pupil.
- Left the school but not known where he/she has gone after both the school and the local authority have tried to locate the pupil.
- The school is replaced by another school on a School Attendance Order.
- The School Attendance Order is revoked by the local authority.

HMS will follow Northumberland County Council's Children Missing Education Protocol when a pupil's whereabouts is unknown. Monthly returns are made to the local authority.

### **Using Attendance Data**

Pupils' attendance will be monitored and may be shared with the Local Authority and other agencies if a pupil's attendance is a cause for concern.

Indicators next to a pupil's name will show if their attendance has stayed the same, improved or deteriorated. This pupil level data will be used to trigger school action as set out in the escalation of intervention document.

Attendance data will also be used to identify emerging patterns and trends at whole school and individual pupil levels. This will be used to inform whole school/federation strategies to improve attendance and attainment and will include analysis of attendance of specific groups e.g. Girls/Boys; Special Educational Needs (SEN), Disadvantaged Pupils (Free School Meals Ever 6); Children Looked After (CLA).

HMS will share attendance data with the DfE and the local authority as required.

All information shared will be done so in accordance with the Data Protection Act 1998.

Action plans based on the data analysis will be produced half termly. The focus will be whole school issues and specific actions with groups of pupils.

### **Support Systems**

HMS recognises that poor attendance is often a sign that there are more serious issues going on in a child's life. This may be linked to problems at home and or in school. Parents/carers should make school aware of any difficulties or changes in circumstances that may affect their child's attendance and or behaviour in school, for example, bereavement, divorce/separation, illness. This will help the school identify any additional support that may be required.

HMS also recognises that some pupils are more likely to require additional support to attain good attendance, for example, pupils with special educational needs, those with physical or mental health needs, migrant and refugee pupils and looked after children. Data will be analysed for trends with specific groups of pupils.

The school will implement strategies to support improved attendance. Strategies used will include:

- Discussion with parents and pupils
- Attendance meetings with pastoral staff
- Attendance group meetings
- Referrals to support agencies
- PSHE lessons
- Working with parents/carers
- Reward systems e.g. assembly, raffles
- Time limited part-time timetables
- Alternative provision
- Additional learning support
- Behaviour support
- Use of our inclusion facilities – The Base
- Reintegration support packages

Support offered to families will be child-centred and planned in discussion and agreement with both parents/carers and pupils.

Where parents/carers fail or refuse to engage with the support offered and/or further unauthorised absence occurs, HMS will refer to Education Welfare and the use of legal sanctions will be considered.

**Parenting Contracts** (Used in conjunction with Fast Track to Attendance) (Anti Social Behaviour Act 2003)

A Parenting Contract is a voluntary agreement between school, the parent/carer and the Local Authority (EWO). It can also be extended to include the child depending on age.

The contract will outline attendance targets and will detail agreed actions that will help to achieve the target.

The contract can be used as evidence in a prosecution should parents/carers fail to carry out agreed actions.

Parenting Contracts will be used in accordance with Northumberland County Council's Protocol.

## **Legal Sanctions**

### **Prosecution**

Where intervention by school and the Education Welfare Officer fails to bring about an improvement in attendance, legal action in the Magistrates' Court may be taken. The school will provide Education Welfare/Local Authority with evidence required for a prosecution under Section 444 of the Education Act 1996 and will appear as a prosecution witness if required by the court. This is to ensure that parents realise their own responsibilities in ensuring attendance at school and most importantly about returning children to education.

Section 444 of the Education Act 1996 states that if a parent fails to ensure the regular school attendance of their child if he/she is a registered pupil at a school and is of compulsory school age, then they are guilty of an offence.

A parent found guilty of this offence can be fined up to £2500 and/or be imprisoned for a period of three months.

Alternatives to Section 444 prosecution are Penalty Notices or an Education Supervision Order.

### **Penalty Notices**

(Anti Social Behaviour Act 2003) Penalty Notices will be considered in accordance with Northumberland County Council's Protocols.

A Penalty Notice gives the parent/carer the opportunity to discharge themselves of their legal responsibility if a £60 fine is paid within 21 days or £120 if paid after 21 days but within 28 days of the date the Notice was issued. Failure to pay the Penalty Notice may result in a prosecution under Section 444 of the Education Act 1996.

### **Application for Fixed Penalty Notices for Absence from School**

#### **Extract from NCC Leave of Absence in Term Time Guidance for Schools September 2016**

It is at the Headteacher's discretion as to whether a case should be referred to the Local Authority for a Fixed Penalty Notice (FPN) to be issued.

Northumberland County Council will consider applications for FPNs in accordance with its code of conduct on the grounds that an unauthorised LOA (holiday) is capable of being irregular attendance and could possibly trigger an FPN. **However**, before making any application for an FPN, attendance in the wider context should be considered, including attendance in a previous academic year if appropriate. Taking this into account, if the Headteacher believes that the threshold (see below) has

been met, a request with all accompanying information can be made to the Local Authority to issue an FPN. The parents/carer must be informed in writing that a request has been made to the Local Authority to issue an FPN.

The current threshold as set out in the current Northumberland County Council code of conduct for fixed penalty notices is:

“a minimum absence of ten sessions (five school days) which are unauthorised must be recorded against the pupils named within a 6 to 12 school week period” (see Appendix 3).

### **Children Missing From Education**

School puts in place measures to safeguard children who go missing from education, particularly on repeat occasions.

School tries, wherever possible, to hold an emergency contact number for more than one person. Emergency contact numbers should be provided and updated by the parent with whom the pupil normally resides. This provides school with additional options for making contact with a responsible adult when a child is missing school and is identified as a welfare and/or safeguarding concern.

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**Appendix 1**

**HEXHAM MIDDLE SCHOOL  
APPLICATION FOR LEAVE OF ABSENCE OF CHILD FROM SCHOOL**

A parent/carer requesting leave of absence during term time should make the application in writing at least two weeks in advance. Please ensure all sections of the form are completed before returning it to Mrs A Frankish, Deputy Headteacher. Forms can also be returned by email to [admin@hexhammiddle.org.uk](mailto:admin@hexhammiddle.org.uk)  
The school will reply to all applications in writing stating the Deputy Headteacher's decision.

**Education (Pupil Registration) (England) Regulations 2006  
Education (Pupil Registration) (England) (Amendment) Regulations 2013**

The 2013 amendments to the 2006 regulations explain clearly that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should also determine the number of school days a child can be away from school if leave is granted.

<b>Pupil's name:</b>		<b>Date of birth:</b>	
<b>Registration class:</b>		<b>Contact number(s):</b>	
<b>Pupil's home address:</b>			

**I request permission for my child to be granted leave of absence from school between**

<b>First day of absence:</b>		<b>Date of return to school:</b>		<b>Total number of school days missed:</b>	
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<b>If you are also submitting a request for absence for a child at another school in the Hexham Partnership of Schools please provide the name of the school(s), child(ren)'s name(s) and year group(s). Please note you must complete a leave of absence request for each individual school and return it to them.</b>	<b>School</b>	<b>Child(ren)'s Name &amp; Year Group(s)</b>

Please fully explain the **exceptional circumstances** relating to the leave of absence you would like the Deputy Headteacher to consider. *(Continue on a separate sheet if necessary).* Please refer to the Hexham Partnership of Schools' Policy for leave of absence during term time which is available on our website [www.hexhammiddleschool.co.uk](http://www.hexhammiddleschool.co.uk) or call 01434 602533 to request a copy; it is the decision of the Deputy Headteacher as to what might constitute exceptional circumstances. Each request for any term-time leave will be considered on an individual basis. Examples of exceptional circumstance would be:

- o Forces Personnel on leave from a foreign posting.
- o Evidence provided by an employer that states leave cannot be accommodated during school holidays without significant consequence.

**Preferred contact method for response:**

**Postal response**  **Email (please state email address)**

**Declaration**

I have read and understood the information in the Hexham Partnership of Schools' Policy regarding leave of absence during term time, unauthorised absence, and Penalty Notices. I am aware of the possible consequences should I take my child on leave of absence without the prior authorisation of the Head of School.

**Parent/Carer Name (please print):** .....  
**Signature:**..... **Date:** .....

## Appendix 2

### Standard letters used in reply to request for leave of absence

#### Authorised

Dear <home salutation>

#### Education Act 1996 – School Attendance

I note your request to take <pupil name> out of school during term time from \_\_\_\_\_ to \_\_\_\_\_ (<no. school days>).

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that headteachers may not grant any leave of absence during term time unless:

- An application has been made in advance to the Headteacher by a parent with whom the pupil normally lives with; and
- The proprietor (Headteacher) or person authorised by the Headteacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application.

After carefully considering your application I have decided to **authorise** your request for your child <pupil name>, being taken out of school as I am satisfied that the exceptional circumstances criteria has been met.

Yours sincerely

Amanda Frankish  
Deputy Headteacher

## Unauthorised

Dear <home salutation>

### Education Act 1996 – School Attendance

I note your request to take <pupil name> out of school during term time from \_\_\_\_\_ to \_\_\_\_\_ (<no. school days>).

Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that headteachers may not grant any leave of absence during term time unless:

- An application has been made in advance to the Headteacher by a parent with whom the pupil normally lives with; and
- The proprietor (Headteacher) or person authorised by the Headteacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application.

After carefully considering your application I have decided not to authorise your request for absence as I am not satisfied that the exceptional circumstances criteria has been met.

<Pupil name>'s absence will be considered unauthorised absence unless medical evidence is provided to detail otherwise.

I must warn you that failure to ensure your child's attendance is an offence under Section 444 of The Education Act 1996.

If the reasons given for your child's absence from school are not satisfactory then the Local Authority may take legal proceedings against you for your failure to comply with the law. This may result in:

- A Penalty Notice requiring the payment of a penalty up to **£120**, failure to pay the penalty due will result in prosecution before Magistrates Court.
- Prosecution under Section 444 (1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under Section 444 (1a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

I ask that you work with the school to ensure that your child attends school every day.

Yours sincerely

Amanda Frankish  
Deputy Headteacher

# **NORTHUMBERLAND**

C O U N T Y C O U N C I L

## **PENALTY NOTICE CODE OF CONDUCT**

The Education (Penalty Notices) (England) Regulations 2007

**(Revised December 2015)**

*(The term "school" will include, state schools, academies and alternative provision)*

### **1. RATIONALE**

- Regular and punctual attendance of pupils at school is a legal requirement under Section 7 of the Education Act 1996 and is essential in order for students to maximise the educational opportunities available to them. It is a parent's/carer's responsibility to ensure their child receives efficient full time education that is suitable to their child's age, aptitude and to any special educational needs the child may have.
- The Local Authority has a duty to enforce attendance and discharges this duty to Education Welfare who will continue to investigate cases of irregular school attendance by undertaking targeted casework intervention and where appropriate, institute legal proceedings for unauthorised absence.
- Penalty Notices add to the range of sanctions available and offer a means for swift intervention, which Northumberland County Council will use to combat attendance problems before they become entrenched. This code of conduct ensures the power to use penalty notices is applied consistently and fairly, and that suitable administrative arrangements are in place.
- The Education & Inspections Act 2006 allows a Penalty Notice to be issued when an excluded child is found in a public place, during school hours without a justifiable reason.
- In order to comply with human rights legislation, it is essential that penalty notices be issued in a consistent manner. This code of conduct will govern the issuing of penalty notices for Northumberland County Council. This Code of Conduct is also consistent with the County Council's Corporate Enforcement Policy, sections 14 to 16 of the Crime and Disorder Act 1998 and statutory guidance issued as appropriate.

### **2. LEGAL BASIS**

- Section 23 of the Anti-social Behaviour Act 2003 added two new sections (444A and 444B) to the Education Act 1996. These sections introduce penalty notices as an alternative to prosecution under section 444 for the offence failing to secure regular attendance at school of a registered pupil.
- The Education (Penalty Notices) (England) (Amendment) Regulations 2005 extends the issuing of Penalty Notices to alternative provision.
- The Education (Penalty Notice)(England) (Amendment) Regulations 2012 increased the amount payable following the issue of Penalty Notice to £60 and £120.
- The Education (Penalty Notice) (England) (Amendment) Regulations 2013 reduced the timescales for paying a penalty notice. Parents/carers will pay £60 within 21days or £120 within 28 days.



Penalty Notices are issued per parent/carer per child. Full payment of the penalty discharges the parent from liability for prosecution

- This code of conduct relies on the meaning of parent as set out on in s576 of the Education Act 1996. This can include:

*All natural parents, whether they are married or not;*

*Any person who has parental responsibility for a child;*

*Any person, who although not a natural parent, has care of a child, irrespective of what their relationship is with that child)*

- Penalty Notices supplement the existing sanctions available under s 444 Education Act 1996 or Section 36 Children Act 1989 to enforce attendance at school or alternative provision. This local authority will keep this code of conduct under review and will take into account guidance including statutory guidance issued by the Department for Education (DfE).

### 3. PROCEDURE FOR ISSUING PENALTY NOTICES

- Penalty Notices will be issued by Education Welfare, who will ensure that this process is closely monitored and that recipients pay the relevant fine. In cases where the penalty is not paid within the defined period, action will be undertaken through the courts as required by legislation.
- Each case will be considered individually and on its merits. Every aspect relating to pupil's attendance and home circumstances will be considered before the issuing of a penalty notice. No Penalty Notice will be issued without the issue of a relevant warning notice **unless** the absence is due to unauthorised leave of absence in term time.
- No one parent/carer will receive more than one separate Penalty Notice resulting from the unauthorised absence of an individual child in any twelve month period, **unless** the absence is due to unauthorised leave of absence in term time.
- Education Welfare, on behalf of Northumberland County Council, will receive and administer referrals for the issue of Penalty Notices, from Local Authority maintained schools, academies and the Police. These requests will be actioned providing:
  - i. The circumstances of the case meet the criteria for the issuing of a penalty notice specified in this Code of Conduct, and;
  - ii. All necessary information is provided to Education Welfare in order to establish that an offence, under Section 444 (1) of the Education Act 1996, has been committed.
- Once a case has been considered in accordance with this code then where appropriate each parent will receive a separate warning notice and Penalty Notice for each child. Should a parent fail, or refuse to pay any Penalty Notice, then the evidence provided by the school will be part of the information laid before the court.
- Penalty Notices will not be issued during the course of truancy patrols. It is likely that insufficient evidence will be available to prove the offence at that time. Enquiries will be undertaken with the school and parent/carer regarding any pupil stopped.

#### 4. CRITERIA FOR ISSUING A PENALTY NOTICE

- Education Welfare will generally only consider it appropriate to issue a Penalty Notice if, following assessment, a parent is judged capable of but unwilling to secure the required improvement in their child's school attendance.
- The parent should not have a previous conviction relating to a child's non-attendance at school.
- A minimum absence of ten sessions (five school days) which are unauthorised must be recorded against the pupils name within a 6-12 school week period.
- A formal warning notice will be issued in the first instance rather than a Penalty Notice. This formal warning notice will:
  - i. State the record of unauthorised absences which gives rise to the formal warning,
  - ii. Notify the parent that a penalty notice will be issued unless the pupil's record shows no unauthorised absence within 15 school days; the commencement date will be set out in the formal warning notice.

#### **EXCEPTIONS:**

##### Leave of absence in term time

**A formal warning notice will not be issued prior to the issue of a Penalty Notice where the leave of absence relates to a one off instance of irregular unauthorised absence (for example a holiday taken in term time)**

Leave of absence in term time can include leave, for which no permission has been sought from the school, or permission sought but refused, or the child has not returned by the agreed date and no acceptable reason for delay has been received.

**It should be noted in accordance with The Education (Pupil Registration)(England) (Amendment) Regulations 2013 and statutory guidance issued by the DfE**

Leave of absence in term-time will not be granted **unless:**

- i. An application has been made in advance by a parent/carer with whom the pupil normally resides. (Parents/carers should refer to the school for application forms and time limits for the submission of such an application.)
- ii. **AND** the leave of absence has been duly authorised due to exceptional circumstances

It is usually the Head teacher who determines whether or not the absence is authorised. In short, Head teachers are prohibited from granting leave of absence except where an application has been made in advance and they consider there are exceptional circumstances relating to the application.

- A Penalty Notice will be considered by authorised officers within Education Welfare following an application by an appropriately authorised person from the school where a parent/carer has failed to make a request in accordance with the Regulations and the child has been absent from school for a minimum absence of ten sessions (five school days).

- A Penalty Notice will be considered by authorised officers within Education Welfare following an application by an appropriately authorised person from the school where an application has been made, but the leave of absence has not been authorised as there are no exceptional circumstances and the child has been absent from school for a minimum absence of ten sessions (five school days)

### Excluded Pupils

- The Education and Inspections Act 2006, Section 103 places a duty on parents in relation to an excluded pupil, to ensure that their child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed term and permanent exclusion. These days are known as the “specified days of exclusion”.
- Section 104 of the Act requires schools to notify parents in writing that they are responsible for the child during these days.
- A public place means any highway or any other public place to which the public have access. A school is not a public place for this purpose.
- Where an excluded child is found to be in a public place on one of the “specified days for exclusion”, the parent(s)/carers will be given the opportunity to provide reasonable justification prior to issuing the penalty notice.
- The decision as to whether the circumstances for being in a public place are justified or not will be determined by one of those authorised to issue a penalty notice.

It should be noted that where the individual circumstances of a particular case requires a departure from this code of conduct, this decision will be properly reasoned and documented accordingly.

## **5. WITHDRAWAL OF PENALTY NOTICE**

The Local Authority may withdraw a penalty notice in any case in which it is determined that:

- It has been issued outside the terms of the code of conduct ;
- No offence has been committed;
- It has been issued to the wrong person;
- It contains material errors

Where a penalty notice has been withdrawn in accordance with the above, notice of the withdrawal shall be given to the recipient and any amount paid by way of penalty in pursuance of the notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawal notice was issued or for an offence under Section 444 1(a) of the Education Act 1996 arising out of the same circumstances.

## **6. PAYMENT OF A PENALTY NOTICE**

The arrangements for payment will be detailed on the Penalty Notice.