



# Kenningtons Primary Academy

## *Attendance Policy*

**2023 - 2024**

<b>Date of Approval</b>	15 <sup>th</sup> February 2024
<b>Review Duration</b>	1 Year
<b>Date of Renewal</b>	February 2025



“Improving attendance is everyone’s business. The barriers to accessing education are wide and complex, both within and beyond the school gates”. Working together to improve school attendance (DfE, 2022).

This policy is written with support of guidance documents Working together to improve school attendance (DfE, 2022), Summary table of responsibilities for school attendance (DfE, 2022) and awareness of appropriate legislation and guidance (see Appendix 1).

**This policy is written in conjunction with our Child Protection Policy.**

The new Department for Education guidance Working together to improve school attendance (DfE, 2022) expects all schools:

- to have a continuing responsibility to proactively manage and improve attendance across their school community.
- to develop and maintain a whole school culture that promote the benefits of high attendance
- to complete admission and registers accurately, and have day to day processes in place to follow up absence
- to regularly monitor and analyse attendance
- to build strong relationships with families
- to work together with all partners such as Parents/Carers and Local Authority (see Appendix 2)

### **Responsibilities and Expectations of Parents/Carers**

Working together to improve school attendance (DfE, 2022) states that Parents/Carers have a legal duty to ensure their child attends school every day that school is open, except in a small number of allowable circumstances such as being too ill or being given permission for an absence in advance.

Parents / Carers are expected to

- ensure their child(ren) arrive at school on time, in appropriate uniform, ready to learn
- ensure their child(ren) attend school each day school is open
- provide school with a reason for any absence first thing in the morning using Studybug app (<https://studybugs.com/about/parents>).
- liaise with the Pastoral Manager for more detailed attendance support (see appendix 6)
- book medical appointments out of school hours and/or provide evidence of appointment if during school time
- provide at least two contact numbers and inform School of any changes of address / proposed change of school and start date
- only request leave of absence in exceptional circumstances

- proactively engage with school and Local Authority regarding any support offered/ signposted; to address their child's barriers to attendance, especially if their child is at risk of becoming persistently absent (has missed 10% or more of school)

### **Roles and Responsibilities of School Staff**

#### **The Governing body will:**

- have regards to both Keeping Children Safe in Education (DfE, 2023) and Working together to improve school attendance (DfE, 2022) when making arrangements to safeguard and promote the welfare of pupils
- recognise the importance of school attendance and ensure that school staff fulfil expectations and statutory duties
- regularly review attendance data and participate in panel meetings with families who need support identifying barriers to attendance.
- agree Attendance policy.

#### **The Headteacher will:**

- have regard to the statutory guidance Keeping Children Safe in Education (DfE, 2023) and Working together to improve school attendance (DfE, 2022) when making arrangements to safeguard and promote the welfare of all pupils.
- have awareness of pupils with specific barriers to attendance and consider the school's obligations under the Equality Act 2010 and the UN Convention
- put in place safeguarding responses for a child being absent from school or going missing from school.
- set annual attendance targets
- assign roles to manage and improve attendance
- attend regular attendance panels with families who need support.
- be aware of referrals to the School Attendance Support Team (SAST)
- Refer missing children to the police for support

#### **The Pastoral Manager will:**

- have regard to Keeping Children Safe in Education (DfE, 2023), Working together to improve school attendance (DfE, 2022) and Summary table of responsibilities for school attendance (DfE, 2022)
- complete home visits when a child's whereabouts is unknown.
- use data to identify pupils at risk of poor attendance
- work with pupils and families to understand and address barriers to attendance
- action safeguarding responses for a child being absent from school, or going missing from school
- update class teachers with regards to families needing support.
- produce reports as requested focusing on specific pupil groups such as: at risk of becoming persistently absent, persistently absent, severely absent, pupil premium (PP), free school meal (FSM), pupils with a social worker.
- signpost and support access to services and/or put targeted services in place to remove any barriers to attendance to prevent pupils becoming persistently absent.
- work with Local Authority as part of agreed joint approach to support all severely absent pupils
- take an active part in any multi-agency work deemed appropriate including working with the Local Authority: School Attendance Support Team (SAST), Social Care.

Office Staff will:

- have regard to Keeping Children Safe in Education (DfE, 2023) regarding children being absent or missing from school.
- action safeguarding responses for a child who is absent from school or is missing from school.
- ensure teaching staff have access to appropriate class registers
- ensure completed registers are received from class teachers in good time.
- notice attendance trends within the school including use of Studybugs app.
- understand that the importance of good attendance and that absence is almost always a symptom of wider circumstances
- conduct two 1<sup>st</sup> day absence calls in the case of non-notified absence and refer with the Pastoral Manager when a response is not obtained.

Class Teachers will:

- conduct registration electronically in Juniper Horizons at start of the morning and start of the afternoon sessions
- raise concerns regarding attendance with the Pastoral Manager
- support pupils where in-school barriers to attendance have been identified
- promote the importance of good attendance
- issue merits each half term to pupils with 100% attendance

## Registration Procedures including Punctuality/Lateness

8:45am	School day starts	<ul style="list-style-type: none"> <li>Duty Teachers are stationed at the entry doors into the school at 8:45am each morning to admit children into the school building</li> </ul>
		<ul style="list-style-type: none"> <li>Parents/Carers are not permitted to enter the building but may pass written notes to the Duty staff member for the Class Teacher.</li> </ul>
		<ul style="list-style-type: none"> <li>Class Teachers will ensure notes are passed onto the school office where appropriate</li> </ul>
8:50am		<ul style="list-style-type: none"> <li>Duty Teachers will be relieved of door duty by the Duty TA at 8:50am.</li> </ul>
8:55am	School doors shut	<ul style="list-style-type: none"> <li>Duty TA will shut and secured at 8:55am. Any pupils who arrive after this time are considered to be late and must be directed to the school office. Code L will be attendance code if a child has arrived late, but before the register has closed. Office staff record time of arrival and reason for lateness onto Juniper Horizon</li> </ul>
		<ul style="list-style-type: none"> <li>The register is a legal document and can only be taken by a member of Staff. School uses national codes to record and monitor attendance and absence in a consistent way which complies with the regulations.</li> </ul>
8:55am	Register taken	<ul style="list-style-type: none"> <li>Morning register is taken electronically in Juniper Horizon at 8:55am. A paper copy must be used if Juniper Horizon is not available. This must be sent straight to the office.</li> </ul>
		<ul style="list-style-type: none"> <li>Registers are open for 30 minutes. Pupils arriving after 9:25am time must be directed to the school office and are recorded as late</li> </ul>
9:25am	Register closed	<ul style="list-style-type: none"> <li>Pupils arriving after 9:25am time must be directed to the school office. Code U will be attendance code if a pupil has arrived late / after the register has closed. Office staff record time of arrival and reason for lateness onto Juniper Horizon. This entry is classed as an unauthorised absence.</li> </ul>
12:55pm	Register taken	<ul style="list-style-type: none"> <li>Afternoon register is taken electronically in Juniper Horizon at 12:55pm. A paper copy must be used if Juniper Horizon is not available. This must be sent straight to the office.</li> </ul>
		<ul style="list-style-type: none"> <li>Pupils returning for the afternoon session must arrive by 12:50pm and arriving later than this will result in a late mark.</li> </ul>
3:15pm	School day ends	

## **Categories of Absence**

Parents/Carers may not authorise absence, absence is authorised by the Headteacher.

- **Illness**

Parents/Carers should notify school on the first day the child is unable to attend due to illness. This should be done via the Studybugs app. The school will authorise absence due to illness unless they have genuine cause for concern about the veracity of the illness.

The school can request Parents/Carers provide medical evidence to support illness. The school will record the absence as unauthorised if the requested medical evidence is not produced. Medical evidence can be a doctor's certificate, sight of the medicine bottle, appointment card or copy of the prescription. If Parents/Carers inform the school that they are unable to provide evidence due to an ongoing illness the School may, with written parental consent, write to the doctor and request evidence.

- **Medical and dental appointments**

Parents/Carers should endeavour to make their child's medical appointments outside of school hours and/or provide evidence of appointment if during school time. A medical appointment is counted as an authorised absence.

- **Term time holiday**

Requests for period of absence for purpose of a holiday will not be authorised. Any holiday taken during term time will be recorded as Code G: Holiday not authorised by the school may lead to a penalty notice being issued by the Local Authority.

- **Special occasions**

Parents/Carers should write a letter to the Headteacher explaining the circumstances. Each request will be treated individually. Please note in the majority of cases absences of this nature will not be authorised.

- **Family bereavement**

We will respond sensitively to requests for leave of absence to attend funerals or associated events. Parents/Carers should write to the Headteacher explaining the circumstances.

- **Being educated offsite**

This code is used when pupils are present at an off-site educational activity that has been approved by School.

## **Suspension / Exclusion**

Suspension / exclusion is treated as an authorised absence. If a pupil is found alone in a public place during a period of exclusion a Penalty Notice may be by Thurrock Council.

## **Penalty Notices**

Working together to improve school attendance (DfE, 2022) guidance explains that fixed penalty notices are served on parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered.

Kenningtons Primary Academy has adopted the Thurrock Council Code of Conduct (2022) as part of its Attendance Policy (see Appendix 3).

Penalty Notices may be applied for

- irregular attendance
- unauthorised leave of absence including for the purpose of a holiday
- when a child that has suspended or excluded is found in a public place during school hours without a justifiable reason

Penalty Notices are a fine of £120 (reduced to £60 if paid within 21 days). They are issued to each Parent, for each child taken out of school, if the qualifying criteria is met. If a child returns to school after a period of absence and School believes they have been on holiday a Penalty Notice may be issued £120 (reduced to £60 if paid within 21 days) to each Parent, for each child taken out of school.

## **Registration Codes**

- Registration Code / \ Present in school / = am \ = pm
- Code B: Off-site educational activity
- Code C: Leave of absence authorised by the school
- Code D: Dual Registered - at another educational establishment
- Code E: Excluded but no alternative provision made
- Code G: Holiday not authorised by the school or in excess of the period determined by the Head Teacher.
- Code I: Illness (not medical or dental appointments)
- Code J: At an interview with prospective employers, or another educational establishment
- Code L: Late arrival before the register has closed
- Code M: Medical or dental appointments
- Code N: Reason for absence not yet provided
- Code O: Absent from school without authorisation
- Code P: Participating in a supervised sporting activity
- Code R: Religious observance
- Code S: Study leave
- Code T: Gypsy, Roma and Traveller absence
- Code U: Arrived in school after registration closed
- Code V: Educational visit or trip
- Code W: Work experience
- Code X: Not required to be in school
- Code Y: Unable to attend due to exceptional circumstances
- Code Z: Pupil not on admission register

### **Pupils Moving to a New Address and/or School**

Parents/Carers should keep the school informed of any changes or circumstances that may affect their child's attendance such as moving to a new address or a new school. This is to ensure the school complies with its safeguarding responsibilities

Parents/Carers must share full details of the change including the date the child is expected to start at the new school / move to reside at a new address with the school office prior to their child's last day.

The school must record these details fully. When a pupil moves to a new school, they will not be removed from the Kenningtons Primary Academy register until it has been confirmed by the new school that the pupil has started there.

### **Dual Registered Pupils**

Pupils attending on a dual registered basis are primarily the responsibility of their home school. Regular contact will be made with the dual rolled school for updates on the pupil's attendance.

### **Gypsy, Roma and Traveller absence**

To ensure the school complies with safeguarding responsibilities, Traveller families known to be travelling for occupational purposes will have agreed this with School. Parents who wish to take their child out of school to travel will be required to complete a form detailing contact information and when they expect their child to return to school (Appendix 4)

### **EHE – Elective Home Education**

If Parents/Carers send written notification to school that they intend to withdraw their child from school to home-educate, school will inform School Attendance Support Team (SAST) immediately, as per SAST advice

### **Culture of praise**

In keeping with new DfE guidance, there will be a culture of praise, identifying and celebrating improvements in attendance.

- merits issued each half term to pupils with 100% attendance
- individualised merits for pupils as agreed in individualised plans
- positive postcards sent home for pupils showing attendance improvement
- sending personalised letters to parents/carers and pupils recognising attendance improvement



## **Appendix 1**

This list is taken from page 66 of Working together to improve school attendance (DfE, 2022) which states all other relevant legislation and guidance.

### Relevant legislation

The Education Act 1996  
The Children Act 1989  
The Crime and Disorder Act 1998  
The Anti-social Behaviour Act 2003  
The Education and Inspections Act 2006  
The Sentencing Act 2020  
The Education (Pupil Registration) (England) Regulations 2006  
The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007  
The Education (Penalty Notices) (England) Regulations 2007

### Relevant government guidance

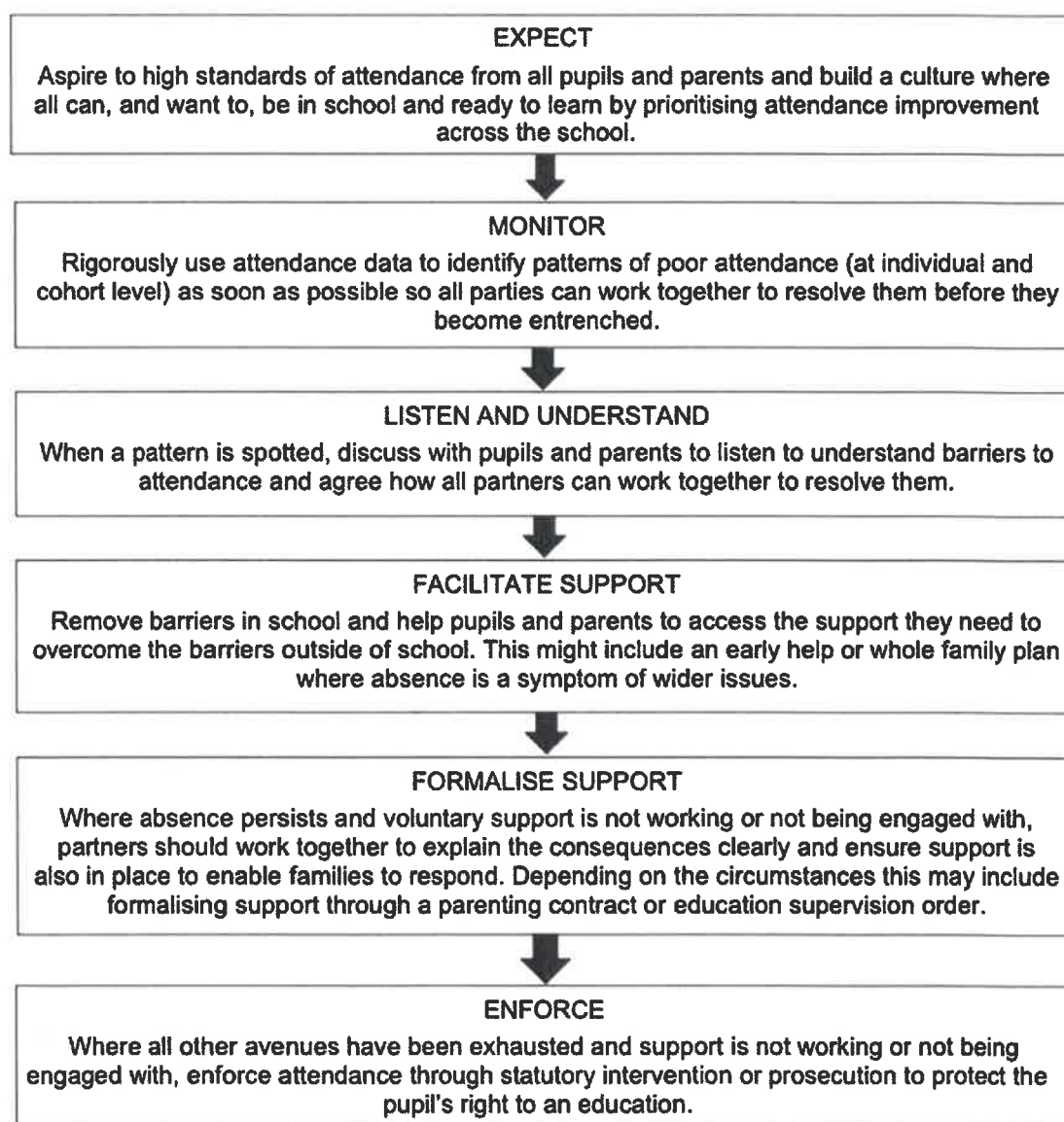
Parental responsibility measures for attendance and behaviour  
Children missing education  
Keeping children safe in education  
Working together to safeguard children  
Elective home education  
Alternative provision: statutory guidance for local authorities  
Exclusion from maintained schools, academies and pupil referral units in England  
Supporting pupils at school with medical conditions  
Ensuring a good education for children who cannot attend school because of health needs  
Promoting and supporting mental health and wellbeing in schools and colleges  
Approaches to preventing and tackling bullying

## Appendix 2

Flow chart identifying how all partners should work together from Working together to improve school attendance (DfE, 2022)

### Working together to improve attendance

13. Successfully treating the root causes of absence and removing barriers to attendance, at home, in school or more broadly requires schools and local partners to work collaboratively with, not against families. All partners should work together to:



## **Appendix 3**

### **Thurrock Penalty Notice Code of Conduct for Unauthorised Absence from School**

#### Foreword:

The law entitles every child of school age to an efficient full time education and it is the legal responsibility of every parent to ensure their child receives that education (Section 7, Education Act 1996).

The Department for Education (DfE) document “Working Together to improve school attendance, May 2022’ states ‘Improving attendance is everyone’s business. The barriers to accessing education are wide and complex both within and beyond the school gates and often specific to individual pupils and families.’”

Schools will work with children, families, the local authority and other partners to identify barriers to good attendance and offer support as appropriate. In cases where this offer of support fails to improve a child’s attendance statutory action may become necessary. This Penalty Notice Code of Conduct sets out the circumstances in which a Penalty Notice application can be made.

***“Education is the most powerful weapon we can use to change the world”***

– Nelson Mandela

Sheila Murphy, Corporate Director of Children's Services

## 1. Introduction

1.1 This is the Code of Conduct for issuing Penalty Notices in cases of unauthorised absence from any school or alternative provision in Thurrock. It is intended to comply with the relevant law, to be easy to use and to ensure that Penalty Notices are administered fairly across the local authority.

1.2 It applies to all schools within Thurrock, including academies, free schools and establishments where alternative provision is arranged under Section 19 of the Education Act 1996. It is effective from **1 September 2022**.

1.3 Each local authority must draw up a Code of Conduct to ensure consistency in the issuing of Penalty Notices within its area. Penalty Notices must also be issued in accordance with the Human Rights Act 1998 and the Equality Act 2010. All prosecutions are brought by the local authority. The Education Welfare Service will be able to clarify queries.

## 2. Background

2.1 Regular and punctual attendance at school is a legal requirement (Section 7 of the Education Act 1996) for pupils and is essential if pupils are to maximise the opportunities available to them. It is a parent's responsibility to ensure that their child attends regularly.

2.2 A child is of compulsory school age from the start of the term after their 5th birthday up until the last Friday of June in year 11.

2.3 An offence occurs:

- If a parent fails to ensure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school; or
- An excluded child is found in a public place, without reasonable justification, during the first 5 school days of a formal exclusion from school.

2.4 Section 576 of the Education Act 1996 defines "parent" as "*all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child means that person with whom the child lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a parent in education law.*"

2.5 Schools have a range of strategies available to them to encourage good attendance. The local authority is required by law in some circumstances to take statutory action to improve attendance and as a last resort may prosecute.

2.6 A Penalty Notice is an alternative to prosecution and offers parents the opportunity to discharge their responsibility for the period of non-attendance by payment of a penalty rather than by prosecution through the Criminal Court. The use of a Penalty Notice should be considered at the earliest opportunity; if it is believed it will address the non-attendance before it becomes entrenched.

Please note, Penalty Notice applications by relevant schools and partners in respect of Year 11 pupils will be accepted up until the end of Spring Term 1 ONLY. This is due to time limitations for prosecution should the Penalty Notice remain unpaid after 28 days.

## 3. Compliance with the Code

3.1 Penalty Notices issued in Thurrock must comply with this code. Failure to do so may result in the Penalty Notice being invalid and ultimately withdrawn.

3.2 The following partners have been consulted on this Code of Conduct and agree to its provisions:

- Thurrock Council (the LA)
- Governing Bodies, Head teachers and Principals of Thurrock Schools
- Essex Police

#### **4. Circumstances in which a Penalty Notice may be issued;**

##### **Irregular Attendance**

4.1 Penalty Notices can only be issued in respect of unauthorised absence, when the following criteria are met:

- At least 12 sessions of unauthorised absence are recorded against the pupil's name within 120 available sessions. (One session is a half day)
- Parents must first be sent a letter warning that a Penalty Notice could be issued and allowing them 30 school days to evidence a commitment to improving their child's attendance (Appendix A).
- We recommend that the warning is sent before the criteria are met; at 8-10 unauthorised sessions. After 30 days, if no further unauthorised absences are incurred it is hoped the Penalty Notice warning has been effective in improving attendance.
- Absences will only be included up to the end of the warning period.

The Penalty Notice application must be submitted within two school weeks of the end of the 30 day warning period.

Applications submitted after this date and/or inaccurate or incomplete applications will be rejected and returned to the sender.

##### **Unauthorised Leave of Absence (term time holiday)**

The Education (Pupil Registration) (England) Regulations 2006 were amended in 2013 so that references to family holiday (including reference to headteachers allowing up to 10 school days for a term time holiday) and extended leave were removed. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days the child may be away from school if the leave is granted.

4.2 Penalty Notices can only be issued in respect of unauthorised absence and must meet the following criteria.

- If a headteacher does not authorise a request from a parent for term time leave of absence and the parent takes the leave. In such circumstances, it is good practice for the school to notify parents of the intention to apply for a Penalty Notice and how the action conforms to the school's attendance policy.

- There must be at least 10 consecutive sessions of unauthorised term time leave. It is expected that the school's position on unauthorised leave and the use of Penalty Notices will be clearly communicated to all parents through the School Attendance Policy and newsletters. This is considered to be adequate warning therefore no individual warning letter is needed. However, it is good practice to inform parents that the absence was not authorised and of the intention to ask for a Penalty Notice to be issued.

The Penalty Notice application must be submitted within four school weeks of the pupil's return to school following the unauthorised leave of absence.

Applications submitted after this date and/or inaccurate or incomplete applications will be rejected and returned to the sender.

### **Exclusions**

- Where a pupil of compulsory school age who has been excluded from school, either for a fixed period or permanently is found to be present in a public place during school hours in the first five days of the exclusion, without reasonable justification. The parent must have been notified in writing by the school at the time of the exclusion of this and the days to which it applies.

- It is expected that the school has challenged the parent at the time and recorded evidence of this will be provided with the Penalty Notice application.

## **5. Who can issue a Penalty Notice?**

5.1 In accordance with this Code of Conduct a Penalty Notice will only be issued by the following individuals:

- Authorised local authority officers – in Thurrock, these are currently members of the Education Welfare Service.

- Headteachers, in respect of pupils registered at their school may make application to the local authority to issue.

- Deputy and assistant headteachers, as authorised by their headteachers may do the same.

- A Police Officer or Police Community Support Officer (PCSO) in the case of an excluded pupil being in a public place.

## **6. Procedure for Issuing a Penalty Notice Revised June 2022 Implementation from September 2022**

6.1 Schools will adopt a policy that ensures parents receive an appropriate warning in relation to *any* unauthorised absence or persistent lateness.

6.2 Prior to issuing a Penalty Notice in respect of irregular attendance it is a requirement that a final warning letter be sent to the parent allowing the parent 30 school days to evidence a commitment to improving their child's attendance.

6.3 Attendance will be monitored by the school. If, after schools have followed a robust attendance management process, there is no satisfactory improvement in the levels of attendance application can be made for a Penalty Notice to be issued.

6.4 When issuing a Penalty Notice the authorised individual must ensure that there is sufficient evidence for a prosecution under section 444(1) or 444(1a) of the Education Act 1996. For the avoidance of doubt, a Penalty Notice issued under the provisions of this Code will be sufficient for a prosecution under, at the very least, section 444(1) of the Education Act 1996.

6.5 Penalty Notices are issued per parent per child.

6.6 No more than 1 Penalty Notice in respect of irregular attendance will be issued to a parent within a 12 month period. If the law continues to be broken around school attendance consideration should be given to other action including immediate prosecution through the Criminal Court under Section 444(1) or 444(1a).

6.7 There is no limit to the number of Penalty Notices that can be issued in respect of unauthorised leave of absence (term time holiday).

6.8 There is no limit to the number of Penalty Notices that can be issued in respect of Exclusions.

6.9 To ensure all evidential requirements are in place and to safeguard officers; Penalty Notices will not be issued as 'on the spot' action and will only be issued via First Class Post.

6.10 Once a person is issued with a Penalty Notice they must pay a penalty. This is set by regulation at £60 if paid within 21 calendar days (after the date of issue), rising to £120 if paid after 21 calendar days but within 28 calendar days.

6.11 Penalty Notices must be paid in full. Instalment payment is not acceptable.

6.12 If the recipient fails to pay in full within 28 calendar days the local authority will prosecute for the offence to which the notice applies, save for in very limited circumstances when the notice may be withdrawn.

## **7. Circumstances in which a Penalty Notice may be withdrawn**

7.1 A Penalty Notice may be withdrawn by the local authority in any case in which the authority determines that:

- It has not been issued in accordance with the Code of Conduct.
- It ought not to have been issued to the person named as the recipient.
- It appears to the local authority that the notice contains material errors.
- The Penalty Notice has not been paid in full after 28 calendar days of issue, but it is not appropriate to prosecute the recipient for the offence in connection with which the notice was issued.

7.2 The decision to withdraw the notice must be confirmed in writing to the recipient of the original notice.

## **8. Non-payment of Penalty Notices**

8.1 If the Penalty Notice is not paid in full by the end of the 28 calendar day period, the local authority must either prosecute for the offence to which the notice applies or withdraw the notice.

8.2 The prosecution **is not for non-payment of the notice** but is a prosecution for irregular school attendance under section 444(1) or 444(1a) of the Education Act 1996.

8.3 In the event of a prosecution the school will be required to submit to the Education Welfare Service, via secure email or AVCO a 'bundle' containing the following documents:

- • Certified Extract signed by the Head teacher
- • Section 9 Witness Statement signed by the Head teacher
- • Exhibit Labels and relevant exhibits which will include, as a minimum:
- • The Pupil Attendance Record (PAR) covering the relevant prosecution period
- • Penalty Notice Warning Letter (in respect of irregular attendance)
- • Copy of the Penalty Notice issued
- • Copy of the Intent to Prosecute letter
- • Correspondence/ letters relating to the prosecution period
- • NPA01 (444 (1a) matters)
- • Annex F, PNC Names Enquiry Form (444 (1a) matters)

These documents **will be required within 10 school days of the request**. This is due to legal time limitations in laying the matter before the Courts.

8.4 In the event of a prosecution and, in particular if the defendant enters a 'not guilty' plea; headteachers/school staff must be available to appear as a witness for the prosecution and be prepared to give evidence in court. Therefore, in addition to the documentation in section 8.3 details should be submitted of dates to be avoided.

## **9. General points**

9.1 Schools must apply to the local authority (currently the Education Welfare Service) to issue a Penalty Notice on its behalf.

9.2 Applications must include a copy of the initial warning letter (where appropriate) and the Pupil Attendance Record pertaining to the Penalty Notice period. Schools must be prepared to provide a copy of the Pupil Attendance Record showing all tracked changes if requested.

9.3 For Penalty Notices issued in the case of unauthorised leave of absence, or absences in excess of the period determined by the headteacher, clear documentary evidence must be provided that demonstrates that the parent understood that permission had not/would not be given.

9.4 Penalty Notice Applications must be sent via secure email or AVCO to [EWS@thurrock.gov.uk](mailto:EWS@thurrock.gov.uk) All necessary documentation should be sent as 1 attachment and not as separate files.

9.5 There are no restrictions on the number of times a parent may receive a formal warning that a Penalty Notice may be issued.

9.6 It is not appropriate to issue a Penalty Notice if this conflicts with other legal action already being taken or, in most cases, where the pupil is in the care of the local authority.

9.7 Where a Police Officer or Police Community Support Officer stops an excluded pupil in a public place during the school day and the pupil has no reasonable justification to be there a request can be made by the officer for the Education Welfare Service to issue a Penalty Notice. The Education Welfare Service will establish, as soon as practicable, whether the relevant criteria are met, and if so, will issue the Notice.



9.8 The local authority retains sums paid in respect of Penalty Notices, and these go towards the cost of administering the scheme and resulting legal action. In the unlikely event that the local authority receives more income from Penalty Notices than it spends on administering the scheme, the excess income must be paid to the Secretary of State.

9.9 The Education Welfare Service will maintain a record of all applications and outcomes.

## 10. Appeals

10.1 There is no statutory right of appeal against the issuing of a Penalty Notice. If a parent wishes to challenge whether their child's absence(s) ought to have been authorised they must contact the school directly. The local authority is unable to 'pause' the process and parents are encouraged to make payment at the reduced amount of £60 whilst liaising with the school. Should the Head teacher decide to retrospectively authorise the absence(s) the Education Welfare Service must be informed, and the Penalty Notice withdrawn. If payment of the Penalty Notice has been made, a full refund will be arranged.

10.2 Parents who believe the Penalty Notice has been issued outside of the Code of Conduct may, make written representation to the Principal Education Welfare Officer, via email to: [EWS@thurrock.gov.uk](mailto:EWS@thurrock.gov.uk) setting out reasons why a Penalty Notice should not have been issued. This must be made within 10 calendar days of the date of the notice. **Please note: this does not apply to those parents who believe the absence should be authorised (see point above).** The parent will be notified of the outcome in writing, within 5 working days of the submission, and a copy sent to the school. The local authority is unable to 'pause' the process and parents are encouraged to make payment at the reduced amount of £60 whilst their representation is considered. If it is concluded that the Penalty Notice was issued outside of the Code of Conduct, the Penalty Notice will be withdrawn, and any payments made refunded in full.

## 11. Relevant legislation:

### Anti Social Behaviour Act 2003

<https://www.legislation.gov.uk/ukpga/2003/38/section/23>

### Children's Act 1996

<https://www.legislation.gov.uk/ukpga/1989/41/contents>

### Crime and Disorder Act 1998

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

### Education Act 1996

Section 444A <https://www.legislation.gov.uk/ukpga/1996/56/section/444A>

Section 444B <https://www.legislation.gov.uk/ukpga/1996/56/section/444B>

Section 576 <https://www.legislation.gov.uk/ukpga/1996/56/section/576>

Section 7 <https://www.legislation.gov.uk/ukpga/1996/56/section/7>

Section 19 <https://www.legislation.gov.uk/ukpga/1996/56/section/19>

### Education and Inspections Act 2006

<https://www.legislation.gov.uk/ukpga/2006/40/section/103>

### Equality Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

### Human Rights Act 1998

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

### The Education (Penalty Notices) (England) Regulations 2004

<https://www.legislation.gov.uk/uksi/2004/181/made>

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

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

## **12. Data Protection**

We will use the information you have supplied us to provide an appropriate, timely and effective service. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to [thurrock.gov.uk/privacy](https://thurrock.gov.uk/privacy). Get free internet access at libraries and community hubs.

Revised June 2022 Implementation from September 2022

## Appendix A – example Penalty Notice Warning Letter

School details

Date

Parent Name and Address

\*(Warning Letter should be issued per parent per child)

**CRIMINAL JUSTICE AND COURTS SERVICES ACT 2000**

**ANTI SOCIAL BEHAVIOUR ACT 2003**

**EDUCATION ACT 1996**

**CHILDREN ACT 1989**

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

Dear

**PENALTY NOTICE WARNING to parent of Child Name (DOB: )**

**Education Provision: Name of School**

We have been working with you to encourage improved school attendance for your child.

Elaborate here on what support has been offered and whether this has been accepted and what the outcome was.

For example: We have offered to complete with you a CAF (Common Assessment Framework) to seek additional support for you and your family however you declined/failed to engage with the support offered to you.

You signed a parenting contract containing actions that you, Child Name and the school would take in order to improve your child's attendance, but you have failed to adhere to do this.

Any other support offered, please detail here.

Unfortunately Name of Child attendance has not improved to a satisfactory level. I am enclosing a copy of the most recent attendance printout for your information.

It is your legal responsibility under section 7 of the Education Act 1996 to ensure that your child attends school regularly and punctually and failure to do so may result in statutory action being taken against you.

In this case; the first action will be to make an application to the local authority to issue you with a Penalty Notice.

The Penalty, which can be issued per parent per child, is £60 and must be paid within 21 days. If paid after 21 days but within 28 days the penalty is doubled to £120. Such payment will mean you will no longer be criminally liable for the period of poor attendance. Non-payment will result in a prosecution in the adult criminal court.

You now have a period of 30 school days in which to evidence your commitment to ensuring your child's regular attendance. Further unauthorised absences may result in the Penalty Notice being issued without any further reference to you.

Yours sincerely

Head teacher/Principal

School Name

Font in red indicates either a field to be completed or examples of possible details to include. This should be in black ink and this instruction, as well as other instructions or options not pertaining to this case; must be deleted and not left in the letter.

## **Appendix 4**

Form to be completed re: absence from school due to travelling for occupational purposes

To ensure Kenningtons Primary Academy is complying with our safeguarding responsibilities, please could you complete the following form on all occasions when your child will be absent from school due to travelling for occupational purposes.

Child's Name:

will be travelling with Mother / Father / Grandparents (please delete as appropriate).

Date from:

and will return to school on:

Child's name:

will be travelling to: (state location if known)

Contact telephone number:

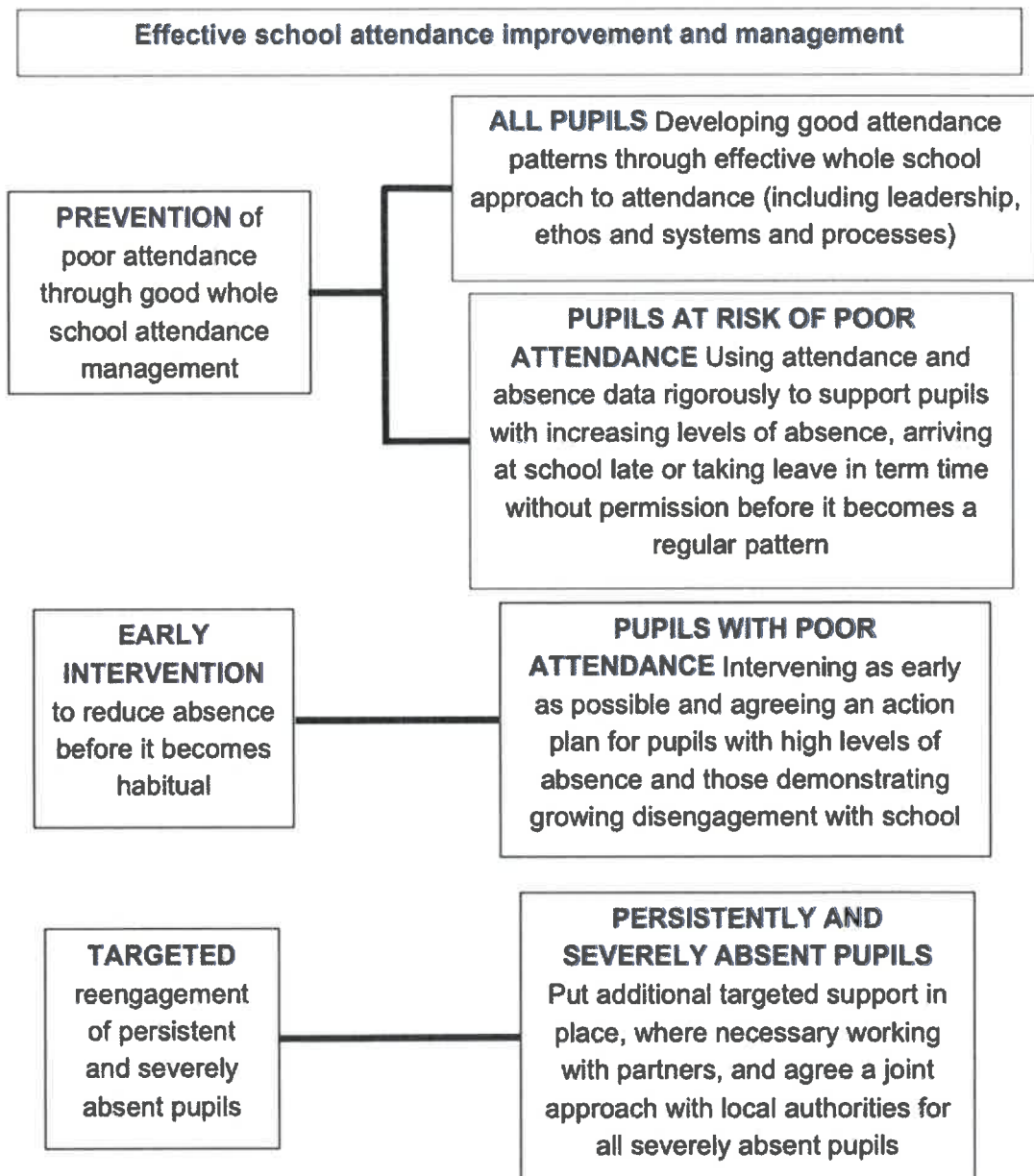
Contact address:

**Please return the completed form to the school office prior to travelling. If you are unable to do this you can contact School on 01708 865663 and a Staff member will complete this with you.**

**If your child does not return to school on the expected date, and no contact can be made with you, the school may make a CME referral to the School Attendance Support Team (SAST) which highlights that your child is 'missing'.**

## Appendix 5

Flow chart from Working together to improve school attendance (DfE, 2022)



## **Appendix 6**

The name and contact details of the senior leader responsible for the strategic approach to attendance in school.

Tracey Dole  
Pastoral Manager

01708 865663

[tdole@kenningtons.thurrock.sch.uk](mailto:tdole@kenningtons.thurrock.sch.uk)

OR

c/o [enquiries@kenningtons.thurrock.sch.uk](mailto:enquiries@kenningtons.thurrock.sch.uk)

OR

J Sawtell-Haynes

Head Teacher

01708 865663

c/o c/o [enquiries@kenningtons.thurrock.sch.uk](mailto:enquiries@kenningtons.thurrock.sch.uk)

**This Policy was reviewed by the Pastoral Manager, approved by the Pupils, Admissions & Curriculum Committee and ratified by the Governing Body on a 1-year cycle. It must be signed and dated by the Chair of Governors and Headteacher and displayed on the Schools Website.**

Signature of Chair of Governors:  Date: 18.2.24	Signature of Headteacher:  Date: 15/2/24
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