

Attendance Policy

Last Reviewed: September 2024

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Ken Stimpson Academy believes that in order for students to achieve academically and to develop personally and socially, good attendance and punctuality are essential.

Parents of children of compulsory school age (aged between 5 and 16 at the start of the academic year) are, by law, required to ensure that their children receive a suitable education through regular attendance at school.

The Department for Education collects each pupil enrolment's overall sessions missed and number of possible sessions available to them. DFE guidance following research (DFE 2013-2014) has shown shows that in general the higher the percentage of sessions missed across the key stage, the lower the likely level of attainment at the end of KS4. Specifically, pupils with no absence are 1.5 times more likely to achieve 5+ GCSEs 4-9 (A*-C) or equivalent and 2.8 times more likely to achieve 5+ GCSEs 4-9 (A*-C or equivalent) including English and mathematics than pupils missing 15-20 per cent of KS4 lessons.

Attendance is a whole school priority. Supporting attendance at Ken Stimpson Academy is the responsibility of everyone involved with the students. The school believes that working in partnership with parents/carers and the community is essential in promoting good attendance.

1 AIM

1.1 To promote good student attendance and punctuality in partnership with parents/carers.

2 EXPECTATIONS

Ken Stimpson Academy expects that:

- 2.1 Students will attend school regularly.
- 2.2 Students will arrive on time.
- 2.3 Students will arrive equipped to work.
- 2.4 Parents/carers will inform school of any problems affecting their son/daughter's attendance.
- 2.5 The school will provide a welcoming and safe working environment.
- 2.6 The school will support students in their attendance and will work together with parents/carers and Local Authority Attendance Officers to overcome difficulties.

3 ATTENDANCE

Ken Stimpson Academy will promote attendance by:

- 3.1 The accurate completion of registers at the beginning of each session.
- 3.2 Tutors monitoring day-to-day attendance and referring to Heads of Year, Student Support and the Attendance Officer when appropriate.
- 3.3 Recording attendance in reports to parents/carers at the end of each term.
- 3.4 Awarding rewards and certificates for good and improved attendance.
- 3.5 Meeting with parents/carers of those students experiencing problems with attendance.
- 3.6 Completing home visits for students who are absent from school to support the home school link.
- 3.7 Completing meetings with parents and students to regularly review attendance concerns.

4 GUIDANCE FOR PARENTS/CARERS

Ken Stimpson Academy is committed to providing a complete education for all students.

- 4.1 We believe that all students benefit from regular attendance.
- 4.2 We will try to ensure that all students gain the maximum possible attendance.
- 4.3 We will do this by making sure that any problems which prevent full attendance are identified and acted upon promptly.
- 4.4 The school will make contact with parents/carers when a student is absent from school without good reason.

To help us, we would ask parents/carers to:

- 4.5 Ensure that your son/daughter attends school regularly and arrives on time.
- 4.6 Ensure that, unless an exceptional circumstance, holidays are not taken during term time.
- 4.7 Contact the school for each day of absence between 8.00a.m. and 9.30a.m., giving details of the reason for the absence, and the length of time she/he will be away. If the absence is for the afternoon session only, please contact the school before 1.30p.m.
- 4.8 Ensure that you provide an absence note when your son/daughter returns to school.
- 4.9 Help your son/daughter to prepare for the day by ensuring that homework has been completed and that they have the equipment and books they need for the day ahead.
- 4.10 Inform the Heads of Year, Student Support and Tutors if there are problems or changes in circumstances which may affect your son/daughter.
- 4.11 Inform the school reception of any changes to contact details.
- 4.12 Attend meetings to discuss progress or problems.
- 4.13 Contact the Heads of Year, Tutors or Student Support if problems arise which may keep your son/daughter from school so that help and support can be provided.

5 ABSENCES WILL BE AUTHORISED FOR THE FOLLOWING REASONS:

- 5.1 Illness – on receipt of a letter from home. On the third day of absence, a certificate from a medical professional (or completion of the Ken Stimpson Academy Medical Note [Appendix 1] by a medical professional) is required.
- 5.2 Medical/Dental appointments: on receipt of a letter from home or a medical professional. Appointments will normally be authorised for half a day only and should be taken outside of school times where possible.
- 5.3 Work or college interview.
- 5.4 One authorised day will be given for religious observance if notified previously to the school.

5.5 'Exceptional circumstances' if applied for and granted at the discretion of the Headteacher. **The fundamental principles for defining 'exceptional' are rare, significant, unavoidable and short. 'Unavoidable' means an event that could not reasonably be scheduled at another time.**

6 COMPLETING REGISTERS

- 6.1 Tutors have the responsibility to complete the register for their tutor group for the unit 0 (roll call/tutorial) and all sessions have a register completed. It is the teachers responsibility during the lesson to complete accurate registers.
- 6.2 Registers are completed each lesson from 8.45am.
- 6.2 Register to be completed at the start of the day by unit 0 (tutorial / roll call) and unit 1 (first lesson) teachers as these will be used each day as the fire register.
- 6.3 All registers to be completed within the first 10 minutes of the lesson.
- 6.4 Students arriving to school after 8.43 AM. are marked as late. Students late between 8:43 and 8:59AM will go to the late room where their name will be taken and they will complete silent reading.
- 6.5 Students late after 9:00AM will report to the school canteen (Not Ready To Learn room) where they will be supervised by the School Attendance Officer or another colleague. Their reason for lateness will be discussed and support given to help them improve their punctuality going forward.
- 6.6 If a student is late after 9:00AM, they will receive an after school detention. Failure to attend this will result in the student being added to the Internal exclusion unit (IEU) thereafter.
- 6.5 Students arriving late must sign in at reception, then report to the canteen.
- 6.6 The school's AM legal register will be taken during unit 1 by the class teacher. The legal register will close at 9:10AM. Students arriving after this time will be given a U (late after registers closed, absence code).
- 6.7 All attendance registers are completed electronically in SIMS. These are monitored by reception, tutors, Heads of Year and Student Support. Please ensure that registers are completed in the first 10 minutes of each lesson and immediately for the morning unit 0 (roll call/tutorial) and unit 1 lessons. It is the responsibility of the class teacher to ensure all registers are up to date and also to ensure any lessons that are covered are completed by the cover teacher. In order to do this the teacher needs to let A. Westbrook (Cover Manager) know the register is incomplete. If the electronic system is not available please send paper registers to reception immediately.
- 6.8 If a student is not present when the register is called they should be marked absent [N]. Students who arrive at school after this time will be marked as "Arrived in school after registration closed". This will count as an unauthorised absence and the consequence of this is that the parents of students who are persistently late will now face being issued with a penalty notice by the Local Authority.
- 6.9 If a new student joins the class and their name is not on the register the teacher/tutor needs to inform admin via email immediately.

7 MARKING REGISTERS

7.1 Tutors should record:

Daily

- / Present
- L Late for a lesson
- U Late after the registration process has closed

Full list of current registration codes

Key to Codes	
/	Present (AM)
\	Present (PM)
B	Attending any other Approved Educational Activity
C	Other authorised circumstances
C1	Leave of absence - regulated performance or employment abroad
C2	Leave of absence - part-time timetable
D	Dual registration
E	Suspended or excluded without alternative provision
G	Family holiday (not agreed)
I	Illness
J1	Leave of absence - Interview for employment or transfer
K	Attending alternative provision arranged by the LA
L	Late (before registers closed)
M	Medical/Dental appointment
N	No reason yet provided for absence
O	Absent in other or unknown circumstances
P	Participating in a sporting activity
Q	Unable to attend - lack of access arrangement
R	Religious observance
S	Study leave for public examination
T	Travelling with parent for occupational purposes
U	Late (after registers closed)
V	Attending an educational visit or trip
W	Attending work experience
X	Not required to attend - non-compulsory school age pupil
Y1	Unable to attend - normal transport not available
Y2	Unable to attend - widespread travel disruption
Y3	Unable to attend - unavoidable partial closure
Y4	Unable to attend - unavoidable full closure
Y5	Unable to attend - criminal justice detention
Y6	Unable to attend - public health Guidance/Law
Y7	Unable to attend - unavoidable other than Y1-Y6
Z	Pupil not on roll
7	Illness due to Covid 19
8	Self-isolating due to Covid 19
9	Shielding due to Covid 19
-	All should attend / No mark recorded
#	Planned whole school closure

7.2 Absences should be marked on that day.

8 AUTHORISING ABSENCE

- 8.1 The Headteacher has responsibility for authorising absence. The completion of the Leave of Absence request form is required, but unless there is an 'exceptional circumstance' this may not be granted.
- 8.2 Penalty notices will be issued by the Local Authority if holidays are taken without authorisation in term time.
- 8.3 All letters from home should be signed and dated by the form tutor or Head of Year and then filed by administration staff.
- 8.4 Any other absences should be discussed with Heads of Year/Student Support or Leadership team.

9 LEAVE OF ABSENCE IN TERM TIME

- 9.1 The school is not authorised to allow any leave of absence during term time, except in 'exceptional circumstances' which can only be agreed by the Headteacher.
- 9.2 Parents **do not have any right to have leave of absence during the term** and if their request is refused the absence **will not** be authorised and legal action, such as a penalty notice, may be issued. This could be a fine of a minimum of £80.00 for each child, per parent/carer, rising to £160 per parent/carer per child for a second offence within 3 year. If unpaid after 21 days this rises to £160 per child per parent/carer if paid within 28 days.
- 9.3 **Example for a family with two parents/carers and two children**

The total fine for two children with two parents/carers would be £320 if paid within 21 days and £640 if paid with paid with 28 days. A second family holiday taken within a 3-year period, for a family with two parents and two children will lead to a fine of £640, regardless of whether the fine is paid within 21 or 28 days.
- 9.4 Families who take their children out of school during term time for an extended period also risk having their child taken off the school roll.

- 9.3 If you intend to request a leave of absence during term time you are required to advise the school by completing the form in Appendix 2. **Where possible this form should be completed a minimum of 4 weeks before the required date.** Please complete one form for each child for whom you are requesting the absence.
- 9.4 Leave of absence can only be authorised by the Headteacher on receipt of a Leave of Absence_Form and will only be granted for exceptional circumstances.
- 9.6 Leave of absence taken for the following reasons cannot be authorised:
- a) Availability of cheap holidays.
 - b) Availability of desired accommodation.
 - c) Poor weather experienced in school holiday periods.
 - d) Overlap with the beginning of term.
 - e) Appointments abroad.

10 PROCEDURES FOR STUDENT ABSENCES

- 10.1 Parents will be contacted on the first day of absence by truancy call, via text and email. Parents are asked to contact the school to advice on the reason for absence. Home visits will be conducted to students who are absent to ensure school are working with the parents.
- 10.2 If absence falls below 90% parents may be asked to attend a supportive attendance meeting to review the child's attendance. Should it continue to decrease the Academy will ask for medical evidence to be provided. If this is not forthcoming then the Academy may take further action such as further attendance meetings, medical evidence requests or escalating the case to the Local Authority for penalty notices or court proceedings.

11 PENALTY NOTICES (SEE APPENDIX 3 FOR PETERBOROUGH CITY COUNCIL CODE OF CONDUCT)

11.1 Penalty notices may be issued:

- **If the 'national threshold' is met.** The threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. A school week means any week in which there is at least one school session. This can be met with any combination of unauthorised absence (e.g. 4 sessions of holiday taken in term time plus 6 sessions of arriving late after the register closes all within 10 school weeks). These sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence taken in 1 week and 1 per week for the next 4 weeks). The period of 10 school weeks can also span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).
- **Term time holidays of 5 days or more** (please note any absence for 3 days or over will need medical evidence)
- **If a student is persistently late** after the close of the registers, resulting in at least 10 sessions 'late after the register has closed' within a rolling 10 week period.
- **If an excluded (suspended) student is in a 'public place' whilst serving a period of exclusion from school.** Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent must ensure that his or her child is not present in a public place during school hours without reasonable justification during the first five days of each fixed period or permanent exclusion.

12 PUNCTUALITY

12.1 Persistent lateness to work will almost inevitably result in a dismissal and so arriving at school on time is a key life skill. Furthermore, when a pupil arrives late to school, there are many other consequences:

- He or she misses out on essential instructions given at the beginning of lessons. In fact, arriving 5 minutes late each day adds up to missing 3 entire days of school by the end of the year.
- Pupils might feel awkward and embarrassed going into the classroom when everyone else is already settled.
- When one person arrives late everyone loses out as the class is disrupted and the teacher must take time away from the other pupils to explain what is going on for the lesson.
- Students who are frequently late develop a pattern of lateness which often means they arrive late for GCSE or A Level examinations, negatively affecting their performance in their terminal examinations.

12.2 The school will take account of individual circumstances in each case, however we wish to make it very clear that the following reasons are **not valid reasons** for being late to school and will result in a **“late after registration closed” code being issued, alongside the after school detention.**

- “I got up late” or “My alarm did not go off”
- “The bus was late” or “Traffic” (except in exceptional circumstances, such as a break down)
- “I couldn’t find my uniform / coursework / PE kit / etc”
- “My parents made me late”
- “I was taking my brother or sister to school.”
- “I had an appointment” or “Mum/Dad had an appointment” (These should be made outside of school term unless it is an emergency or no other option)

12.3 A student late to school will receive a 30-minute late detention.

12.4 Students who have been late on 3 occasions will receive a letter (LO1) from the School Attendance Officer and a phone call from their Head of Year.

12.5 A Penalty notice may be issued for persistent lateness.

APPENDIX 1 – MEDICAL NOTE

Ken Stimpson Academy

Medical Note



WORKING IN PARTNERSHIP TO RAISE SCHOOL ATTENDANCE

Surgery Details:	
Name of Pupil:	DOB:
Address:	
Post Code	Tel Number:
Name of Parent/Carer :	
Parent Carer Consent:	
Signature of	

The above child reported to this surgery today DATED _____ and was seen by
DR/PRACTICE NURSE _____.

And because of the following conditions:-

This form requires the practice stamp.

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<p>*Delete as applicable</p> <p>A) The child’s diagnosis/treatment will not impact on his/her ability to attend school – therefore they are able to attend school.</p> <p>B) The child will be expected to remain absent from school for ____ days.</p> <p>C) The child was unable to attend school from _____ to _____ due to this illness.</p>
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Additional Information by Practitioner:	
Signed:	Date:
Position Held:	Dr/Practice Nurse:

We reserve the right to check any details supplied by medical practitioners

APPENDIX 2

APPENDIX 2 – LEAVE OF ABSENCE REQUEST FORM

Child's Name:		D o B:	
Class:		Year:	
Main Parent(s)/Carer(s)			
Surname:		Surname:	
First Name:		First Name:	
Date of Birth: (for legal purposes in the event of prosecution)			
Date of Birth:		Date of	
Address and Postcode:			
First written language			
Telephone contact			
Siblings / Siblings			
Siblings / Siblings			
Additional Parent/Carer (Please complete if parents live separately)			
Surname:		First	D
Address and Postcode:			
Telephone contact			

Start date of absence:	
Date of return to school:	
Exceptional circumstance resulting in this request for absence, WITH EVIDENCE:	

I/We understand that a penalty notice may be issued if this request is denied and my/our child is absent during this period. I/we understand that a fine will be payable **per child, per parent of £160 if paid within 28 days but reduced to £80 per child, per parent if paid within 21 days, or £160 per parent per child for any second offence.**

(All parents/carers to sign where appropriate)

Signed:		Full Name:			
Signed:		Full Name:			

To be completed by the school:

Total number of days requested:	
Leave of absence AGREED / DECLINED for the following reason/s:	
Date of decision letter sent to each parent/carers:	
Headteacher:	
Signed:	Date:

Peterborough City Council
Code of Conduct for
issuing Fixed Penalties
regarding School
Attendance

The Education (Penalty Notices) (England) (Amendment) Regulations
2024

Effective from 19 August 2024

Introduction to all Head teachers and School Attendance Leads

The Peterborough City Council Attendance Team is writing to draw your attention to Peterborough City Council's revised code of conduct for the provision of administering Penalty Notices for school absence. 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.

Section 23 of the Anti-Social Behaviour Act 2003 and section 103 of the Education and Inspections Act 2006 enable Local Authorities to issue Penalty Notices for certain offences. These notices can be used as an alternative to prosecution under section 444 of the Education Act 1996 and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

A new National Framework for Penalty Notices for school absence is being introduced through changes to secondary legislation. The regulations will come into effect from the 19th August 2024. The National Framework aims to:

- **Make Penalty Notices more effective** by ensuring they are only used in cases where they are the most appropriate tool to change parental behaviour and improve attendance.
- **Prioritise the support first approach** by expecting support to be used in cases where it is appropriate and using Penalty Notices in cases where support is not appropriate (e.g. a term time holiday) or has not worked or has not been engaged with.
- **Improve consistency in the use of Penalty Notices across England** by introducing a new national threshold at which they are considered.
- **Improve the deterrent effect of a Penalty Notice** by increasing the amount and introducing a new national limit of 2 Penalty Notices within a 3-year period to break cycles of repeat offending.

A Penalty Notice is a suitable intervention in circumstances where the parent is judged capable of securing their child's regular attendance at school or whereabouts during school hours but is not willing to take responsibility for doing so.

This code of conduct is issued under The Education (Penalty Notices) (England) Regulations 2007 as amended by the Education (Penalty Notices) (England)(Amendment) Regulations 2024. The Local Authority's Attendance Team is authorised to act under this code and will strive to ensure the consistent, fair and transparent application of the policy regarding Penalty Notices throughout the County.

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 school agreements and website information is readily accessible and includes the warning that parents may be issued with a Penalty Notice for any unauthorised absence, including unauthorised term-time holidays.

The responsibility for classifying an absence lies with the school; the Attendance Team will issue a Penalty Notice based on the school's classification and other evidence supplied with the referral. The code of conduct can also be found on the Peterborough City Council's website. Further questions or guidance around the code of conduct can be dealt with by the Peterborough City Council Attendance Team.

Libby Walker
Head of Service – Admissions, Attendance & Transport

APPENDIX 3

Legal Basis for Issuing Penalty Notices

Penalty Notices may be issued to a parent as an alternative to prosecution for irregular school attendance under s444 of the Education Act 1996. Parents may discharge their potential liability for conviction for an offence under s444 by paying a penalty. They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, AP academies, and certain off-site places as set out in section 444A(1)(b). A child reaches compulsory school age at the start of the term on or after their fifth birthday and continues to be of compulsory school age until the last Friday of June in the school year that they reach 16.

It is a legal requirement under section 7 of the Education Act 1996 that parents of children of compulsory school age ensure that their children receive full-time education that is suitable to their age, ability, aptitude and to any special educational needs that they may have. A parent includes any person who is not a parent but who has parental responsibility for the child **or** who has care of the child, as set out in section 576 of the Education Act 1996. Penalty Notices will usually be issued to the parent or parents with day-to-day responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

The Peterborough code of conduct complies with relevant regulations and the Department for Education's national framework for Penalty Notices as set out in the '[Working together to improve school attendance](#)' statutory guidance. This code has been drawn up in consultation with the headteachers and governing bodies of state-funded schools and the local police force.

There is no legal requirement for a Penalty Notice to be issued before proceeding to prosecution through the magistrate's court.

Issuing Penalty Notices

In Peterborough, only the Local Authority (through the Attendance Service) can issue Penalty Notices. The Attendance Team is authorised to act under this code and will strive to ensure consistent, fair, and transparent application of the policy regarding Penalty Notices.

Schools wishing to participate in the Fixed Penalty Notice scheme must issue all parents with the PCC Fixed Penalty Notice Warning Letter informing them of the national framework; this should be issued annually at the start of each academic year and dated accordingly or, if a child joins mid-year, they need to receive the warning letter at the time of induction. The warning letter that schools are required to issue has been provided to all schools and will be available on the PCC Learn Together website.

Head teachers should be aware that by submitting requests for a Penalty Notice to be issued, they are assuring the Local Authority that they accept and support that, should the parent choose not to make payment within 28 days of the Notice being issued, the Local Authority Attendance Service will progress the matter in line with s444 Education Act 1996, resulting in the parents being prosecuted for their failure to ensure the regular attendance of their child.

Schools can submit referrals for consideration of a Penalty Notice through emailing PNInbox@peterborough.gov.uk.

Penalty Notices are intended to prevent the need for court action and should only be used where it is deemed likely to change parental behaviour, and support to secure regular attendance has been provided and has not worked or been engaged with or would not have been appropriate in the circumstances of the offence (e.g. an unauthorised holiday in term time).

APPENDIX 3

The following considerations will be made before issuing a Penalty Notice to ensure consistency of approach:

- In cases where support is not appropriate (for example, for holidays in term time):
 - Is a Penalty Notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
 - Is issuing a Penalty Notice in this case appropriate after considering any obligations under the Equality Act 2010
 - Is it in the public interest to issue a Penalty Notice in this case given the Local Authority would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment?

- In cases where support is appropriate:
 - Has sufficient support already been provided? Subject to parental engagement, sufficient support will usually include but is not limited to: ensuring a first-day response to any absence, communicating with the child's parents to understand the barriers to school attendance, completing wishes and feelings work with the child to understand their views on why they are absent from school, offering a minimum of 3 meetings with child's parents, agreeing an effective plan with parents to support improvement in attendance - which could lead to the creation of an attendance contract with parents, offering to refer to other services/agencies where appropriate and confirming that parents are aware of their legal responsibilities regarding ensuring their child's regular attendance at school by issuing a Notice to Improve. Schools will need to be able to evidence the support they have offered; this could be in the form of letters sent to parents, minutes of meetings and a record of telephone conversations.
 - Is a Penalty Notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
 - Is issuing a Penalty Notice in this case appropriate after considering any obligations under the Equality Act 2010
 - Is it in the public interest to issue a Penalty Notice in this case given the Local Authority would be responsible for any resulting prosecution for the original offence in cases of non-payment?

If the answer to the above questions is 'yes', then a Penalty Notice (or a Notice to Improve in cases where support is appropriate) will usually be issued.

Notice to Improve

A Notice to Improve is a final opportunity for a parent to engage in support and improve attendance before a Penalty Notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a Notice to Improve should usually be sent to give parents a final chance to engage in support.

Schools will issue the Notice to Improve as part of their support and intervention work prior to referring for a Penalty Notice. The Notice to Improve lays out a period of 6 weeks in which parents must ensure that there is an improvement in attendance and ensure that the child attends regularly. If no further unauthorised absence is recorded within the 6 school weeks, school will be expected to continue to offer support but will not refer for a Penalty Notice. However, if further unauthorised absence occurs within the 6-week period school do not need to wait until the end of the 6 weeks to submit the referral for consideration of a Penalty Notice. On receipt of the referral, it will be the Attendance Teams duty to review the individual circumstances of the case and the support that has been put in place by the school and decide whether the issuing of a Penalty Notice is appropriate or to consider an alternative Legal Intervention.

APPENDIX 3

The 1996 Act also sets out the circumstances in which a pupil has not failed to attend school regularly and therefore the parent has not committed an offence under s444 of the Act (the statutory defences). Therefore, it should be established that none of the available statutory defences apply prior to issuing a Penalty Notice, these are:

- The parent proves the pupil was prevented from attending by their ill health or any unavoidable cause, including exclusion.
- The pupil has been granted leave of absence by the school or, in case of alternative provision, by a person authorised to do so.
- The absence was on a day set aside for religious observance by the religious body to which the pupil's parent(s) belong.
- The parent proves the Local Authority were under a duty to provide transport to the school and have failed to do so.
- If the absence was from certain types of alternative provision, the parent proves the child is receiving education otherwise than by regular attendance.
- If the absence was from alternative provision, the parent had not been notified about the provision in writing before the absence.
- The Local Authority have a duty to make travel arrangements in relation to the child for the purpose of facilitating the child's attendance at the school and have failed to discharge that duty.
- The child has no fixed abode and the parent can prove that their trade/ business requires them to travel, and the child has attended school as regularly as the nature of the trade or business permits, and (if the child is 6 or over) the child has attended school for at least 200 sessions during the preceding twelve months up to and including the date on which the proceedings were instituted.

National Threshold

To ensure consistent delivery of Penalty Notices, the following national framework criteria will apply:

- at least 10 sessions (usually equivalent to 5 school days) lost to unauthorised absence by the pupil within 10 school weeks¹.

However, if in an individual case the Local Authority believes a Penalty Notice would be appropriate, we retain the discretion to issue one before the threshold is met. This might apply for example, where parents are deliberately avoiding the national threshold for taking several term time holidays below threshold. We also retain the discretion to consider going straight to prosecution where appropriate.

The national framework for Penalty Notices sets out that a maximum of 2 Penalty Notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, the Attendance Team may instead choose to prosecute a parent under the Education Act 1996 s444.

On receipt of a referral for a Penalty Notice to be issued the Attendance Team will complete a check to ascertain whether a previous Penalty Notice has been issued to the parent in respect of that child. If the child has moved between Local Authorities in the previous 3 years and the previous Local Authority/Authorities are known, they will make contact and check whether a Penalty Notice has been issued to that parent for that child in the previous 3 years.

Peterborough City Council's email mailbox for the purpose of these enquiries is crossborder.penaltynotice@peterborough.gov.uk.

¹ A school week means any week in which there is at least one school session.

APPENDIX 3

Service of Penalty Notices

A Penalty Notice may be served by:

- Sending it to the recipient's address by first-class post.

A notice served by post is deemed to have been received on the second day after posting it by first class post.

Payment of Penalty Notices

The first Penalty Notice issued to a parent in respect of a particular child will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days. A second Penalty Notice issued to the same parent in respect of the same child is charged at a flat rate of £160 if paid within 28 days.

A third Penalty Notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, alternative action will be taken.

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

Peterborough City Council will retain all revenue from the issuing of Penalty Notices. However, the Penalty Notice system is not a money-making scheme and Peterborough City Council do not have income targets with regards to this income. Monies collected will first be used for administration of the Penalty Notice system and any subsequent prosecution. Any surplus left after this will be spent on attendance support. This revenue will not be considered part of wider Local Authority funding or relied upon to fund the core attendance expectations of the Local Authority or be pooled in wider legal services budgets or allocated outside the Local Authority's attendance functions. Any remaining surplus at the end of the year must be paid to the Secretary of State.

Withdrawal of Penalty Notice

There is no statutory right of appeal against a Penalty Notice. If the Penalty Notice is not paid, the Local Authority can proceed to prosecution. A head teacher's decision on authorisation of absence is final. Therefore, applications for leave must be made in advance so that the head teacher has time to consider the application and be satisfied that there are exceptional circumstances which warrant the leave. There will be no obligation on the head teacher to reconsider authorising the leave if an application has not been made in advance.

If a head teacher refuses to authorise any absence or request for leave during term time and parents are not happy with the decision, they should make representations to the Governing Body of the school. They should not wait and make a representation to the County Council once a Penalty Notice has been issued.

Although there is no right of appeal against the issuing of a Penalty Notice, if it is identified that the Penalty Notice has been issued wrongly (i.e., it has been issued outside of the terms of this Code of Conduct or where no offence has been committed); or issued to the wrong person or wrong address, a parent may contact the Attendance Team to make a representation. This should be submitted in writing to the PNInbox@peterborough.gov.uk.

Where schools wish to provide evidence to the Local Authority to consider withdrawing a Penalty Notice once issued, they must email PNInbox@peterborough.gov.uk with the pupils attendance record showing the absences in question as authorised and with clear rationale why authorisation is being given.

APPENDIX 3

Prosecution for non-payment of a Penalty Notice

Should a Penalty Notice remain unpaid or have been paid only in part at the end of the 28-day period, Peterborough City Council via The Attendance Team will prosecute the parent(s) for the offence to which the notice relates, or, in specified circumstances, withdraw the notice.

The prosecution would not be for non-payment of the Penalty Notice, but for the original offence of failing to ensure the child's regular attendance at school. The Attendance Team may use the fact that a Penalty Notice has been issued and remains unpaid as evidence. The Attendance Team would look at all the circumstances of the case when assessing the likelihood of securing a conviction for the original attendance offence. If the decision is made to proceed with prosecution the parent will be issued with a Notice of Intended Prosecution in the first instance.

Exclusions

Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent must ensure that his or her child is not present in a public place during school hours without reasonable justification during the first five days of each fixed period or permanent exclusion.

A Penalty Notice may only be issued when there is no reasonable justification for the child being in public during school hours. Reasonable justification may include pre-arranged medical and dental appointments or emergency appointments. It might also be necessary for a child to accompany a parent with similar appointments if the parent considers it inappropriate to leave the child unsupervised. Attendance at a court hearing or an interview at a police station or with the Youth Offending Service may also provide reasonable justification.

The days of exclusion when this duty applies are known as 'specified days of exclusion' and will be detailed in a notice given to the parent under section 104 of the 2006 Act. The parent is responsible for the child during the specified days upon receipt of the notice.

Where a Penalty Notice is requested by a school, it will be necessary for them to evidence that notice under section 104 of the Education and Inspections Act 2006 has been given to a parent of the pupil.

In addition to the above, the school must have evidence that the excluded pupil was present in a public place during school opening hours without reasonable justification. The time and date must be provided to ensure that this falls within the time the school at which the pupil is on roll is open and that the incident occurred within the period set out in the notice issued under section 104 of the Education and Inspections Act 2006.

The Notice allows the parent to pay a penalty as a way of discharging any liability for the offence. The parent must be notified by the school at the time of the exclusion of their duty and the days to which it relates.

Where a penalty has not been paid, it will be necessary for the person who requested the issue of a Penalty Notice to provide evidence for the court by way of a Section 9 statement (a witness statement admissible in court under the Criminal Justice Act and the Magistrates' Courts Act and Rules). If the defendant requests the author of a Section 9 statement to be present at the court hearing the Local Authority Attendance Team will notify the person concerned as soon as such requests are made.

This type of Penalty Notice is not included in the National Framework and therefore not subject to the same considerations about support being provided or count towards the limit as part of the escalation process in the case of repeat offences for non-attendance.

APPENDIX 3

Monitoring and Review

The Attendance Team must maintain records of Penalty Notices including:

- A copy of each notice issued
- A record of all payments made and when they were paid
- Whether the notice was withdrawn and on what grounds
- Whether the Penalty Notice led to a prosecution and the outcome.

Schools will receive email confirmation on receipt of their referral and unless they hear directly from the Attendance Team will be able to assume that the Penalty Notice has been issued and paid by the parent(s).

This code of conduct will be reviewed on a regular basis, and as a minimum when changes to relevant legislation and regulations are made.

Peterborough City Council: Penalty Notices regarding school absence - Guidance for parents

Regular school attendance and parent's legal responsibilities

At Ken Stimpson Academy our aim is to collaborate with parents to ensure that all our pupils receive the most from their education and reach their full potential.

This guidance is to remind all parents about the law that requires them to ensure that their child attends school regularly. The Government is clear that no child should miss school apart from in exceptional circumstances and schools must take steps to reduce absence to support children's attainment.

The important legal information – New from August 19th, 2024

The Government have introduced a single national threshold for when a penalty notice must be considered by all schools in England. This threshold is **10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period**. These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence. The period of 10 school weeks can span different terms or school years.

In line with national guidance, the Local Authority (LA) retains the discretion to issue a penalty notice before the threshold is met. This might apply for example, where parents have taken several term time holidays below the national threshold. The LA also retains the discretion to consider going straight to prosecution where appropriate.

A maximum of 2 penalty notices per parent, per child can be issued within a rolling 3-year period. This period will start from the issue of the 1st penalty notice. The national framework also sets out the escalation process which applies to such penalty notices. If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be used. In Peterborough, where a pupil's attendance has met the national threshold for a third time within 3 years and the parent/s have already been issued with 2 penalty notices within that period, consideration will be given to prosecution under section 444 of the Education Act 1996, which can result in a criminal conviction and fine of up to £2,500.

A parent includes any person who is not a natural parent but who has parental responsibility for the child **or** who has care of the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent/s with day-to-day responsibility for the child's attendance or the parent/s who have allowed the absence (regardless of which parent has applied for a leave of absence).

The first penalty notice issued to a parent for a child will be charged at £160 to be paid within 28 days.

This will be reduced to £80 if paid within 21 days. Where it is deemed appropriate to issue a second penalty notice, the second penalty notice to the same parent for the same child within 3 years of the first offence, is charged at a flat rate of £160 and is payable within 28 days.

There is no reduced sum available in this instance.

Part payments or payment plans are not acceptable, and fines must be paid in full within 21 or 28 days, at the rate specified within the penalty notice. **There is no right of appeal against a penalty notice.**

Requests for leave of absence

[Working together to improve school attendance](#) advises all schools that they should only grant a leave of absence during term time in exceptional circumstances, considering each request on a case-by-case basis. If a leave of absence is granted, it is for the headteacher to determine the length of time the pupil can be away from school. Although we recognise the value and benefits of family holidays, it is unlikely a leave of absence will be granted for a family holiday as the Government 'does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance.'

Requests for leave must be made in advance, otherwise schools will be unable to consider your individual circumstances and the absence will be recorded as unauthorised. Headteachers are not obligated to reconsider authorising leave if an application was not made in advance.

Support with ensuring regular school attendance

If you require any support with ensuring your child's attendance, please contact Sharon Blackledge, School Attendance Officer via the school office (01733 765950).

Telephone: 01733 863681
Please ask for:
E Mail: asadmin@peterborough.gov.uk
Our Ref: School Attendance Team

APPENDIX 3



Attendance
Service
Sand Martin
House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

Dear
Parent/Carer of

PENALTY NOTICE – S444A EDUCATION ACT 1996

If a child of compulsory school age, who is a registered pupil at a school fails to attend regularly at the school, his/her parent/carer is guilty of an offence under S444 of the Education Act 1996.

You are a parent/carer of _____ (in the notice 'the pupil') who is a registered pupil at _____ School. Between _____ and _____ the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay the penalty fine instead of being prosecuted for the offence mentioned above. The amount of the penalty is £80/£160 when paid within the timescales detailed on the payment slip below. If you pay this penalty within the time limit set out, no further action will be taken against you in respect of the offence set out in this notice.

Late or part payments will not be accepted. If payment is not received by _____ you will be prosecuted for the offence set out above and could be subject to a substantial fine.

In cases where two (2) or more people are legally responsible for a child's school attendance, EACH person will receive a separate penalty notice for EACH child. EACH person will be required to pay EACH penalty notice in full.

The new national guidance for attendance (statutory from 19 August 2024) places a limit of two (2) penalty notices within a three (3) year period per child. A third penalty notice cannot be issued to the same parent of the same child within three (3) years of the date of issue of the first. Alternate action, as stipulated in the new guidance rules, will then be taken.

This notice is issued on behalf of the Attendance Service, Sandmartin House, Bittern Way, Fletton Quays, Peterborough PE2 8TY.

Yours sincerely

On behalf of the Attendance Team

.....

Amount Due:	If paid by	£80.00
	If paid between	£160.00
	and	



Attendance Service
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

Dear

PENALTY NOTICE – S444A EDUCATION ACT 1996

If a child of compulsory school age, who is a registered pupil at a school fails to attend regularly at the school, his/her parent/carer is guilty of an offence under S444 of the Education Act 1996.

You are a parent/carer of _____ (in the notice ‘the pupil’) who is a registered pupil at _____ School. Between _____ and _____ the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay the penalty fine instead of being prosecuted for the offence mentioned above. As this is your second offence, the amount of the penalty is £160. If you pay this penalty within the time limit set out, no further action will be taken against you in respect of the offence set out in this notice.

Late or part payments will not be accepted. If payment is not received by _____ you will be prosecuted for the offence set out above and could be subject to a substantial fine.

In cases where two (2) or more people are legally responsible for a child’s school attendance, EACH person will receive a separate penalty notice for EACH child. EACH person will be required to pay EACH penalty notice in full.

PLEASE NOTE: For a third offence, the Local Authority will progress the matter in line with S444 of the Education Act 1996 resulting in the parent(s) being prosecuted for their failure to ensure the regular attendance of their child at the school where they are registered.

This notice is issued on behalf of the Attendance Service, Sandmartin House, Bittern Way, Fletton Quays, Peterborough PE2 8TY.

Yours sincerely

On behalf of the Attendance Team

.....
Amount Due: £160.00

[Address Starts Here]

School Attendance Notice to Improve

(Please read this letter carefully)

Dear Parent/carer

Child's Forename, Child's Surname, Date of Birth, Year group

School attendance is hugely important. For your child to gain the full benefit from their education, for their learning, wellbeing, and wider development, they need to attend on time, every day possible.

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school or fails to attend regularly the child's parent may be guilty of an offence under s.444 Education Act 1996. **If your child is a registered pupil at an alternative provision in the circumstances set out in section 444ZA of the Education Act 1996, the child's parent may be guilty of an offence.** **(remove if not relevant)**

You, «FORENAME» «SURNAME» are a parent/carer of «Students_Name», (called in this notice "the pupil") who is a registered pupil at «School_Name».

The school have offered support to you and your family to try and help improve «Students_Name»'s attendance, including:

1. **Telephone calls.** The school contacted you every day your child was absent to understand why your child was absent and to offer their support with any issues your child may be having.
2. **An Attendance Overview Letter.** The school wrote to you, letting you know about «Students_Name»'s attendance, the impact of their continued absence, and inviting you to contact the school to discuss the situation further.
3. **An Attendance Support Meeting Invite.** The school invited you to a meeting to discuss your child's unauthorised absences and to offer support to ensure that their attendance improved. You were notified of the consequences should your child continue to have unauthorised absence and you did not effectively engage with the support offered.

Unfortunately, despite the support that was offered to your family, attendance remains a cause for concern. Between «WARNING_START_DATE» and «WARNING_END_DATE» **(10 school weeks in line with national framework)** the pupil failed to attend regularly at «School_Name», which resulted in 10 sessions (half days) or more of unauthorised absences being recorded. Please see the attached registration certificate for details.

APPENDIX 3

You now have thirty school days (6 weeks) **(should be between 3 and 6 weeks in line with national framework)** in which to improve your child's attendance. During this time your child must show significant improvements in attendance and avoid having any unauthorised absences from school during this period. Should we not see sufficient improvement and further unauthorised absences take place during this period, a Penalty Notice may be issued. A penalty notice is charged at £160 if paid within 28 days. There may be the opportunity to pay a reduced amount of £80 if paid within 21 days.

NB – A Penalty Notice may be issued as soon as an unauthorised absence is recorded.

More information regarding this notice can be found in the attached leaflet, PCC Penalty Notices regarding school absence - Guidance for parents. If you wish to discuss this notice, or discuss what further support is available, please contact our team as soon as possible:

Contact Name

Name of Team/Service

Address

Telephone:

Yours sincerely

(Name)

(Job Title)

(School Name)