



## Attendance Joint Academy Policy

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## ATTENDANCE POLICY

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## **The Importance of good attendance**

It is important to recognise the link between attendance and achievement. At Park Infant and Junior Academy we encourage all children to attend the academy regularly. Good attendance at the academies is essential for a pupils' education and establishes a positive working ethos early in life. Pupils learn best when they arrive punctually at the academies.

## **Expectations**

The Education Act 1996 requires the adult responsible to ensure their child receives efficient full-time education, suitable to their age, ability, aptitude and any other special needs they may have, either by regular attendance at the academy or otherwise.

Pupils are expected to attend the academy for the entire duration of the academic year, unless there is an exceptional reason for the absence. There are two main categories of absence;

1. Authorised absence is where the academy has accepted the explanation offered as satisfactory justification for the absence or given approval in advance for such a request.
2. Unauthorised absence is when the academy has not received a reason for absence or has not approved a child's absence from academy after a parent's/carer's request.

Please be aware that when a parent/carer telephones the academy with information that their child is unable to attend due to illness, or other circumstances, this may not be automatically authorised. Your child's current and previous academy attendance will be taken into consideration and as a result the absence may not be authorised.

Keeping your child off with minor ailments such as a headache or slight cold is not acceptable. Repeated absences will require us to request that you obtain medical evidence from your doctor's surgery. This may be in the form of a date stamped compliment slip confirming your visit, a text message or prescription or medicine bottle. Any of the above is to be shown to the Office. (Please note that the academy is not asking any parent to incur a charge for such information and will not be liable for the cost). If your child has head lice, once they have been treated, they can return to school on the same day.

## **Leave of Absence**

Any child who must leave the academy during academy hours for a medical appointment or similar reason must notify the school beforehand. This can be verbally to the class teacher, or a phone call to the Academy Office. Parents will be asked to complete a leave of absence form for all appointments and show proof of the medical appointment.

Children attending medical appointments in the morning should be returned to school straight after the appointment.

### **Dental and medical appointments**

Parents and carers are asked most earnestly not to arrange dental and medical appointments during academy sessions, except in cases of urgency or hospital appointments, so that considerable interference with academy work is avoided. Please do not keep children out of academy for the whole day unless necessary.

**Pupils are expected to arrive at the academy on time.**

### **Registration Procedures**

Registers are taken twice daily, in the morning and in the afternoon, using Arbor.

The morning register for KS1 closes at 8:55am and in EYFS at 9:05am. In KS2 the register closes at 9:00am.

The afternoon registers in the infant academy are taken by 12:35pm for Reception and by 1:05pm for KS1 due to staggered lunchtimes.

The register at the junior academy is taken at 1:05pm.

### **What happens if pupils are late?**

Pupils who arrive after the doors are closed will need to enter the academy through the main Academy Office door, where they will need to be signed in.

If a pupil is persistently late, contact will be made with the parents to try to resolve the problem.

If a pupil arrives in the academy more than 20 minutes late and there is no acceptable explanation, the pupil has to be recorded as an 'late after register closes' for that session.

The academy will monitor daily attendance and lateness rates and will notify the Family Support Worker if there is cause for concern.

Please see appendix 12 for staggered timings to the start and end of the school day.

## Register Codes

The following codes are applied on the registers:

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Educated off site (NOT Dual registration)	Approved Education Activity
C	Exceptional circumstances	Authorised absence
C1	Participating in a regulated performance or undertaking regulated employment abroad	Authorised absence
C2	Compulsory school age pupil subject to a part time timetable	
D	Dual registration (i.e. pupil attending other establishment)	Approved Education Activity
E	Suspended or permanently excluded (no alternative provision made)	Authorised absence
F	Extended family holiday (agreed)	Authorised absence
G	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised absence
H	Family holiday (agreed)	Authorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J1	Interview or admission to another educational establishment	Approved Education Activity
L	Late (before registers closed)	Present
K	Attending education provision arranged by local authority	Approved Education Activity
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Unauthorised absence (not covered by any other code/description)	Unauthorised absence
P	Approved sporting activity	Approved Education Activity
Q	Unable to attend school due to lack of local authority access arrangements	Not counted in possible attendances
R	Religious observance	Authorised absence
S	Study leave	Authorised absence
T	Parent travelling for occupational purposes	Authorised absence
U	Late (after registers closed)	Unauthorised absence
V	Educational visit or trip	Approved Education Activity
W	Work experience	Approved Education Activity
X	Non-compulsory academy age absence	Not counted in possible attendances
Y	Enforced closure	Not counted in possible attendances
Y1	Unable to attend due to transport normally provided by the local authority not being available	Not counted in possible attendances
Y2	Widespread disruption to travel	Not counted in possible attendances
Y3	Part school premises being closed	Not counted in possible attendances
Y4	Whole school site being closed	Not counted in possible attendances

<b>Y5</b>	Criminal justice detention	Not counted in possible attendances
<b>Y6</b>	Public Health guidance or law	Not counted in possible attendances
<b>Y7</b>	Any other unavoidable cause	Not counted in possible attendances
<b>Z</b>	Pupil not yet on roll	Not counted in possible attendances
<b>#</b>	Planned academy closed to pupils	Not counted in possible attendances

### **Rewarding Good Attendance**

The class with the highest weekly attendance will receive a certificate.

Coding for attendance: More than 98% - 100% = excellent, 96% - 97% = good, less than 95% more than 90% requires improvement, less than 90% cause for concern

### **Parents**

In this instance, under Section 576 Education Act 1996, a parent/carer is defined as any adult who has day to day care of the child during the period in question.

Under current legislation, parents/carers are legally responsible for ensuring that their child attends the academy regularly and punctually. Should a child be unable to attend the academy for whatever reason or is late, parents are requested to notify the academy by telephone before 9:00a.m. on the first day of absence and on each subsequent day of absence.

The academy must consider a pupil's absence or arrival after the registers are closed to be unauthorised until a satisfactory explanation is given by a parent or guardian. Parents should provide an explanation for the absence upon their child's return to the academy even where the academy has previously been made aware of the absence. To help parents monitor their child's attendance and punctuality, attendance rates will be reported at each parents evening and recorded on the child's end of year report. Any concerns with regards to attendance will be spoken about during the two parent's evenings over the year as well as by the Family Support Worker during the year.

### **Children Missing from Education Procedures**

If a child is absent and initial contacts are not returned, and contact cannot be made with the parent/carer, then the Family Support Worker or a member of staff will visit the home address to establish the safety of the child. If we have not heard from you by 12pm a home visit may be made on the first day of the child's absence.

Letters will be sent to the family and a record will be kept on My Concern. If a pupil does not return to school for ten days after an authorised absence or is absent from school without authorisation for twenty consecutive school days, the pupil can be removed from the admission register when the academy and LA have failed to jointly establish the whereabouts of the child.

The Trust recognises the importance of the fact that all children are entitled to full time education which is suitable to their age, ability, aptitude and any special educational needs they may have.

A child absent/going missing from an education setting can act as a vital warning sign of a range of safeguarding possibilities.

A child absent/going missing from education, particularly repeatedly, can be a warning sign of a range of safeguarding issues. This might include abuse or neglect, such as sexual abuse or exploitation or child criminal exploitation, or issues such as mental health problems, substance abuse, radicalisation, FGM or forced marriage.

*Information taken from the DFE Children Missing Education – Statutory guidance for Local Authorities September 2016.*

### **Leave of Absence (including term time holidays)**

In April 2013, the Government made amendments to the Education (Pupil Registration England) Regulations, these came into effect on 1st September 2013.

Head teachers are no longer able to grant leave of absence during term time unless there are 'exceptional circumstances', (for example a family crisis, the funeral of a close relative, an entrance exam or an arts performance.)

Authorisation for term time absence is at the discretion of the Head teacher.

This means that Head teachers are no longer able to authorise holidays taken in term time.

Requests for leave of absence must be put in writing to the Head teacher. A template letter (see Appendix 1) is available from the Academy Office or on the academy website.

A leave of absence taken without authorisation may be referred to Education Entitlement Service.

This may result in prosecution proceedings, or a Fixed Penalty Notice. If a Fixed Penalty Notice is issued, a separate Fixed Penalty Notice would be issued to each parent for each child. The rate is £60 per parent per child if paid within 21 days and rises to £120 if paid between 21 and 28 days.

If the Fixed Penalty Notice is not paid each parent may be liable to prosecution at the Magistrates Court, and if proved, each Fixed Penalty Notice may receive a criminal conviction, and/or a fine to the maximum of £1000 plus costs.

Fixed Penalty Notices are issued by North Northamptonshire County Council. At Park Infant and Junior Academies, we follow the Northamptonshire Code of Conduct and refer parents when a pupil has a minimum of 10 consecutive academy sessions, or 12 academy sessions recorded as unauthorised in a 6-week academy period; an academy day is two sessions (morning and afternoon). *Please see Appendix 2 for further details.*

Parents should be aware that if they are issued with 2 penalty notices during a child's academy career (from Reception to YR 11) then, should a third offence be prosecuted, it will result in an automatic custodial sentence.

If you take your child out of school for an accumulative total of 5 days or more (10 sessions) (90%) over a period of ten weeks, the school will deem this as irregular attendance and will consider a referral to the Local authority for consideration of legal action. This could include,

A Penalty Notice payable up to £160 fine.

Prosecution under s444 (1) Education Act 1996, where if convicted you may be fined up to £1,000.

Prosecution under s444 (1) (a) Education Act 1996 where if convicted you may be fined up to £2,500 and/or 3 months' imprisonment.

### **Systems**

Individual attendance levels will be monitored monthly, and steps taken if a child's attendance is below 95%, there has been 10 sessions (5 days) of unauthorised absence in the previous month. The schools reserve the right having reviewed attendance to move to Stage 2 immediately if appropriate.

- Stage 1:- If a child's cumulative attendance falls below 95% then the Stage 1 standard letter will be sent to inform parents/carers (*see Appendix 3*).
- Stage 2:- If cumulative attendance remains below 95% for a second month, then the Stage 2 letter (*see Appendix 4*) will be sent inviting the parents to a 'Parent Contract Meeting' (PCM). Notes to explain the purpose of this meeting will also be sent (*see Appendix 5*)  
A Parent Contract Meeting (PCM) will take place to set targets for attendance and identify any support required. All meeting notes will be recorded on the standard form (*see Appendix 6*). If parents do not attend the PCM the contract will be implemented without their input. From this point absences will not be authorised without medical evidence.
- Stage 3:- If parents/carers fail to demonstrate improvement through engagement with the PCM process then the Stage 3 (*see Appendix 7*) letter will be sent. Parents may be offered an extension if this is deemed appropriate or they may be invited to implement an EHA with the Family Support Worker. An EHA will be offered for all PCM cases. If it is declined, this will be recorded on the pupil's file and confirmed in writing to the parents. The child's views will be sought.
- Stage 4:- If parents/carers continue to fail to demonstrate improvement through engagement with the PCM process then a referral to Education and Inclusion Partnership Team will be made which could result in the Local Authority taking more formal action. This could result in a Police and Criminal Evidence (PACE) interview being held under caution in accordance with the Police and Criminal Evidence Act 1984. You should also be aware that if convicted of an offence of failing to ensure regular attendance of your child at academy under Section 444, 1/1A Education Act 1996, you could be fined up to £1000/£2500 and/or receive a term of imprisonment not exceeding 3 months.

If a child has 5 consecutive days of unauthorised absence and there has been no communication from parents the child will be considered to be missing in education and a referral will be made to the Education and Inclusion Partnership Team (EIPT) and the parent informed in writing (*see Appendix 10*)

### **Monitoring**

Individual pupil attendance data will be reported to parents at least annually.



Academy attendance data will be monitored monthly including analysis and trends for different groups of pupils.

Attendance reports will be shared at the Local Academy Committee meetings including the number of children at each stage of the process.

**Late Collection**

If children are not collected when the academy finishes at 3.10pm for KS1 and 3:20pm for EYFS at the Infant and 3:15pm at the Junior academy, then parents will be contacted. If this becomes a regular problem the academy's Family Support Worker will be informed. The school operates a late collection fine system.

## **Appendix 1: Application for leave of absence in term time**

Kettering Park Infant Academy and Kettering Park Junior Academy, the Local Authority and Government believe that absence during term time should be avoided as it can have a damaging effect on pupils' education and overall achievement. However, it can be recognised that there may be exceptional reasons that may justify authorisation of the absence by the head Teacher.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 explanatory notes states:

Regulation 7 of the 2006 Regulations is amended to prohibit the proprietor of a maintained academy granting leave of absence to a pupil except where an application has been made in advance and the proprietor considers that there are exceptional circumstances relating to the application.

As a result of the changes, we at Kettering Park Infant Academy and Kettering Park Junior Academy have revised our Attendance Policy to include the following:

- Application is to be made in advance by the parent on the form overleaf. This may be obtained from the academy office and the website.
- Leave of absence will only be granted where the Head Teacher considers it is due to 'Exceptional circumstances'. Parents will be informed within 7 academy days as to whether the request has been authorised.

Leave of absence taken without authorisation may be referred to the Education Entitlement Service. This may result in prosecution proceedings, or a Fixed Penalty Notice. If a Fixed Penalty Notice is issued, a separate Notice would be issued to each responsible adult for each child.

The rate per parent/carer per child will be £60 if paid within 21 days and rising to £120 if paid between 22 and 28 days.

If the penalty notice is not paid, each parent/carer may be liable to prosecution at the Magistrates Court, and if proved, each notice may receive a criminal conviction and/or fine to a maximum of £1000 plus costs.



## Application for leave of absence in term time

Kettering Park Infant / Junior Academy, the Local Authority and Government believe that absence during term time should be avoided as they can have a damaging effect on pupils' education and overall achievement. However, it can be recognised that there may be exceptional reasons that may justify authorisation of the absence by the head Teacher.

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As a result of the changes, we at KPIA / KPJA have revised our attendance policy, which from 1st September 2013 will include the following:

- Application is to be made in advance by the parent on the form overleaf. This may be obtained from the school office and the website.
- Leave of absence will only be granted where the Head Teacher considers it is due to 'exceptional circumstances'. Parents will be informed within 7 school days as to whether the request has been authorised.

Leave of absence taken without authorisation may be referred to the Education Entitlement Service. This may result in prosecution proceedings, or a Fixed Penalty Notice. If a Fixed Penalty Notice is issued, a separate Notice would be issued to each parent for each child.

As of 1st September 2013, the rate per parent per child will be £60 if paid within 21 days, rising to £120 if paid within 28 days. If the penalty notice is not paid, each parent may be liable to prosecution at the Magistrates Court, and if proved, each notice may receive a criminal conviction and/or fine to a maximum of £1000 plus costs.

### What is a penalty notice?

A penalty notice (PN) is an alternative to prosecution and requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance at school. It is issued per parent, per child.

### Who issues them?

In Northamptonshire the Local Authority issues them through the Educational Inclusion and Partnership Team following notification from the school.

### When are they used?

- When a pupil has a minimum of 10 school sessions recorded as unauthorised in a 6 school week period; (a school day is two sessions -morning and afternoon) or
- When a pupil has a series of unauthorised absences leading to irregular attendance
- This includes:
- Any absence marked in the register as unauthorised.
- Persistent late arrival at school after the register has been taken and is recorded as an unauthorised absence.
- An absence in term time which has not been authorised by the head teacher. The Government has directed that head teachers may only grant leave in exceptional circumstances.
- PNs can also be used during the first 5 days of exclusion. Parents are made aware of the consequences by letter when a child is excluded from school.

1. Pupil Name: - \_\_\_\_\_ Class: \_\_\_\_\_

2. Pupil Name: - \_\_\_\_\_ Class: \_\_\_\_\_

I request permission for leave of absence for the above named child/ren

Date from: \_\_\_\_\_ To: \_\_\_\_\_

Time from: \_\_\_\_\_ To: \_\_\_\_\_

Please state the exceptional circumstances for this request:

Adults accompanying: \_\_\_\_\_

**Please provide evidence of any appointments**

Signature of Parent/Carer: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR HEAD TEACHER**

Has evidence been seen by a member of staff: YES / NO \_\_\_\_\_

1. Current attendance: \_\_\_\_\_ 2. Current attendance: \_\_\_\_\_

- 99% - 100% = Excellent
- 96% - 98.9% = Good
- 93% - 95.9% = Below Average / Low
- 90.1% - 92.9% = Very Low (90% = 1 day absent every two weeks)
- Under 90% = Persistent Absentee

Exceptional reason accepted: YES / NO Signed \_\_\_\_\_ Date: \_\_\_\_\_

**THIS ABSENCE HAS BEEN AUTHORISED / UNAUTHORISED.**

**If absence is UNAUTHORISED please see the information overleaf.**

## Appendix 2: Northamptonshire Code of Conduct

### Code of Conduct Penalty Notices to Address Absences and Poor Attendance at Academy or Alternative Provision

#### **Rationale**

1. The purpose of this Code of Conduct is to ensure that the associated powers are applied consistently and fairly across the Local Authority area and that suitable arrangements are in place for the administration of Penalty Notices.
2. Regular and punctual attendance at academy, or alternative provision, is both a legal requirement and essential for children and young people to maximise their educational opportunities. Penalty Notices offer a swift intervention which Northamptonshire County Council (NCC) will use to deal with issues of unauthorised absence before they become entrenched.
3. An offence occurs if a parent/carer fails to secure a child's attendance at academy, or alternative provision, at which they are a registered pupil and that absence is not authorised by the academy, or alternative provision.
4. In addition, a Penalty Notice can be used to help ensure parents fulfil their responsibilities to ensure their child is not out in a public place without reasonable justification during the first five days of every exclusion from academy.

#### **Authorisation**

1. The primary responsibility for the issuing of Penalty Notices rests with the Local Authority. Educational Inclusion & Partnership Team (EIPT) of NCC will therefore issue Penalty Notices in Northamptonshire. This ensures consistency and will prevent conflict with other enforcement sanctions
2. Although professionals other than those within the Local Authority (e.g., Head Teachers, the Police etc.) are accredited persons within the legislation, able to issue Penalty Notices, there is no requirement for them to do so. In Northamptonshire it has been agreed that the Police will not issue Penalty Notices. If a Head Teacher feels it is appropriate for a Penalty Notice to be issued, they must refer to the EIPT. This will avoid a Penalty Notice being issued when the EIPT is instigating legal intervention proceedings for irregular academy attendance or where a Penalty Notice is not deemed an appropriate form of intervention.
3. Penalty Notices will be issued by First Class post to satisfy evidential requirements.
4. EIP will act upon requests to issue Penalty Notices from academies, academies, or alternative education providers and Northamptonshire Police, provided that;
  - a) All relevant information is supplied in the specified manner;
  - b) The circumstances of the pupil's absence meet the requirements of this Code of Conduct; and

c) The issuing of a Penalty Notice does not conflict with other interventions strategies in place or other enforcement sanctions already in process.

#### **Criteria for Issuing Penalty Notices**

1. Penalty Notices are issued to parents as defined under Section 576 of the Education Act 1996, in relation to children of compulsory academy age. Under the Act the term “parent” includes;

All natural parents, whether they are married or not;

Any person who, although not a natural parent, has parental responsibility for a child or young person;

Any person although not a natural parent has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after a child, irrespective of what their relationship is with a child.

2. They may be issued for children at maintained academies, academies, free academies and alternative provision providers in Northamptonshire.

3. In accordance with the definition of parent, and thereby parental responsibility for non-academy attendance, more than one person may be liable for the offence. In such circumstances, separate notices will be issued to each person.

4. Penalty Notices may be issued when:

- There has been an unacceptable level of unauthorised absence from an educational establishment and enforcement is necessary to improve attendance.
- Unauthorised absence is absence without permission from a head teacher or other authorised representative from the academy. This includes all unexplained or unjustified absences. The categories of authorised and unauthorised absence are explained in the Guidance to the Education (Pupil Registration) (England) Regulations 2006.
- A minimum of 10 sessions of unauthorised absence in a 6-academy week period will usually have occurred. However, a shorter period may be considered appropriate in some circumstances.

In the case of a unauthorised holiday taken during term time, if;

- Parents have not sought permission from the Head Teacher before taking their child out of academy for a holiday in term time.
- The Head Teacher has refused the request, but the absence occurs anyway; or
- A pupil has not returned to academy by the agreed date with no satisfactory explanation.
- And there have been 10 sessions of unauthorised absence in a 6-academy week period.

- Each case is considered on its own individual merits.
- A pupil is persistently late to academy, i.e., arrives after the register has closed;

Under truancy sweeps carried out under Crime and Disorder Act 1998 powers, a minimum of 5 sessions of unauthorised absence may generate a Penalty Notice, if these unauthorised absences occur in the 6 academy weeks (maximum) after the child was stopped on a truancy sweep; and

When an excluded child is present in a public place during academy hours on a day which is one of the first 5 academy days to which the exclusion relates or, where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates, under the protocol for Section 103 of the Education and Inspections Act 2006.

Alternative action may need to be considered if academy attendance offences re-occur, in the light of advice from Legal Services.

### **Withdrawal of Penalty Notices**

Once issued a Penalty Notice can only be withdrawn in the following circumstance;

The Penalty Notice has not been issued in accordance with the Code of Conduct. Evidence has been established that the Penalty Notice was issued to the wrong person.  
There are material errors in the information leading to the issue of the Penalty Notice.  
The period for payment has expired and the Local Authority does not intend to institute legal proceedings for which the Penalty Notice relates.

### **Payment of Penalty Notices**

The arrangements for the paying of Penalty Notices will be detailed on the Penalty Notice.

Revenue generated from the Penalty Notices will be used to cover the costs of issuing and enforcing notices, or the cost of prosecuting recipients who do not pay.

### **Non-Payment of Penalty Notices**

The Penalty is £60 if paid within 21 days of receipt of the Penalty Notice (assumed as 2 working days following the Notice being sent by first class mail), or £120 if paid after 21 days but within 28 days of receipt of the Penalty Notice.

If the Penalty Notice is not paid in full by the end of the 28-day period, the Local Authority may prosecute for the offence to which the Notice applies. The prosecution relates to irregular academy attendance under Section 444 of the Education Act 1996. Where a prosecution is an appropriate course of action a Caution may be offered by the Local Authority as an alternative method of disposal.

There is no statutory right of appeal against the issuing of a Penalty Notice.

A record will be kept of all prosecutions relating to offence for which a Penalty Notice was issued.

## Legislation

1. Section 23 Anti-Social Behaviour Act 2003 empowers authorised officers of a Local Authority, Head Teachers (and Deputy and Assistant Head Teachers authorised by the Head) and Police Officers (including Community Support Officers) to issue a Penalty Notice in cases of unauthorised absence from academy, or alternative provision.
2. The Education (Penalty Notices) (England) Regulations 2004 came into force on 27th February 2004.
3. The Education (Penalty Notices) (England) Regulations 2004 require the Local Authority, in consultation with the above, to develop a code of conduct for issuing of Penalty Notices. Any person issue a Penalty Notice must do so within the terms of this code of conduct) the Code of Conduct”).
4. The Education (Penalty Notices) (England) Regulations 2005 extends the issuing of Penalty Notices to alternative provision.
5. The Education (Penalty Notices) (England) (Amendment) Regulations 2012 confirms the increase in the amount of penalty where the offence is alleged to have been wholly or partly committed after 1st September 2012.
6. Education (Penalty Notices) (England) (Amendment) Regulations 2013 confirm that the penalty of £60 must be paid within 21 days or after that period increase to £120 to be paid within 28 days.
7. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 remove all reference to family holiday and extended leave as well as the statutory threshold of 10 academy days. Amendments make clear that Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of academy days a child can be away from academy if the leave is granted.
8. The education provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition of parent as set out in Section 576 of the Education Act 1996.
9. Penalty Notices supplement existing sanctions currently available under Section 444 Education Act 1996 or Section 36 Children Act 1989 to enforce attendance at academy or alternative provision.
10. Education and Inspections Act 2006; giving authorisation to Penalty Notices when a child has been excluded.
11. This Code of Conduct complies with the requirements set out in Sections 14-16 of the Education (Penalty Notices) (England) Regulations 2007.
12. The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Equal Opportunities legislation.



## Appendix 2 contd: Penalty Notices, a guide for parents

### Educational Inclusion and Partnership Team A Brief Guide to Penalty Notices

Sections 444 Education Act 1996  
Anti-Social Behaviour Act 2003  
Crime and Disorder Act 1998

This leaflet offers you a summary about the (PN) scheme and what it could mean for you.

#### **What is a PN?**

A Penalty Notice (PN) is an alternative to prosecution and requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance at academy.

It is issued per parent, per child. Please note only a head teacher can authorise absence from academy.

#### **Who issues them?**

In Northamptonshire the Local Authority issues them through the Educational Inclusion and Partnerships team.

#### **When are they used?**

When a pupil has a minimum of 10 academy sessions recorded as unauthorised in a 6-academy week period; an academy day is two sessions (morning and afternoon)

This includes;  
Any absence marked in the register as unauthorised.

Persistent late arrival at academy after the register has been taken and is recorded as an unauthorised absence.

An absence in term time which has not been authorised by the head teacher. The Government has directed that head teachers may only grant leave in exceptional circumstances.

PNs can also be used during the first 5 days of exclusion. Parents are made aware of the consequences by letter when a child is excluded from academy.

#### **Please note**

**If the academy refers a period of absence that is longer than 15 consecutive academy days; the Educational and Inclusion Partnership team may consider that a PN is not appropriate.**

**In these instances, the matter may proceed to a prosecution.**

Determination about whether it is appropriate to use a penalty notice will be based on the individual circumstances of each case.

If a parent knows that their child is failing to attend academy regularly and there is reasonable justification for not ensuring that their child attends, then it is for the parent/carers to prove that reasonable justification.

#### **How much is the PN?**

The PN is issued with an invoice for £120 and 28 days are given for you to settle the Penalty. If the PN is paid within the first 21 days, the amount payable is reduced to £60.

#### **How do I pay?**

The information on how to pay is included on the PN. Payment cannot be made in part or by instalments.

#### **What happens if I don't pay?**

If you don't pay within the 28 days, the Local Authority will consider instigating a prosecution in the Magistrates Court for the offence of irregular academy attendance. If proven this could result in a criminal conviction, fine of up to £1000 per parent per child and/or a parenting order or a community service order and costs.

#### **Can I appeal?**

There is no statutory right of appeal once a PN has been issued.

#### **Can I be prosecuted if I pay the Penalty Notice?**

You cannot be prosecuted for the period of absence identified in the Penalty Notice. You may subsequently be prosecuted for further periods of unauthorised absence from academy.

Each case is considered on an individual basis

**\*\* REMEMBER \*\***

Academy staff would much rather work with parents/carers to resolve irregular attendance than resort to enforcement actions like Penalty Notices or Court.

For further information please contact

Educational Inclusion & Partnership Team  
[attendance-admin@northamptonshire.gov.uk](mailto:attendance-admin@northamptonshire.gov.uk)

<http://www.northamptonshire.gov.uk/en/councilservices/EducationandLearning/Parents/Attend/Pages/truancy.aspx>

## Appendix 3: Attendance Letter Stage 1



Date

Dear **Recipient(s) Title****Recipient(s) Last Name**,

Following the attendance newsletter sent at the beginning of term, as a school we are concerned that **Student(s) Full Name** attendance has dropped below 95%. **Student(s) First Name**'s current attendance can be found within the Arbor app under attendance.

As I am sure you are aware, it is important that **Student(s) First Name** maintains regular academy attendance, as any absence may interrupt **his/her/their** academic progress. You should also be aware that regular attendance is a legal requirement. **Student(s) First Name**'s attendance will continue to be monitored. The school are setting a target of at least 95% and look forward to seeing a significant improvement over the next month.

If there are any issues you feel you would like assistance with regarding **Student(s) First Name**'s attendance please contact the Family Support Worker, Mrs T Pearce.

If your child's attendance continues to cause concern, it may be necessary to make a referral to the Education Entitlement Service and **a Fixed Penalty Notice by the Local Authority might be issued dependent on the outcome of this process.**

Warning notices of the consequences will be sent to parents if:

- there has been 10 sessions of unauthorised absence in the previous 6 month
- there has been 5 consecutive days of unauthorised absence
- an accumulation of absence continues to be below 95%

If you have any questions, please contact the academy office and we will be happy to assist you.

Yours sincerely

Appendix 4: Attendance Letter Stage 2



Date

Dear

On ..... I wrote to you advising that your child’s attendance had fallen to .... %. Unfortunately, there has been no significant improvement in their attendance over the last month and this is continuing to cause concern. A copy of your child’s attendance record is enclosed.

I must remind you that regular attendance is a legal requirement, and it is important that any issues that may be the cause of this poor attendance are addressed as soon as possible. **Please contact the academy office within the next 2 working days to arrange a meeting with the academy’s Family Support Worker (FSW) to discuss .....’s attendance and put a Parent Contract in place.**

I enclose a leaflet outlining the Parent Contract process, please see our Attendance Policy for further details. We value your input however if you are unable to attend the meeting the Parent Contract will be implemented without your input and you will be informed of this.

Whilst your involvement in any Parent Contract is voluntary, you should be aware that, should .....’s attendance remains irregular, the Local Authority may take more formal action. This could result in a Police and Criminal Evidence (PACE) interview being held under caution in accordance with the Police and Criminal Evidence Act 1984. You should also be aware that if convicted of an offence of failing to ensure regular attendance of your child at academy under Section 444, 1/1A Education Act 1996, you could be fined up to £1000/£2500 and/or receive a term of imprisonment not exceeding 3 months. I hope that you will work with us to improve your child’s attendance and therefore avoid the need for legal proceedings to be implemented.

Yours sincerely

Head teacher

## **Appendix 5: Information for Parents**

### Parent Contract Meetings

What is a Parenting Contract Meeting and what is it for?

It is a meeting of those involved with your child's academy attendance. It will consider why attendance is so low and set targets to affect an improvement.

### Why have I received this leaflet?

Because your child's academy attendance has fallen below 95% over the last 2 months – the same as missing twenty days over the year. Over the course of a child's education, this would mean missing about 1 1/2 YEARS education.

### Who will be at the meeting?

You, your child, depending upon their age, and a senior member of staff from academy. You may wish to bring a friend/family member for support. Other professionals involved with the family may also be invited.

### What will happen?

You (and your child) will be encouraged to explain why the academy attendance is so poor. Be honest – the meeting aims to find solutions and to avoid any further action by working together.

### How will I know what has been agreed?

You will be asked to sign a written Parenting Contract, stating what action is to be taken, who is to do what and when. There should be actions for all and an attendance target of 95%. You will receive a copy of the agreement which will be reviewed within 5 academy weeks.

### How many meetings will I have to attend?

The Parenting Contract Meeting may be followed by a further 5-week review if attendance has improved considerably but not reached the agreed target. If attendance targets are not met and there is little improvement, we will request the intervention of the Education and Inclusion Partnership Team.

### Remember

From the date of the first meeting all absences will be unauthorised unless a medical certificate or other supporting evidence is provided and agreed by the Head teacher.

Useful contact:

Northamptonshire Parent Partnership [contact@npps.info](mailto:contact@npps.info) 01604 363111

**Appendix 6: Parenting Contract**



PARENTING CONTRACT BETWEEN PARK INFANT/ JUNIOR ACADEMY, PARENT(S): AND CHILD:

Pupil:  
Year Group: DOB:  
Ethnicity:  
Address:  
Post Code:

Parent/Carer Name:  
Gender: DOB:  
Ethnicity:  
Do you consider yourself to have a disability: YES/NO

If YES please state details:  
Parent/Carer Name:  
Gender: DOB:  
Ethnicity:  
Do you consider yourself to have a disability: YES/NO  
If YES, please state details:

Parent/Carer Name:  
Gender: DOB:  
Ethnicity: Do you consider yourself to have a disability: YES/NO  
If YES, please state details:

**Please include all those with parental responsibility including those who have day to day care for the child.**

Sibling[s] Names: Academy: DOB:

Are there any attendance issues with these children?

Name of Chair of Meeting: [Family Support Worker](#)  
Purpose of Agreement: To improve the above pupil's academy attendance record and avoid legal action being taken.

Summary of involvement: -

**Multi-Agency involvement**

Are any agencies involved currently with Parent?

If yes, please give details: Summary of Areas of Concern:

Issues Raised (please detail below)	Yes	No	Issues Raised (please detail below)	Yes	No
Alleged Bullying			Peer/Staff relationships		
Medical			Academic		
Home related difficulties			Behaviour/Attitude		
Transport			Community/other		

Agreed Action: - I/We the parent[s] agree to address the following target areas for improvement in attendance and/or punctuality and to co-operate fully within these aims:

Attendance between now and ..... Minimum X%

Please include actions for all (where appropriate) and ensure these are clear with who is carrying out action and timescales.

- 1.
- 2.
- 3.

If I am concerned about my aspect of the delivery of the plan I will contact ..... without delay.

Timescale: - The Parenting Contract will be reviewed monthly:

Date:

Time:

Venue:

If the targets are met, then this contract will be reviewed. If there is significant improvement and support has been put in place that needs to be monitored the PCM can be extended with a PCM review for a further month. However, if the targets are not and there is no legitimate reason for the non-attendance then contact will be made to the Education and Inclusion Partnership Team. This may result in:

- A Fixed Penalty Notice payable up to £120 fine without further reference to you  
For a penalty notice this warning is valid for 12 months. Alternatively, you may be subject to proceedings by way of:
  - Prosecution under s444 (1) Education Act 1996, where if convicted you may be fined up to £1,000.
  - Prosecution under s444 (1) (a) Education Act 1996 where if convicted you may be fined up to £2,500 and/or 3 months imprisonment.

Parents Signatures:

Also Present:

Pupil:

Academy Rep:

Others:

Date:



Appendix 7: Attendance Letter Stage 3



Date:

Dear.....

Re:

I am disappointed not to have heard from you following my previous letter dated ..... requesting a meeting to discuss a Parent Contract regarding .....’s Attendance.

Whilst your involvement in any Parent Contract is voluntary, you should be aware that, should .....’s attendance remains irregular, the Local Authority may take more formal action. This could result in a Police and Criminal Evidence (PACE) interview being held under caution in accordance with the Police and Criminal Evidence Act 1984. You should also be aware that if convicted of an offence of failing to ensure regular attendance of your child at academy under Section 444, 1/1A Education Act 1996, you could be fined up to £1000/£2500 and/or receive a term of imprisonment not exceeding 3 months. I hope that you will work with us to improve your child’s attendance and therefore avoid the need for legal proceedings to be implemented.

If you feel that an Early Help Assessment may be beneficial I would ask you to contact our Family Support Worker in order to discuss implementation within the next 7 days.

Yours sincerely

Head teacher

Appendix 8: Attendance letter referral to Education and Inclusion Partnership Team



Date:

Dear

Re:

DOB:

I am writing to inform you that despite our efforts to support you, xxxx’s attendance has not improved significantly. We have been monitoring your child’s level of attendance since..... During this time, you have received numerous communications explaining the importance of improving his/her attendance.

We set up a Parenting Contract which was reviewed on\_\_\_\_\_.

As there has been little/no improvement in..... ‘s attendance I am referring your case to the Education and Inclusion Partnership Team. This could result in a Police and Criminal Evidence (PACE) interview being held under caution in accordance with the Police and Criminal Evidence Act 1984. You should also be aware that if convicted of an offence of failing to ensure regular attendance of your child at academy under Section 444, 1/1A Education Act 1996, you could be fined up to £1000/£2500 and/or receive a term of imprisonment not exceeding 3 months. I hope that you will work with us to improve your child’s attendance and therefore avoid the need for legal proceedings to be implemented.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely

Head teacher

## Appendix 9: Attendance letter-12 or more sessions of unauthorised absence



Date:

Dear

Re:

DOB:

I am writing to inform you that I have noted 10 sessions of non consecutive unauthorised absence within the last month.

Our Attendance Policy details that 'Kettering Park Infant Academy and Kettering Park Junior Academy, the Local Authority and Government believe that absence during term time should be avoided as they can have a damaging effect on pupils' education and overall achievement'.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 explanatory notes states: Regulation 7 of the 2006 Regulations is amended to prohibit the proprietor of a maintained academy granting leave of absence to a pupil except where an application has been made in advance and the proprietor considers that there are exceptional circumstances relating to the application.'

In line with Northamptonshire County Council guidance, this unauthorised leave of absence has been referred to the Education Entitlement Service. This may result in prosecution proceedings, or a Fixed Penalty Notice. (PN) If a Fixed Penalty Notice (PN) is issued, a separate Notice would be issued to each parent for each child.

The rate per responsible adult per child will be £60 if paid within 21 days and rising to £120 if paid between 22 and 28 days. If the penalty notice is not paid, each parent may be liable to prosecution at the Magistrates Court, and if proved, each notice may receive a criminal conviction and/or fine to a maximum of £1000 plus costs.

Yours sincerely

Head teacher

Enc

NCC Fixed Penalty Notice

NCC Code of Conduct

## Appendix 10: Response to request for term time absence



Date:

Dear

Re:

DOB:

Government guidelines prevent head teachers from granting any leave of absence during term time, unless there are exceptional circumstances. A family holiday during term time does not fall into the category of "exceptional circumstances".

The criteria for issuing Penalty Notices for unauthorised term time absence is 10 sessions (equivalent to 5 academy days in a 6-week period)

I understand you have requested a leave of absence between xxxxx and xxxxx which is within the academy's term time. This request has been declined by the head teacher and will be coded as unauthorised.

I will be referring the matter to the Educational Inclusion and Partnership Team for consideration of further action and as such I need to make you aware that the outcome could be a Penalty Notice, payable direct to the Local Authority. The Penalty Notice is £120 per parent/adult for each student to be paid within 28 days, decreasing to £60 if paid within 21 days. If the Penalty Notice is not paid within 28 days, the Local Authority may instigate legal proceedings under section 444 (1) of the Education Act 1996. If found guilty of an offence under this Act, parents will receive a criminal record and could be fined up to £1000.

I realise that the vast majority of parents do not take family holidays in term time as they recognise the significant impact this can have on their child's education. We support the government's stance on trying to reduce the amount of academy missed due to holidays and we hope that you will continue to support us by not planning a leave of absence during term time.

Yours sincerely

Head Teacher

## Appendix 11

### Attendance Protocol

Doors to close at 8:50am for KS1 and 9:00am for EYFS and KS2. Any child arriving after these times will be marked as late in the register. The office will record the number of minutes late that they are. Any child arriving at the academy after the start time stated below must be signed in by their parent or carer at the Academy Office, giving a reason for the late arrival.

First response – this needs to be completed by 9:30am with all relevant information added to Arbor so that the FSW can make phone calls/visits as required.

#### Timings for school day.

##### Morning

EYFS	8.50am – 9:00am
Year 1	8.40am – 8:50am
Year 2	8.40am – 8:50am
Year 3	8.45am – 9.00am
Year 4	8.45am – 9.00am
Year 5	8.45am – 9.00am
Year 6	8.45am – 9.00am

##### Afternoon

EYFS	3.10pm
Year 1	3.00pm
Year 2	3.00pm
Year 3	3.15pm
Year 4	3.15pm
Year 5	3.15pm
Year 6	3.15pm