

# South Bank Multi Academy Trust

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## Attendance Policy

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The following policy is based upon guidance from the Department for Education July 2019 – School Attendance.

### **1. Rationale**

- 1.1 'Good relationships – The heart of all learning'. Providing safe and happy places to learn is essential to achieving school improvement, raising achievement and attendance, promoting equality and diversity, and ensuring the safety and well-being of all members of the school community. Every member of the community has rights and responsibilities which enable us to work and learn in a school environment in which they feel safe and supported.
- 1.2 This policy outlines the underlying philosophy and management of attendance at South Bank Multi Academy Trust (SBMAT). It is a working document designed to promote positive attendance and reduce absence from SBMAT schools.
- 1.3 The policy reflects current practice within the Trust. Its fair and consistent implementation is the responsibility of all SBMAT staff.
- 1.4 SBMAT takes an active approach to promoting good attendance. With the support of parents, the wider community, the local authority and the pupils themselves, we take a positive approach to safeguard the well-being of all pupils and staff.

### **2. Aims**

- 2.1 In order to improve the overall attendance of pupils in school we aim:
  - To make attendance and punctuality a priority for all those associated with the Trust including pupils, parents/carers, teachers and governors.
  - To develop a framework which defines agreed roles and responsibilities and promotes consistency in carrying out designated tasks.
  - To develop a systematic approach to gathering and analysing attendance related data.

- To implement a system of rewards and sanctions.
- To provide support, advice and guidance to parents/carers and pupils.
- To further develop positive and consistent communication between home and school.
- To develop effective partnerships with supporting services and agencies through the Local Authority Multi Agency Safeguarding Hub.
- To recognise and address the needs of the individual pupil when planning reintegration following significant periods of absence.

### **3. Definitions**

3.1 It is the Headteacher's discretion as to whether a child's absence is recorded as authorised or unauthorised.

3.2 Authorised absence:

- An absence is classified as authorised when a child has been away from school for a legitimate reason and the school has received notification from a parent or carer. For example, if a child has been unwell, the parent/carer writes a note or telephones the school to explain the absence.
- Only the school can make an absence authorised. Parents and carers do not have this authority. Consequently, not all absences supported by parents/carers will be classified as authorised. For example if a parent takes a child out of school and gives the reason that it was to go shopping for school shoes, this will not mean it is authorised absence

3.3 Unauthorised absence:

- An absence is classified as unauthorised when a child is away from school without the permission of both the school and a parent/carer.
- Therefore, the absence is unauthorised if a child is away from school without good reason, even with the support of a parent.
- If a student has an attendance of less than 90% without a good reason, the school reserves the right to not authorise.

3.4 Persistent absence (PA):

- The Department for Education (DfE) defines a 'persistent absentee' as a pupil who, at any point in the year, has accumulated absence at 10% or more of the available sessions regardless of whether or not any of it is authorised. The PA status may change as the terms progress but these pupils are at particular risk of achieving poor outcomes at school and beyond.

### **4. Registration**

4.1 Codes: There are a series of codes which are used to denote authorised and unauthorised absence (Appendix A). These codes have been taken from 'Attendance Guidance for Schools and Local Authorities' Department for Education and Skills July 2019. It is the school's responsibility to ensure the

correct codes are recorded and that patterns and trends in children's absence are analysed.

- 4.2 Close of registers: We need children to arrive at school punctually so that they can access all learning opportunities.
- 4.3 Secondary schools: Children arriving after the register has closed but before the end of the first lesson should be recorded as Late (using the code 'L'), this will be an attendance. Children arriving after the first lesson should be recorded as Late after registers close (using the code 'U'), this will be an absence.
- 4.4 Medical appointments: We encourage families to book medical appointments outside of the school day. Where this is not possibility, the following codes are used:
- If a child arrives back in school before the official close of the register, this will be recorded as 'L' and therefore the child is marked as attending school.
  - If a child arrives back after the official close of the register, the child will be marked as 'M' for a medical appointment.
- 4.5 Punctuality: If a child misses the start of the day, they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons and it can be embarrassing for the children, which may encourage further absence. We actively encourage all children to arrive at school on time.
- 4.6 Requests for leave of absence: Please see Appendix B (CYC guidance) relating to leave of absence from school requests.

## **5. Intervening with Attendance Concerns**

- 5.1 The interventions that could be used for attendance concerns are:
- Warning letters
  - Fixed Penalty Notices
  - Pastoral Support Staff
  - Intervention Groups
- 5.2 Fixed penalties: SBMAT follows the CYC Code of conduct (Appendix C).  
For example:
1. Any student who has an attendance of less than 90%, could be issued with a warning letter stating that 10 sessions of absence over 12 weeks could trigger a fixed penalty fine
  2. If a student misses 10 sessions after this letter, we will invite them to a formal attendance review by phone and follow up with a confirmation letter.
  3. A target for attendance will be set for the following 15 days. If this is not met then we will ask for a Fixed Penalty Notice to be issued.

## **Appendix A**

### **Absence and Attendance Codes**

The national codes enable schools to record and monitor attendance and absence in a consistent way which complies with the regulations. They are also used for collecting statistics through the School Census System. The data helps schools, local authorities and the Government to gain a greater understanding of the level of, and the reasons for, absence. The codes are:

#### **Present at School**

Pupils must not be marked present if they were not in school during registration. If a pupil were to leave the school premises after registration they would still be counted as present for statistical purposes.

**Registration Code / \: Present in school / = am \ = pm**

Present in school during registration.

**Code L: Late arrival before the register has closed**

Schools should have a policy on how long registers should be kept open; this should be for a reasonable length of time but not that registers are to be kept open for the whole session. A pupil arriving after the register has closed should be marked absent with code U, or with another absence code if that is more appropriate.

#### **Present at an Approved Off-Site Educational Activity**

An approved educational activity is where a pupil is taking part in supervised educational activity such as field trips, educational visits, work experience or alternative provision.

Pupils can only be recorded as receiving off-site educational activity if the activity meets the requirements prescribed in regulation 6(4) of the Education (Pupil Registration) (England) Regulations 2006. The activity must be of an educational nature approved by the school and supervised by someone authorised by the school. The activity must take place during the session for which the mark is recorded.

**Attendance codes for when pupils are present at approved off-site educational activity are as follows:**

#### **Code B: Off-site educational activity**

This code should be used when pupils are present at an off-site educational activity that has been approved by the school. Ultimately schools are responsible for the safeguarding and welfare of pupils educated off-site. Therefore by using code B, schools are certifying that the education is supervised and measures have been taken

to safeguard pupils. This code should not be used for any unsupervised educational activity or where a pupil is at home doing school work. Schools should ensure that they have in place arrangements whereby the provider of the alternative activity notifies the school of any absences by individual pupils. The school should record the pupil's absence using the relevant absence code.

#### **Code D: Dual Registered - at another educational establishment**

This code is not counted as a possible attendance in the School Census. The law allows for dual registration of pupils at more than one school. This code is used to indicate that the pupil was not expected to attend the session in question because they were scheduled to attend the other school at which they are registered.

The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school or a special school on a temporary basis. It can also be used when the pupil is known to be registered at another school during the session in question.

Each school should only record the pupil's attendance and absence for those sessions that the pupil is scheduled to attend their school. Schools should ensure that they have in place arrangements whereby all unexplained and unexpected absence is followed up in a timely manner.

#### **Code J: At an interview with prospective employers, or another educational establishment**

This code should be used to record time spent in interviews with prospective employers or another educational establishment. Schools should be satisfied that the interview is linked to employment prospects, further education or transfer to another educational establishment.

#### **Code P: Participating in a supervised sporting activity**

This code should be used to record the sessions when a pupil is taking part in a sporting activity that has been approved by the school and supervised by someone authorised by the school.

#### **Code V: Educational visit or trip**

This code should be used for attendance at an organised trip or visit, including residential trips organised by the school, or attendance at a supervised trip of a strictly educational nature arranged by an organisation approved by the school.

#### **Code W: Work experience**

Work experience is for pupils in the final two years of compulsory education. Schools should ensure that they have in place arrangements whereby the work experience

placement provider notifies the school of any absences by individual pupils. Any absence should be recorded using the relevant code.

### **Authorised Absence from School**

Authorised absence' means that the school has either given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as justification for absence. On occasions where students are working to an agreed part-time timetable, CYC protocols will be followed and those students will be marked as present when in school and as an authorised absence when not in school.

### **Absence codes when pupils are not present in school are as follows:**

#### **Code C: Leave of absence authorised by the school**

Only exceptional circumstances warrant an authorised leave of absence. Schools should consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request.

#### **Code E: Excluded but no alternative provision made**

If no alternative provision is made for a pupil to continue their education whilst they are excluded but still on the admission register, they should be marked absent in the attendance register using Code E. Alternative provision must be arranged for each excluded pupil from the sixth consecutive day of any fixed period or permanent exclusion. Where alternative provision is made they should be marked using the appropriate attendance code.

#### **Code H: Holiday authorised by the school**

Headteachers should not grant leave of absence unless there are exceptional circumstances. The application must be made in advance and the Headteacher must be satisfied that there are exceptional circumstances based on the individual facts and circumstances of the case which warrant the leave. Where a leave of absence is granted, the Headteacher will determine the number of days a pupil can be away from school. A leave of absence is granted entirely at the Headteacher's discretion.

#### **Code I: Illness (not medical or dental appointments)**

Schools should advise parents to notify them on the first day the child is unable to attend due to illness. Schools should authorise absences due to illness unless they have genuine cause for concern about the veracity of an illness. If the authenticity of illness is in doubt, schools can request parents to provide medical evidence to support illness. Schools can record the absence as unauthorised if not satisfied of the authenticity of the illness but should advise parents of their intention. Schools are advised not to request medical evidence unnecessarily. Medical evidence can take the form of prescriptions, appointment cards, etc. rather than doctors' notes.

**Code M: Medical or dental appointments**

Missing registration for a medical or dental appointment is counted as an authorised absence. Schools should, however, encourage parents to make appointments out of school hours. Where this is not possible, the pupil should only be out of school for the minimum amount of time necessary for the appointment.

**Code R: Religious observance**

Schools must treat absence as authorised when it is due to religious observance. The day must be exclusively set apart for religious observance by the religious body to which the parents belong. Where necessary, schools should seek advice from the parents' religious body about whether it has set the day apart for religious observance.

**Code S: Study leave**

Schools must record study leave as authorised absence. Study leave should be used sparingly and only granted to Year 11 pupils during public examinations. Provision should still be made available for those pupils who want to continue to come into school to revise.

**Code T: Gypsy, Roma and Traveller absence**

A number of different groups are covered by the generic term Traveller – Roma, English and Welsh Gypsies, Irish and Scottish Travellers, Showmen (fairground people) and Circus people, Bargees (occupational boat dwellers) and New Travellers.

This code should be used when Traveller families are known to be travelling for occupational purposes and have agreed this with the school but it is not known whether the pupil is attending educational provision. It should not be used for any other types of absence by these groups.

To help ensure continuity of education for Traveller children it is expected that the child should attend school elsewhere when their family is travelling and be dual registered at that school and the main school. Children from these groups whose families do not travel are expected to register at a school and attend as normal. They are subject to the same rules as other children in terms of the requirement to attend school regularly once registered at a school.

**Unauthorised Absence from School**

Unauthorised absence is where a school is not satisfied with the reasons given for the absence. Absence codes are as follows:

**Code G: Holiday not authorised by the school or in excess of the period determined by the head teacher.**

If a school does not authorise a leave of absence for the purpose of a holiday but the parents still take the child out of school, or the child is kept away for longer than was agreed, the absence is unauthorised. The regulations do not allow schools to give retrospective approval. If the parents did not apply for leave of absence in advance, the absence must be recorded as unauthorised.

**Code N: Reason for absence not yet provided**

Schools should follow up all unexplained and unexpected absences in a timely manner. Every effort should be made to establish the reason for a pupil's absence. When the reason for the pupil's absence has been established the register should be amended. This code should not be left on a pupil's attendance record indefinitely; if no reason for absence is provided after a reasonable amount of time it should be replaced with code O (absent from school without authorisation).

**Code O: Absent from school without authorisation**

If the school is not satisfied with the reason given for absence they should record it as unauthorised.

**Code U: Arrived in school after registration closed**

Schools should actively discourage late arrival, be alert to patterns of late arrival and seek an explanation from the parent.

**Administrative Codes**

The following codes are not counted as a possible attendance in the School Census:

**Code X: Not required to be in school**

This code is used to record sessions that non-compulsory school age children are not expected to attend.

**Code Y: Unable to attend due to exceptional circumstances**

This code can be used where a pupil is unable to attend because:

- The school site, or part of it, is closed due to an unavoidable cause; or
- The transport provided by the school or a local authority is not available and where the pupil's home is not within walking distance; or
- A local or national emergency has resulted in widespread disruption to travel which has prevented the pupil from attending school.

This code can also be used where a pupil is unable to attend because:

- The pupil is in custody; detained for a period of less than four months. If the school has evidence from the place of custody that the pupil is attending educational activities then they can record those sessions as code B (present at approved educational activity).

This code is collected in the School Census for statistical purposes.

**Code Z: Pupil not on admission register**

This code is available to enable schools to set up registers in advance of pupils joining the school to ease administration burdens. Schools must put pupils on the admission register from the first day that the school has agreed, or been notified, that the pupil will attend the school.

**Code #: Planned whole or partial school closure**

This code should be used for whole or partial school closures that are known or planned in advance such as: between terms; half terms; occasional days (for example, bank holidays); weekends (where it is required by the management information system); up to five non-educational days to be used for curriculum planning/training; and use of schools as polling stations.

**Different Term Dates for Different Pupils**

Schools and local authorities can agree to set different term dates for different year groups – e.g. for ‘staggered starts’ or ‘induction days’. Code # can be used to record the year group(s) that is not due to attend. This is only acceptable where the school ensures that those pupils not attending on that day are still offered a full education over the school year.

## **Appendix B**

### **City of York Council Children, Education and Communities Effectiveness and Achievement**

#### **GUIDANCE RELATING TO PUPIL LEAVE OF ABSENCE FROM SCHOOL August 2019**

##### **1. Introduction**

- 1.1** The following policy is aimed at helping schools manage requests from parents for leave of absence in term time. It is intended to make this process clearer and more consistent.
- 1.2** As part of the Local Authority's (LA) support to schools to improve pupil attendance levels in schools this document is intended to assist head teachers, governors, school staff and parents / carers in making decisions about the timing, need and educational impact which can occur when taking a child out of school for leave of absence such as for holidays in term time.
- 1.3** Schools are required to provide education for 190 days per year and it is expected that children who are registered at a school will attend for all this time. Parents do not have an automatic right for their children to have authorised absence when they request it for holidays in term time or for any other reason. Each week of absence equates to 2.6% of the years attendance and therefore a child absent for two weeks is likely to have higher than average absence.
- 1.4** There are clear links between children's attendance and their attainment. A child absent from school for two school weeks each year will miss the equivalent of two terms' education over their school career. This is a strong factor in seeking to reduce all avoidable absence.
- 1.5** Headteachers may have been reluctant to unauthorise parental request for leave of absence, fearful this would have a detrimental impact upon their relationship with families. However it is felt an authority wide policy used consistently will reduce absence without negatively affecting the strong relationship between schools and families.

##### **Legislation and guidance.**

The Education (Pupil Registration) (England) Regulations 2006

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

## **2 Criteria for assessing requests for leave of absence**

**2.1** The Secretary of State for Education has moved to clarify the guidance with respect to such requests. Head teachers will be expected to unauthorise all requests for leave of absence unless in **exceptional** circumstances. The Education (Pupil Registration) Regulations 2006 have been amended to remove any reference to heads being able to authorise up to ten days for family holiday. This means that:

- Parents CAN NOT demand leave of absence as an automatic right
- Schools CAN NOT apply blanket policies to approve or reject all applications for leave of absence.
- All requests MUST be considered on their own merits
- Leave of absence MUST only be granted in exceptional circumstances.
- The power to un/authorise leave belongs to the head teacher.

The amended regulations are available [here](#)

**2.2** Leave of absence for any reason, such as family holidays, is not a right. Whilst head teachers may wish to adopt a policy, such as a blanket ban, they should not restrict their discretion and thus prevent them assessing each application on its own merits. It is for head teachers only, not parents, to determine whether a request is exceptional.

A pupil may be granted leave of absence where

- an application has been made in advance to the head teacher by a parent/carer
- The head teacher considers that leave of absence should be granted due to the exceptional circumstances relating to that application.

**2.3** Advice on what may constitute **exceptional** circumstances to grant a request for Leave of Absence suggests examples such as:

- service personnel who are prevented from taking holidays outside term time if the holiday will have minimal disruption to the pupil's education
- When a family needs to spend time together to support each other during or after a crisis.
- Any other circumstances the head teacher considers to be exceptional.

**2.4** It is expected that head teachers will not authorise requests for leave of absence where the following apply:

- availability of cheap holidays
- availability of desired accommodation
- poor weather experienced in school holiday

- periods overlap with beginning or end of term.

**2.5** Parents should be informed that in the case of a pupil granted leave of absence i.e. for a family holiday, should the pupil fail to attend within ten school days immediately following the expiry of the period for which leave was granted, the child's name can be removed from the school roll. However schools should only remove a pupils name from their roll in such circumstances following discussion with the School Attendance Adviser and having read the local guidance available at [www.yorkeducation.co.uk](http://www.yorkeducation.co.uk)

### **3 Marking of Registers**

- 3.1** Approved leave of absence for a family holiday should be marked as 'H' in the school register, which is authorised absence.
- 3.2** Where the school and parents fail to reach agreement, and the child is then absent from school due to a family holiday, then the school register should be marked as 'G' which is unauthorised absence.
- 3.3** Where the leave of absence is authorised for a family holiday and the parents keep a child away for longer than agreed then the additional absence should be marked as 'G' in the register.
- 3.4** In exceptional circumstances, approved extended authorised holiday leave of absence should be marked as 'F' in the school register. This counts as authorised absence
- 3.5** Requests for other leave of absence that are authorised i.e. for a funeral or wedding should be marked using code C. Request that are declined and therefore not authorised should be marked using code O.

### **4 Publication of arrangements**

- 4.1** A clear procedure for requesting leave of absence should be available to parents and included in the school's prospectus and policy statement. School must include in policies that are issued to parents, advice regarding leave of absence, and make clear that a parent who takes a child out of school without absence being authorised can be issued with a Penalty Notice of £60. When declining requests for absence schools should inform parents that a penalty can be issued if the leave is taken without consent (see appendix 3 for example letter).
- 4.2** Other measures to ensure parents are fully aware of the potential consequences of pupils with leave of absence which is not authorised by the headteacher may include:
- Parents being written to annually to inform them of the schools position regarding leave of absence in term time and that a Penalty Notice can be issued in certain circumstances. This letter needs to be sent to all parents with consideration to a copy being placed in each pupils file. This is particularly important as it may be part of

any evidence presented to court should any enforcement action need taking in the event of a Penalty Notice not being paid

- the handbook and school website for parents issued by school, contains information about the school's position and views on leave of absence in term time
- the recommended Leave of Absence Request Form is used and all correspondence relating to applications for leave in term time (including any notes for supporting a decision to decline an application) is retained as this may be needed as evidence.

## **5 Issuing of Penalty Notices.**

- 5.1** The LA has a Council members' agreed protocol regarding the issuing of Penalty Notices. This covers the issuing of Penalty Notices when children have been absent for leave of absence, without the head teacher's consent. When a head teacher decides to make a request for a Penalty Notice they should contact the School Attendance Adviser on 01904 551817 or e mail at [mark.smith@york.gov.uk](mailto:mark.smith@york.gov.uk)

## **6 Further Information**

- 6.1** Further information relating to the current regulations and recommended practice in relation to this issue may be obtained from the attendance section on the [DfE website](#).
- 6.2** Guidance was issued, in 2014, by The National Association for Head teachers and is available to members on their website.

**Appendix 1 : Leave of Absence Request Form**

Name of school: .....

**APPLICATION FOR PUPIL LEAVE OF ABSENCE FROM SCHOOL**

Full name of child(ren):

Address:

Attendance (%):

Exceptional Reasons for application and dates:

Has leave of absence been taken in term time before?

Are you requesting leave of absence for any siblings at another school? If so you should also make a separate application to that school. Please provide details of that child's name and school details:

Signature of parent(s) / carer(s): .....

(applications can only be made by parents/carers)

Date

**Office use only**

Seen by headteacher / head of year: .....

Agreement reached:

Other outcome:

Date     /     /

## **Appendix 2**

### **Standard letter from schools re Leave of Absence Guidance**

Dear Parent

I am writing to remind you of advice from the Department for Education which impacts on the way in which any requests for leave of absence including for holidays in term time will be dealt with.

It is intended that this guidance should further reduce the amount of time children lose to holidays in term time. In 2017-18 of all absence in City of York primary schools, 17.6% was due to holidays being taken in term time whilst the national average was 13.9%. *(Or- In City of York secondary schools the corresponding figure was 5.5% with the national figure being slightly higher at 5.6%.)*

Headteachers have clear guidance to say that they should not authorise any requests for leave of absence in term time unless in exceptional circumstances. It is for each Headteacher to make a decision as to what circumstances they consider to be exceptional. However, things such as the cost of a holiday or availability of a particular holiday are not considered exceptional. There should be very few requests for leave of absence in term time that will be regarded as exceptional and therefore most requests will be declined and therefore marked as unauthorised.

Parents do not have an automatic right for their children to have authorised absence to go on holiday. Parents can be issued with a Penalty Notice if their child is absent from school for a holiday in term time which is not authorised by the head teacher. A Penalty Notice can require a parent to pay a sum of either £60 or £120. Each parent can be issued with a notice for each child so two parents with two children can potentially be issued with four notices.

If you wish to talk about this matter with me please contact the school to make an appointment

Yours faithfully.

### **Appendix 3**

#### **Sample Warning Letter following refusal to authorise a request for leave of Absence**

Dear *name*

I am writing to you regarding your recent request that your child, *name* be given authorised leave of absence to take a holiday in term time (*or other circumstance – insert as appropriate.*)

Unfortunately I am not able to authorise this absence. The circumstances in which we are able to authorise these requests are limited and it is only in exceptional circumstances. Advice on what constitutes exceptional circumstances suggests situations such as children of service personnel and other employees who are prevented from taking holidays outside the term time, and families who need to spend time together following a crisis.

The guidance, clearly states, that where families take children out of school for holidays for reasons such as availability of cheap holidays and availability of desired accommodation the absence should not be authorised.

Should you choose to take the leave of absence in term time it will, as I said, be regarded as unauthorised absence and I may consult with the Local Authority and ask that they consider what action they can take. I am aware that they could consider issuing you with a Penalty Notice under Section 23 of the Anti Social Behaviour Act. Any parents/ issued with such a notice will be subject to a prompt fine of either £60 per parent per child (if paid within 21 days) or £120 (if paid after the 21st day but within 28 days). Failure to pay the Fixed Penalty Notice is likely to lead to prosecution.

Yours sincerely

## **Appendix C**

City of York Code of Conduct for the use of Education related Penalty notices, August 2018.

	<b>Penalty notice Protocol</b>
<b>1</b>	<b>Legal framework</b>
1.1	<p>Sections 444A and 444B of the Education Act 1996 (the act) empower authorised local authority (LA) officers, headteachers (or a member of school staff authorised by the headteacher), or the police to issue penalty notices (PNs) in cases of unauthorised absence from school. The authorised person must have reason to believe that a person has committed an offence under section 444(1) of the act. There is no right of appeal against a penalty notice and the imposition of one is not a criminal prosecution. As such, the requirement to consider an Education Supervision Order (ESO) is not necessary.</p> <p>The Education (Penalty Notices) (England) Regulations 2007 (the Regulations) prescribe the necessary details for the operation of the penalty notice scheme. Regulation 14 provides that each local authority is responsible for drawing up a code of conduct to ensure consistency in the issuing of penalty notices. Therefore, it is the code of conduct, together with the relevant legislation and guidance, that will determine how the local authority should proceed in non-attendance matters and it may be subject to variation between local authorities.</p>
1.2	The issuing of penalty notices must conform with all requirements of the Human Rights Act and all Equal Opportunities legislation.
1.3	The Local Authority (LA) has the prime responsibility for developing the protocol within which all partners named in the Act will operate.
<b>2</b>	<b>Rationale</b>
2.1	Regular and punctual attendance at school, or alternative provision, is both a legal requirement and essential for pupils to maximise their educational opportunities.
2.2	All schools wishing to issue penalty notices under this code of conduct must evidence that literature provided to parents relating to attendance, such as a school prospectus, attendance and behaviour policies, home to school agreements and website information are readily accessible and include the warning that parents may be issued with a penalty notice for any unauthorised absence, including unauthorised term time holidays. School governors should be in agreement with the endorsement of the use of penalty notices.
2.3	In law an offence occurs if a parent or carer fails to secure a child's attendance at the school at which they are a registered pupil and that absence is not authorised by the school. Penalty notices supplement the existing sanctions currently available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school where appropriate.

2.4	<p>Parents, carers and pupils are supported at school and at partner agencies level to overcome apparent barriers to regular attendance through a wide range of assessment and intervention strategies, for example via schools pastoral support systems and Local Area Teams (LAT).</p> <p>Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem. They will be used as a means to support parents to meet their responsibilities in law and where there is reasonable expectation that their use will secure an improvement.</p> <p>Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.</p> <p>Family circumstances and the ability to pay is judged against the likelihood of securing an improved attendance by issuing a penalty notice (this to include any cases of possible multiple issue to any one family)</p> <p>These measures are permissive and it is for individual governing bodies and the LA to decide whether to use them. In exercising these powers governing bodies, head teachers and local authority officers should have regard to their safeguarding duties.</p>
2.5	<p>Before requesting issue of a penalty notice for unauthorised absence, other strategies should be considered that may help the child concerned return to regular school attendance.</p> <p>These might include:</p> <ul style="list-style-type: none"> <li>• writing to the child's parents to remind them of their legal responsibilities</li> <li>• meeting with the child's parents</li> <li>• ensuring a first-day response to any absence</li> <li>• setting targets for improvement</li> <li>• involvement of other services or agencies such as LAT, wellbeing service etc.</li> </ul> <p><b>Please note: The above strategies do not apply to term time leave or holiday.</b></p>
3	<b>Circumstances where a penalty notice may be issued</b>
3.1	To ensure consistent practice penalty notices will be issued only in cases of <b>unauthorised</b> absence and may be considered in the following circumstances.
3.2	<p><b>Persistent unauthorised absence.</b></p> <p>At least ten sessions (five school days) of unauthorised absence in the previous 12 school weeks. Following a warning letter being sent, an invite to a school formal attendance review and a monitoring period (setting a period 15</p>

	15 school days in which to effect the improvement) then a penalty notice can be issued. The ten sessions need not be consecutive.
3.	<p><b>Unauthorised term time leave</b></p> <p>The Education (Pupil Registration) (England) (Amendment) Regulations 2013, state headteachers may not grant any leave of absence during term time unless there are exceptional circumstances (no definition is given within this legislation). This has been supported by the Supreme Court judgement of April 2017 on unauthorised holidays taken in term time.</p> <p>In these circumstances where a headteacher does not authorise a request from a parent or carer for an absence they will respond to the request directly. This response will constitute a valid warning to the parent about a potential penalty notice. In all cases, a minimum of 10 sessions in total (five school days) of absence must have been accrued. The absences will be consecutive. In these circumstances, penalty notices will be issued as they are not exceptional or unavoidable. The absences must be recorded as a 'G' code in the attendance register. Copy of a letter to the parent or carer advising them that they are at risk of being issued with penalty notice should be on the school file.</p> <p>(If parents have not applied in advance then, by default the absence is not agreed, as leave of absence cannot be approved retrospectively).</p>
3.4	<p><b>Unauthorised delayed return from extended holidays</b> (the pupil fails to return on agreed date).</p> <p>Following a warning, a penalty notice can be issued. In these circumstances, headteachers should make clear to parents and carers the date of when the pupil will be expected to return to school, warning them that if they fail to return on the date then a penalty notice may be issued.</p>
3.5	<p><b>Persistent late arrival at school</b> (after the register has closed).</p> <p>Equivalent to a minimum of 10 sessions accrued in a 12 school week period. Following a warning letter being sent, an invite to a school formal attendance review and a monitoring period (setting a period of 15 school days in which to effect the improvement) then a penalty notice can be issued.</p> <p>The late mark (code U) for an unauthorised absence should be recorded.</p>
3.6	<p><b>Persistently late arrival (before the register has closed) (coded L).</b></p> <p>A penalty notice can be issued following a warning letter being sent, an invite to a school formal attendance review and a monitoring period (setting a period of 15 school days in which to effect the improvement) then a penalty notice can be issued where the threshold of 10 sessions over the previous 12 school weeks has been met. The school should clearly communicate to parents that they will categorise as unauthorised any further lateness (code O).</p>

3.7	<p><b>Excluded pupils (fixed term or permanent)</b></p> <p>A parent/carers is required 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 period or permanent exclusion. A public place means any highway or any place to which the public have access.</p> <p><i><b>N.B:</b> School premises are not a public place for this purpose (Section 547 Education Act 1996).</i></p> <p>A penalty notice enables the parent to pay a fine as a way of discharging liability for the offence of failing to ensure that their child is not present in a public place on the days specified in the notice given to them by the school. The parent must have been notified of their duty by the school at the time of the exclusion and the days to which it relates.</p> <p>In order for the LA to issue a penalty notice, evidence would be required, either through eye witness testimony in the form of a Witness Statement, or proven evidence from a CCTV system.</p> <p>The following documentation is required to be submitted to the LA:</p> <ul style="list-style-type: none"> <li>• <b>Proof of notification</b> to parent/carers(s) and the means of delivery as above</li> <li>• <b>Witness statement</b> including evidence of where the child was seen and the parent/carers(s) having no reasonable justification for their child being in a public place</li> </ul>
3.8	<p>There will be no restriction on the number of times a parent or carer may receive a formal warning of a possible issue of a penalty notice.</p> <p>The maximum number of penalty notices is two per child, per parent, during a 12-month period.</p> <p>In cases where families contain more than one poor-attending pupil, multiple issue may occur. This will be the subject of careful consideration and co-ordination.</p>
3.9	<p>In all cases involving a Looked after child the school must also send a copy of the warning letter to the child's social worker, as well as to the Director of Children's Services for the local authority which has responsibility for the child.</p>
4	<p><b>Procedure for issuing penalty notices</b></p>
4.1	<p>In the City of York penalty notices can be issued by the School Attendance Adviser following a request from a headteacher (or a member of staff authorised but the headteacher such as a deputy or assistant headteacher) or police officer. This will ensure consistent and equitable delivery, protect school-home relationship and allow cohesion with other enforcement sanctions</p>

4.2	<p>Schools can contact the School Attendance Adviser to request the issue of a penalty notice, if the circumstances detailed within the code of conduct have been met.</p> <p>The following documentation needs to be submitted:</p> <ul style="list-style-type: none"> <li>• <b>Certificate of Attendance</b> - for the period in question completed and signed by the Head teacher. This may straddle two academic years</li> <li>• <b>Leave of Absence application form</b> - if appropriate</li> <li>• <b>Letter of refusal to the parent</b> - if appropriate</li> <li>• <b>Warning letters</b> – if appropriate</li> <li>• <b>Attendance review minutes</b>- if appropriate</li> <li>• <b>Parenting contract</b> –if appropriate</li> </ul> <p>In cases regarding unauthorised leave of absence documentation should be submitted preferably no more than two weeks following the taking of the unauthorised leave.</p>
4.3	Penalty notices issued by City of York will only be issued by first class post, using City of York invoices, and never as an on the spot action. This is to ensure that the evidence to support the penalty notice is sound and meets Health and Safety requirements.
4.4	The School Attendance Adviser will normally respond to all requests within 10 school days of receipt.
5	<b>Procedure for withdrawing penalty notices</b>
5.1	<p>Once issued, a penalty notice may only be withdrawn in the following circumstances:</p> <ul style="list-style-type: none"> <li>•it ought not to have been issued</li> <li>•it ought not to have been issued to the person named as the recipient</li> <li>•it contained material errors</li> <li>•the use of the penalty notice does not conform to this code of conduct</li> <li>•the period for payment has expired (and consideration will now be given to prosecution under section 444 (1) or section 444 (1A) of the act)</li> </ul>
6	<b>Payment of penalty notices</b>
6.1	Arrangements for payment will be detailed on the penalty notice.
6.2	Payment of a penalty notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the penalty notice.
6.3	Payment of a penalty notice within 21 days is £60 and payment after this time but within 28 days is £120.
6.4	Payment cannot be made by instalment.
6.5	The LA retains any revenue from penalty notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

7	<b>Non-payment of penalty notices</b>
7.1	Non-payment of a penalty notice will result in the withdrawal of the notice and will trigger consideration of the prosecution process under the provisions of Sec 444, 1996 Education Act.
8	<b>Policy &amp; publicity</b>
8.1	The use of penalty notices as a sanction is included on the attendance page of the and <a href="http://yorkeducation.co.uk">yorkeducation.co.uk</a>
8.2	<p>School Attendance policies should include information on the deployment of penalty notices and this will be brought to the attention of all parents.</p> <p>A clear procedure for requesting Leave of Absence and the school response to unauthorised absence should be available to parents and mentioned in relevant policies and on the school website.</p> <p>Other measures to ensure parents are fully aware of the potential consequences of pupils with leave of absence and unauthorised absence which is not authorised by the headteacher may include:</p> <ul style="list-style-type: none"> <li>• Parents being written to annually to inform them of the schools position regarding leave of absence in term time and unauthorised absence. Such letters need to be sent to all parents with consideration to a copy being placed in each pupils file. This is particularly important as it may be part of any evidence presented to court should any enforcement action need taking in the event of a penalty notice not being paid</li> <li>• the handbook and school website for parents contains information about the school's position and views on leave of absence in term time and unauthorised absence.</li> </ul>
8.3	The LA will include information on the use of penalty notices and other attendance enforcement sanctions in promotional/ public information material.
9	<b>Reporting &amp; review</b>
9.1	The School Attendance Adviser will report at regular intervals to the Assistant Director (Education and Skills) on the deployment and outcomes of penalty notices.
9.2	This code of conduct will be reviewed annually. Amendments to this code will be made in line with any legislative changes. This may require further consultation as appropriate.
9.3	Head teachers should report to the governors on an annual basis giving details of the penalty notices issued on parents of pupils within their school.