

# Welton St. Mary's Church of England Primary Academy



## Our Vision

As an inclusive Christian community we value each person, seeking to release everyone's full potential as promised by Jesus Christ. We seek to provide a safe, inspiring and creative learning environment providing opportunities for all to flourish. Through challenge, support and care, we strive for excellence in all that we do; always building on the foundations of shared values with consistently high expectations rooted in God's love. Together we are encouraged to be agents of positive change in this world.

*'May the God of hope fill you with all joy and peace as you trust in him, so that you may overflow with hope by the power of the Holy Spirit.'* Romans 15:13

Wisdom Hope Community Dignity

## Attendance Policy

(including Children Missing in Education and Fixed Penalty Notice)

Approved January 2024  
Review Annually



# WHOLE SCHOOL ATTENDANCE POLICY for WELTON ST. MARY'S CHURCH OF ENGLAND PRIMARY ACADEMY



## MISSION STATEMENT

Welton St Mary's Church of England Primary Academy is committed to providing a full and efficient education for all of its pupils. The school believes sincerely that all pupils benefit from the education it provides and therefore from regular school attendance. To this end the school will do as much as it can to ensure that all pupils achieve maximum possible attendance and that any problems, which may impede full attendance, are acted on as quickly as possible.

## IMPLEMENTATION

This policy received the full agreement of the Governing Body Policy Approval Panel and was agreed at their meeting in January 2024.

### AIMS:

To ensure children attend school at least 95%

To work with families to increase attendance levels and minimise the amount of time taken off from school.

To reduce the amount of time taken off school for medical and dental appointments.

Attendance for Welton St Mary's Church of England Primary Academy for the academic year 2022/2023 was 95.64% which is above National figures.

It is recognised that

- All pupils of statutory school age have an equal right to access an education in Welton St Mary's Church of England Academy in accordance with Curriculum regulations.
- No pupil should be deprived of their opportunity to receive an education that meets their needs and personal development.
- In the first instance it is the legal responsibility of parents to ensure that their child/children attend school regularly.
- Many pupils and their parents may need to be supported and rewarded at some stage in meeting their attendance obligations and responsibilities.
- Situations beyond the control of pupils and /or parents may impact on attendance. We will, with agreement and support of parents, work in partnership with external agencies to resolve these.
- The vast majority of pupils want to attend school to learn, to socialise with their peer group and to prepare themselves fully to take their place in society as well-rounded and responsible citizens with the skills, knowledge and understanding necessary to contribute to the life and culture of their communities.

## EXPECTATIONS

Good practice at Welton St Mary's Church of England Primary Academy includes inviting parents to meetings about attendance discretely, either by telephone or letter and discussing with them the reasons why we have liaised with another agency and the expectation that this is to support and assist the family. If there are Child Protection concerns then the Lincolnshire Safeguarding Procedures will be followed immediately.

### **We expect the following from all our pupils:**

- That they attend school daily.
- That they will arrive on time and be appropriately prepared for the day.
- That they will tell a member of staff about any problem or reason that may prevent them from attending school.

### **We expect the following from parents:**

- To ensure that their children attend school daily and on time at 8.50am each morning.
- To ensure that they contact school by phone or email by 9am as soon as is reasonably practical (preferably before the beginning of the school day if the child is absent due to sickness) whenever their child is unable to attend and each day the child does not attend.
- To ensure that their children arrive in school well prepared for the school day and to check that they have done their homework.
- To ensure we have the correct and updated contact information.
- To contact the school in confidence whenever any problem occurs that may affect their child's performance or attendance in school. Proof of appointments such as copies of appointment cards and letters will be requested.
- To make medical and dental appointments outside of the school day. We recognise that for some medical conditions and for treatment under the hospital that appointments will take place during the school day and we ask that parents/carers send in confirmation of the date and time of the medical/dental appointment.
- Attend parents' consultation evenings to discuss progress or problems. Maintain contact with school and inform staff if there are issues or changes in the family circumstances that may affect their child's attendance and/or progress.
- Our Academy does not authorise term time leave of absence except in exceptional circumstances, as per Government guidelines. Leave of absence letters must be submitted to the head teacher in advance. Absence can seriously affect a child's progress as the curriculum continually builds on previous learning. It is our Schools Policy to **not** send school work home when a child is on holiday.

### **Parents and pupils can expect the following from the Academy:**

- Regular, efficient and accurate recording of attendance.
- Early contact with parents when a pupil fails to attend school without providing good reason.
- Immediate and confidential action on any problem notified to us. (Confidential means that the member of staff notified will not disclose that information to anybody without the consent of the pupil or their parent unless it is a Child Protection concern)
- Recognition and reward for good attendance.
- A quality education.

## SCHOOL ORGANISATION

In order for the attendance policy to be successful, every member of staff must make attendance a high priority and should convey to pupils the importance and value of education.

## Specific responsibilities for staff

### Head teacher

- To be the named attendance lead and oversee the Targeted Support Meetings with the local authority.
- To oversee and demonstrate ownership of the whole policy.
- To regularly report progress on attendance to governors, pupils and parents
- To set challenging but achievable targets to reduce levels of absence
- To attend termly meetings with the Learning Mentor and monitor/report/action plan the DFE attendance data.
- To oversee the efficient operation of the attendance system and the collation and analysis of attendance data
- To oversee the work of administrative staff
- Ensure staff are keep up to date with the latest DFE attendance guidance and local authority information. This includes the launch of the Governments national campaign “Moments Matter, Attendance counts”

### Class Teacher

- To complete registers accurately and on time
- To challenge inappropriate reasons for absence and report them to the Headteacher
- To record all reasons for absence in the register
- To inform the Headteacher if parents do not send a note explaining reason/s for child’s absence
- To ask parents to send a letter / email to the Headteacher for permission of leave of absence if teacher is informed by parent of intention for leave of absence

### Administrator

- To follow up immediately any unexplained absence by contacting parents
- Produce updates from weekly registers, absence code sheets, % information
- Reason for absence to be recorded on electronic register
- To report on attendance on mid-year reports to inform parents of their child’s attendance levels
  - To produce the absence data for Governors each term
  - To alert the Headteacher and Learning Mentor of any absences of children who are on the attendance watch list.
  - To produce and sent out monitoring attendance letters to parents.

### Governors

- The School Improvement Committee is given the role of monitoring attendance and policy. Alongside this there will be a named attendance Governor : Andy Harris
- Governors can play a valuable role through representation at school attendance panels.
- Request regular attendance progress reports for Governors meetings.
- To be proactive in its policy making to increase school attendance.

### Learning Mentor

Our Learning Mentor will strive to provide a service that recognises the uniqueness of the school and the community it serves.

The Learning Mentor is committed to supporting our academy in a variety of ways:

- Liaise and consult with school staff regarding pastoral issues concerning children and young people
- Support our academy in dealing with attendance and other issues which impact on the educational welfare of children and young people.
- To assist with the implementation of strategies to raise levels of school attendance.
- To support the Headteacher/Attendance Lead in termly DFE attendance data monitoring and attend the TSM with the Local Authority.
- To work in partnership with children, young people and their parents / carers in the context of enabling the child to benefit from the educational opportunities available and to help parents meet their responsibilities.
- To support Home School Agreements and implement appropriate targets and action plans
- To attend Child Protection Case conferences, Child in Need meetings and Team around the Child meetings.
- To undertake home visits, either pre-arranged or without notice as considered necessary.
- Through group work with identified groups of children where appropriate
- Will initiate contact with parents or carers and undertake assessments.
- Will plan and review casework
- Provide feedback to the headteacher.
- To prepare and recommend legal proceedings in cases of irregular attendance at school including fixed penalty notices and Education Supervision Orders

#### ENCOURAGING ATTENDANCE THROUGH GOOD PRACTICE AND REWARD

##### **Attendance can be encouraged in the following ways:**

- Accurate completion of the registers at the beginning of each session and within 30 minutes of the start of each session.
- Identifying and supporting pupils who have attendance problems in advance of transition into or out of the school. This could be from Pre-school into Foundation Stage, KS1/KS2, KS2/3, Mainstream/Specialist. This should include the sharing of relevant information with the educational establishments involved.
- Establishing a mechanism for working with those parents who are concerned that their children may be experiencing difficulty in attending school.
- Termly attendance monitoring using DFE data to identify children and families that may need support. Monitoring letters are sent out and meetings arranged where necessary.
- The efficient use of computerised registration systems provide valuable year group, class and pupil level attendance data which enables speedy analysis and timely responses by the school.

#### RESPONDING TO NON-ATTENDANCE

##### **When a pupil does not attend, the school will respond efficiently and effectively**

- If a note, telephone call or email is not received from parents, the parents will be contacted on the first morning of absence by telephone, SMS and Parentmail. If there is no response the other named contacts will be contacted to ascertain the whereabouts of the child. If there is still no response two members of staff will visit the family home.
- If there are Child Protection concerns, then the Lincolnshire Safeguarding Child Protection Procedures should be followed immediately.

- The police may be contacted and a request for a 'Safe and well check' will be made should there be a concern over an immediate risk to the child's safety and wellbeing.
- Where non-attendance continues, the case will be discussed and further action planned.
- Parents may be invited to attend a meeting in school. The meeting will include the appropriate staff, Learning Mentor, parent and pupil and will aim to identify and solve the problems that are preventing the pupil from attending school regularly.
- If there is no improvement, then the case will be discussed again, and appropriate action will be taken.
- If there is longer term or unexplained non-attendance school should follow the local authority non-attendance reporting procedures and continue to build casework.

#### **Reintegration:**

- The return to school for a pupil after long-term absence or reduced timetable requires special planning. For example, it may be appropriate to establish a Pastoral Support Programme as detailed in the DfE Social Inclusion: Pupil Support Guidance (Circular 10/99)
- Designated staff should be responsible for deciding on the programme for return and for the management of that programme.
- All staff need to be aware that this is a difficult process that will require careful handling and that any problems should be notified to the responsible staff member as soon as possible.
- Programmes may need to be tailored to meet individual need and may involve phased, part-time re-entry with support in class as appropriate. Support from the SENCO team may be required.

The success of the Pastoral Support Programme will require the involvement of appropriate school staff, other agencies, the young person and the parents. Programmes should be reviewed and amended as necessary.

Staff will be notified of the return of the long-term absentees.

### **CHILDREN MISSING IN EDUCATION**

All children, regardless of their circumstances, are entitled to a full time education which is suitable to their age, ability, aptitude and any special educational needs they may have. Children missing education (CME) are at significant risk of underachieving, being victims of abuse, and becoming NEET (not in education, employment or training) later on in life.

#### **Schools' duties**

Once a child has missed education at Welton St Mary's Church of England Primary Academy for 5 days for any unexplained absence, the Local Authority will be informed via the LCC Notification survey. School will also notify the authority if a pupil is to be deleted from the admission register in certain circumstances. Pupils who remain on a school roll are not necessarily missing education but schools should monitor attendance and address it when it is poor.

Schools also have safeguarding duties under section 175 of the Education Act 2002 in respect of their pupils, and as part of this should investigate any unexplained absences. Academies and independent schools have a similar safeguarding duty for their pupils.

### **CHILDREN WHO ARE ABSENT FROM EDUCATION**

Children being absent from education for prolonged periods and/or on repeat occasions can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect,

which may involve sexual abuse or exploitation and child criminal exploitation. It may also indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child being absent from education in the future. It is the school's duty to notify the local authority of any children who are absent from education for prolonged periods and/or on repeat occasions and cannot be found at the known place of residence.

### **PUPILS NOT ATTENDING REGULARLY (PNAR)**

PNAR refers to pupils who have not attended school for 10 or more consecutive days and the attendance is currently unauthorised due to no reason given by parents for absence, or reason given is not accepted by the school. Immediately following school closure, there is an acceptable degree of flexibility on the return day during which the school will encourage the child back into school and authorise the absence if they choose. Once this period has passed, and a further 10 days of unauthorised absence has been recorded, the school should notify the local authority of this child via the LCC Notification Survey.

### **ELECTIVE HOME EDUCATION (EHE)**

Elective Home Education (EHE) is the term used by the Department for Education (DfE) to describe the education provided by parents or carers at home, rather than providing education for their children by sending them to school. This is different to home tuition or alternative provision provided by a local authority other than in school.

The school have a duty to inform the local authority when they remove a child from their roll to be electively home educated. The local authority also requests from the school, confirmation that they know or believe the child to be electively home educated. Preferably this would be a letter from parents informing them of their intention to home educate their child or if the school does not receive this, a copy of a letter from the school to the parent confirming the school's understanding that the parent intends to home educate. It is this local authority's requirement that schools share with it any concerns or known risks about the child, including their view on whether home education is likely to take place, and pass this, together with a 2 year attendance history (or less if the child has not been at the school for 2 years).

### **FLEXI- SCHOOLING**

Flexi-schooling (part-time school attendance) is where an agreement is made between the school and the parents that the child will receive part of their education other than at a school. This is a matter for head teachers, rather than the local authority, to negotiate with parents. Parents cannot insist that the school agrees to a flexi-schooling arrangement, the decision to do so rests with the head teacher. Flexi-schooling is not the same as a reduced timetable which is instigated by the school in response to the medical needs of the child.

### **LIAISING WITH EXTERNAL AGENCIES**

Research has shown that schools in partnership with the full range of support services have a greater impact on school attendance than when they act alone.

Poor school attendance can be a symptom of a wide range of institutional, community, family or individual circumstances. Many of these circumstances will demand expert support beyond the remit of the school. We therefore build strong relationships with services who work with children such as:

- Educational Psychologists
- SEN services
- Social Care
- Local Police
- Parent Partnership
- Virtual School
- Early Help
- Housing

#### **Useful links to key guidance and legislation-**

Working Together to Improve School Attendance

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

Keeping Children Safe in Education 2023

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

#### **Data Protection Act and GDPR**

The Data Protection Act places obligations on all agencies that process, store and share information on any individual. It is important to have full regard for the requirements of the Act. Each school has a Data Protection Notification which details the circumstances under which data is managed. Nothing in the legislation prevents a school sharing information with the police or social services where it is believed the child is at risk of harm or is in need of safeguarding.

#### **GUIDANCE**

Under Section 7 of the Education Act 1996, it is the legal responsibility of parents to see that their child receives regular education suitable to their age, aptitude and abilities .....

#### **The importance of Registration:**

- An attendance register must be kept on which, at the **BEGINNING** of each morning and afternoon session, pupils are marked present or absent. Registers completed electronically and sent to the office so that attendance can be monitored swiftly.
- Accurate marking of registers can have a significant impact on overall school attendance and absence figures.
- Attendance registers must be kept for a minimum of 3 years from the date that the last entries were made.

#### **Categorising absence:**

- **Only the academy**, in the context of the law **can authorise absence**, a note or explanation from parents does not guarantee authorisation. If a class teacher does not accept the explanation offered as a valid reason then the matter must be referred to the Headteacher.
- Emerging patterns of authorised absence are reported to the Headteacher.
- Reasons for absence should be entered in the register by the appropriate code symbol



### **Authorised and Unauthorised Absence:**

**Authorised absence** is where the school has either given approval in advance for a pupil to be away or has accepted an explanation offered afterwards as a satisfactory reason for absence.

All other absence will be regarded as **unauthorised**

The following may be reasons for authorising absences.

- **Illness** - It is wholly appropriate for parents to keep children away from school when they are not well enough to attend lessons. But it is equally inappropriate for parents to keep children away from school for trivial ailments, particularly ailments which would not keep parents away from work. The academy will monitor the reasons that children are not in school due to illness.

If we have concerns that a pupil has been unnecessarily absent, we will challenge the parents' explanation and seek evidence of the illness.

- Family bereavements
- Medical and dental appointments where proof is available. Although parents are asked to take children to appointments outside of the school day.
- Day of religious observance
- Fixed term exclusion
- Permanent exclusion until removed from roll or re-instated

Welton St Mary's Church of England Primary Academy does not authorise term time leave of absence except in exceptional circumstances. Should term time leave be requested a discussion with the Headteacher needs to take place PRIOR to any final decision being made by the parent.

It must then be put in writing at least 2 weeks before the planned date of absence so that current attendance data and other factors can be considered, stating the reason why and when. Parents will be informed of the decision by letter.

Leave of absence will be considered for an Educational 'Event' that happens on a specific date and where an alternative date cannot be chosen.

No leave of absence will be authorised during National Testing weeks, or if attendance is below 95%.

If absence is not authorised by the Headteacher, it will be recorded as unauthorised and noted on the child's record. In some cases this could result in a fixed penalty of up to £120 per parent per child under section 444B of the Education Act 1996 for failing to ensure regular attendance at school.

### **Lateness:**

Welton St Mary's CE Primary Academy actively discourages late arrival by challenging the parents of children who are persistently late or arrive late without reasonable explanation.

Our school policy is that the register remains open from 9am until 9.30am, thirty minutes after registration. In the event of bad weather, this period will be extended.

The school day starts at 9.00am, with the gates being opened at 8.45am to allow time to enter the school grounds, doors open at 8.50am and be in the classroom and ready to learn. If a pupil arrives at school between 9.00am and 9.30am they are considered to be late and will be marked accordingly in the register, coded L.

When a pupil arrives after the closure of the register, without a good reason, they will be marked with an unauthorised absence and the letter U to indicate that they are on site.

Persistent lateness can impact on a child's learning and their social development.

#### WELTON ST MARY'S CHURCH OF ENGLAND PRIMARY ACADEMY GOOD PRACTICE

1. The Headteacher is charged with specific responsibility for pupil attendance
2. The administrator will follow-up absentees by phoning home before 9.30am
3. Class teachers ensure that records of attendance are accurate and explanations for absence are produced when pupils return to school

### **FIXED PENALTY NOTICE POLICY**

#### **1. Introduction**

- This code of conduct is issued by the Local Authority (LA) in accordance with the requirement of regulation 14 of The Education (Penalty Notice) (England) Regulations 2007 following consultation with the police and schools in Lincolnshire as required by the Regulations.
- The purpose of the code is to ensure a consistency in approach to the issuing of fixed penalty notices throughout Lincolnshire and to provide a clear, consistent and transparent approach to the use of the fixed penalty system for schools, the police and parents in Lincolnshire.
- Regular and punctual attendance at school or any alternative provision is essential for children to realise their educational potential and a legal requirement for all children of compulsory school age.

#### **2. The Law**

**School Attendance:** Under Section 7 of the Education Act 1996 the parent of every child of compulsory school age has a duty to ensure that the child receives efficient full time education suitable to the child's age, ability and any special educational needs he or she may have. This duty can be met by the child attending regularly at a school or alternative educational provision made by the LA or the school or by the parent providing other suitable educational provision.

Where a parent fails to ensure the regular school attendance of their child at a school at which they are a registered pupil or other educational provision made for them then the parent may be guilty of an offence under Section 444 of the Education Act 1996

Where a child has not attended regularly at school the LA have the options of issuing a fixed penalty notice in respect of the parents of the child, bringing proceedings before the family courts for an Education

Supervision Order or prosecuting the parents under Section 444 before the Magistrates, Court.

Non-school attendance includes any day when a child should be in attendance at school and they are absent without the authorisation of the school and includes unauthorised holidays during term time and persistent late arrival at school beyond the registration period.

**Excluded Pupils:** Section 103 of the Education and Inspections Act 2006 makes it a duty for parents in relation to pupils subject to a fixed period or permanent exclusion to ensure that their child is not present in a public place during school hours, without reasonable justification, during the first five days of any such exclusion. If a child is present in a public place during the first five days of an exclusion during school hours the parent may be guilty of an offence for which they can be prosecuted by the LA before a magistrates' court. Alternatively the matter can be dealt with by the issuing of a fixed penalty notice.

**Fixed Penalty Notices:** The Education (Penalty Notices) (England) Regulations 2007 as amended set out the framework for the operation of the penalty notice scheme.

**Parent:** For the purposes of education law and this code of conduct a "parent" means all natural parents whether they are married or not; and includes any person having parental responsibility for a child (a person under 18 years of age) who, although not the child's natural parent, has care of that child. Having care of a child means an adult with whom the child lives and who looks after the child on a day to day basis. Any reference to a "parent" in this code of conduct is a reference to anyone having care of a child as set out above.

### **3. Use of Fixed Penalty Notices**

- The LA Education Welfare Service is responsible for the delivery of this function and penalty notices will only be issued within this Code of Conduct.
- Fixed penalties are one of the tools available to the LA in tackling school attendance and anti-social behaviour issues and where thought appropriate alternative approaches such as Education Supervision Orders and prosecution may be utilised at the discretion of the LA.
- Use of fixed penalty notices will be restricted to two per child per academic year. In situations where a parent meets the criteria for more than one penalty notice to be issued, because there is more than one child with irregular school attendance multiple issue may occur. Where a child resides with two parents a separate penalty notice will be issued to each parent.
- There is no restriction on the number of times a parent may receive a formal warning of the possible issue of a Penalty Notice.

- If a penalty notice is issued whether paid or not it may be used in evidence in subsequent criminal proceedings in relation to either non-school attendance or being in a public place during school hours whilst excluded from school.

#### **4. Where a Penalty Notice may be Issued**

Fixed term penalties will only be issued in circumstance where the LA is satisfied that the criteria for prosecution would be met if the option of a fixed penalty notice is not taken up by the parent. The circumstances in which a notice may be issued are:

- Where a child is absent from school due to unauthorised absence of 20% or above over a half term period on the basis that there are three terms in any academic year.
- Where a child is present in a public place during school hours without reasonable justification during the first five days of any exclusion.

**Non-Attendance:** It must be remembered that to count as no-attendance at school the absence must be unauthorised. **The Education (Pupil Registration) (England) (Amendment) Regulations 2013** have removed the reference to holidays during term time and now provides that a leave of absence during term time will only be granted where an application is made in advance to the school and the school consider that the leave of absence should be granted due to exceptional circumstances relating to that application.

#### **5. Procedure for Issuing Penalty Notices**

Penalty Notices will only be issued within the terms of the Code of Conduct. The Education Welfare Service of the LA is responsible for the administration and issue of penalty notices in Lincolnshire. The LA will ensure that penalty notices are properly issued and will only issue them for offences where the LA is satisfied that the matter meets the threshold for a prosecution.

Requests for the issue of fixed penalty notices will be accepted from Schools in Lincolnshire and the Lincolnshire Police and from within the LA and must be in writing and include:

- The name and address of the parent(s)
- The name and address of the child concerned and their date of birth
- Details of the offence in terms of documentary evidence including, where the matter relates to an unauthorised absence from school, a signed copy of a pupil registration form showing the period of unauthorised absence.
- Confirmation of the date/dates over which the offence was committed.

Applications should be made as soon after the date(s) of the alleged offence as possible. Late submission of

a request for a fixed penalty notice may result in the application being rejected if the time that has elapsed since the alleged offence is such that court proceedings would no longer be viable (due to the six month time limit on issuing proceedings) if the option of a fixed penalty notice is not taken up by the parent.

On receipt of an application for a fixed penalty notice to be issued the LA will make an assessment of whether the application is a proper matter upon which a fixed penalty notice should be issued and meets the criteria provided for either a formal warning of a fixed penalty notice and communicate its decision in writing to the applicant.

Where an application for a formal warning or fixed penalty notice is accepted the LA will issue the warning or notice in writing to the parent(s) concerned and where there is more than one parent a separate written notification will be sent to each parent for each child that the notice relates to. The notice will be sent to the parent by first class post.

#### **Effect of Penalty Notice being Issued**

- The penalty notice is presumed to be served on the parent to whom it is sent on the second working day after it was posted.
- If a parent pays the penalty notice within 21 days from the date it is served the sum due from the parent to discharge the penalty notice is £60.00
- The parent can still pay the notice after 21 days but the payment increases to £120 and this must be paid before 28 days have passed from the date of service.
- If a parent pays the amount due within the times set out above then no further action will be taken against that parent for the offence on the date(s) set out in the penalty notice.
- Once a penalty notice has been issued no prosecution for the offence detailed in the penalty notice can be brought against the parent until the payment period has passed and the fixed penalty has not been paid.
- All payments should be made to the LA.

#### **Appeal against the Penalty Notice**

There is no right of appeal against a penalty notice and a parent can either accept and pay the same or decline payment subject to them being aware that further action as set out below may be taken by the LA if the penalty notice remains unpaid.

However, the LA has the discretion to withdraw the notice if the LA is satisfied that:

- The fixed penalty notice has been sent to the wrong person
- It contains a material error (in these circumstances a fresh amended penalty notice could still be issued).
- If for any other reason the LA are of the opinion that it should not have been issued.

### **Non Payment of the Penalty Notice**

- Non-payment of a fixed term penalty notice is not of itself an offence. The fixed penalty notice is issued as an alternative to bringing a prosecution in the magistrates' court for the offence set out in the notice. However, if the offer of dealing with the offence as a fixed penalty matter is not taken up by payment of the sum due within the 28 day period then consideration will be given to issuing criminal proceedings against the parent in the magistrates' court.
- If a fixed penalty notice has not been paid after 28 days from the day it is taken to be served then the LA will contact the school or police officer who made the application for the penalty notice to be issued and discuss with them the available evidence to bring proceedings in the magistrates' court for the alleged offence under Section 444 of the Education Act 1996 or Section 103 of the Education and Inspection Act 2006.
- If it is the view of the LA that prosecution is a viable option then a request will be made that the school or police officer concerned submits a report to the Education Welfare Service Legal Panel for a formal decision to be taken to proceed with the matter by issuing criminal proceedings before the magistrates' court.
- Prosecution of offences is a matter within the discretion of the local authority and a decision will be taken in line with the LA prosecution policy for these matters and proceedings, where commenced, will be issued by the LA.
- If a prosecution is brought and the parent is found guilty or pleads guilty then a conviction for an offence under Section 444(1) of the Education Act 1996 or for an offence under Section 103 of the Education and inspection Act 2006 both carry a fine of up to a maximum of £1000 and in addition the LA will seek to recover costs in respect of bringing the proceedings.

### **Administration of Fixed Penalty Notices.**

All administrative functions in respect of the issue of fixed penalty notices and the collection of payments for the same will be undertaken by the LA.

The LA will keep central records in respect of the issue of such notices within Lincolnshire which must include:

- A copy of each notice issued,
- A record of all payments made and the date of payment,
- Whether the notice was withdrawn and on what grounds,
- Whether the parent(s) following non-payment of the same, was subsequently prosecuted for the offence set out in the notice or for an offence arising out of the same circumstances.

## **Appendix 1**

### **GUIDANCE FOR PARENTS**

The Home-School Agreement underlines the importance of regular and punctual attendance to our Academy.

Our Academy is committed to providing a quality education for all pupils. We believe that pupils can only benefit from the education in our school through regular school attendance. We will therefore strive to achieve the maximum possible attendance for all pupils and we will make sure that any problems are identified and resolved quickly. Wherever possible we will make contact with parents where a pupil is absent from school without good reason. Taking any time off school has a negative effect on a child's education. Even a short time off school can result in a unit of work being missed, key skills being lost and gaps in learning appearing.

### **ISSUES PARENTS NEED TO BE AWARE OF**

Should the Headteacher not agree to grant leave of absence and the parents take their child out of school regardless then this will be counted as unauthorised absence. Should leave be granted but the child remains absent for longer than agreed then this extra time will be recorded as unauthorised absence. Should a child fail to return to school within 10 days of the agreed return date and there is no contact from the parents the matter will be referred to the the local authority Inclusion and Attendance Team. This may result in the child's name being removed from the school roll. In these circumstances the parents would be responsible for ensuring that their child was registered at and attended another school. (In such circumstances parents would not be entitled to receive any assistance with regard to transport)

## Appendix 2

Example of leave of absence warning letter

Date

Dear Parent/Carer,

Request for leave of absence

**NAME OF YOUNG PERSON:**

**DATE OF BIRTH:**

**YEAR GROUP:**

I am writing in response to your email dated ....., requesting a leave of absence for ..... inclusive. These .... days leave of absence will be marked as unauthorised on the attendance register.

Welton St Mary's Primary Academy tries to work in partnership with parents to provide the best education for each child and believes that regular attendance through the year is essential to every child's success and fulfilment.

Any absence from school will disrupt your child's learning. Your child will miss out on the teaching that their peers will receive, on their return teachers have to give more time to help them catch up on missed work. This is unfair on the teachers and other students in the class. Furthermore, the Academy are under a legal obligation to report attendance figures.

- **Section 7 of the Education Act 1996 places upon parents a duty to ensure that their child receives efficient full-time education either by regular attendance at school or otherwise.**
- **Where a child is a registered pupil at a school and the parent fails to ensure that child's regular attendance at school, the parent is liable to be prosecuted for a criminal offence under Section 444 of the education Act.**
- **In cases where this duty is not being fulfilled, section 444B of the same Act empowers the local authority to issue a Fixed Penalty of either £60.00 or £120.00.**

Yours sincerely

Headteacher



### Appendix 3

Example of attendance letters

Date

Dear Parent/Carer,

#### Attendance Letter – Persistent Absence

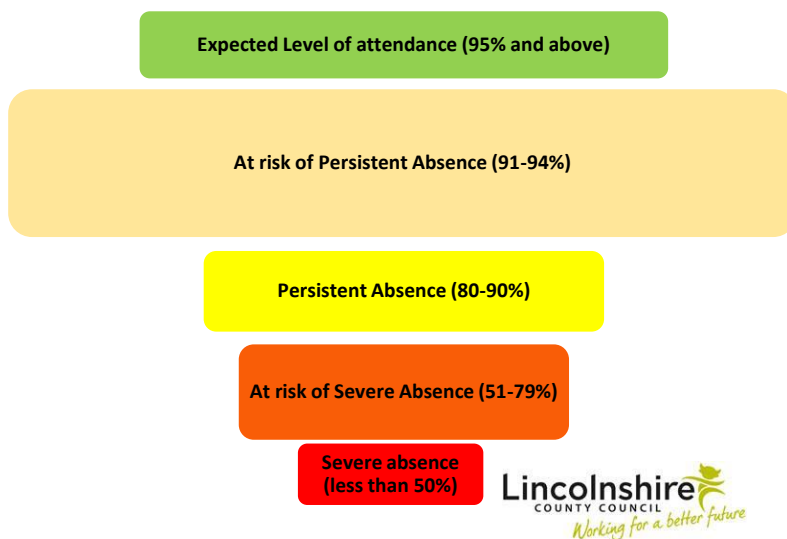
**Child's Name:**

**Class:**

We review the attendance of every child in school regularly. We wanted to make you aware of your child's current attendance level in school. This is ..... %.

We acknowledge that your child has been off due to.....

Our expectation, where possible is for students to have 100% attendance. The local authority has set percentage boundaries in relation to school attendance. See below-



**90% attendance throughout a child's school career equates to missing a whole school year!**

We want all of our pupils to achieve their best whilst attending Welton St Mary's Church of England Primary Academy, and it has been statistically proven that pupils with low attendance achieve less than those with high attendance.

We will be monitoring your child's attendance each term and we will contact you if your child's attendance dips further to discuss the support that may be needed.

Yours sincerely

Headteacher

Date

Dear Parents/Carers,

## Attendance Letter – Improved Attendance

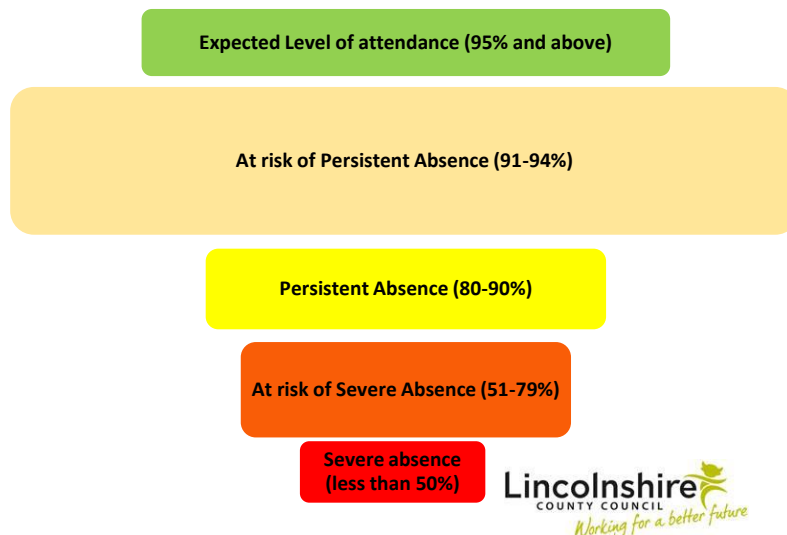
**Child's Name:**

**Class:**

We review the attendance of every child in school regularly. We wanted to make you aware of your child's current attendance level in school. This is ..%

We acknowledge that this is an improvement from last term.

Our expectation, where possible is for students to have 100% attendance. The local authority has set percentage boundaries in relation to school attendance. See below-



**90% attendance throughout a child's school career equates to missing a whole school year!**

We want all of our pupils to achieve their best whilst attending Welton St Mary's Church of England Primary Academy, and it has been statistically proven that pupils with low attendance achieve less than those with high attendance.

We will continue monitoring your child's attendance each term and we thank you for supporting with this.

Yours sincerely

Headteacher