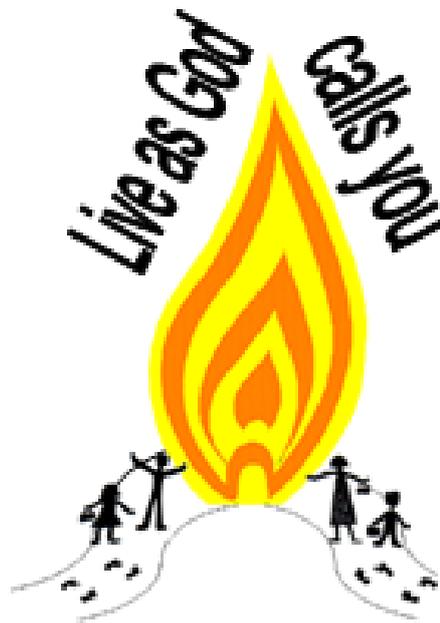


St Thomas More Primary School



Attendance Policy

Policy Reviewed: January 2019

Date of Next Review: January 2020

Statement of Intent

Within the Trust we believe that regular attendance cannot be overestimated. Regular attendance is vital to a good education. Securing it must therefore be a high priority for all our schools, governors, parents and pupils themselves. By failing to attend school regularly, pupils lessen the impact of the education provided for them. Pupil absence may seriously disrupt the continuity of teaching and learning for themselves and others.

The aim of our schools is to facilitate our pupils' regular and sustained attendance by providing a full and efficient educational experience for all pupils.

Parents have a vital role to play and there is a strong emphasis on maintaining home-school links and good communication systems that can be utilised whenever there is concern about attendance.

School Attendance – The Statutory Framework

All pupils of statutory school age who are registered at a school must attend regularly, in line with the relevant legislation (Education (Pupil Registration) (England) Regulations 2013).

Any absence from school can have a detrimental effect on a child's future progress and continuity of learning. Regular absence for such reasons as holidays taken in term time can have a significant impact on achievement.

Registration

There is a legal requirement upon schools to keep an attendance register on which, at the beginning of each morning and afternoon session, pupils are marked present or absent. The Education Regulations 1991 introduced a further requirement that attendance registers must show whether an absence of a pupil of compulsory school age is authorised or unauthorised. This is shown on our computer records.

Staff, pupils and parents should see the taking of the register as an integral part of the day, as was indeed intended in law. Particular attention should be paid to accurate registration and to the preservation and security of registers.

Monitoring and encouraging attendance is an integral part of the Headteacher's role. The Headteacher has the primary responsibility for monitoring the attendance of pupils in the classes and for contacting home with concerns about attendance and punctuality also ensuring notes explaining absences are collected and maintain an accurate register of attendance. At St Thomas More Primary the Headteacher has overall responsibility; however the pastoral lead for attendance, office manager and class teachers are responsible for carrying out agreed procedures and daily/weekly checks.

In accordance with current legislation, each class in the School has an electronic attendance register. It is School's policy that registers be completed by 9:05am when they will be saved and closed so that the Administration Team can access them.

It is our policy to record a late mark (L) for children who arrive at school after class registration has taken place.

Children who arrive at school after 9:30 am will have an unauthorised mark recorded (U).

Absence

It is the parent's responsibility to inform school of the reason for a child's absence. We would like to receive notification as soon as the child is absent from school. We ask that the parent telephones the school office before 9:00 am each morning their child is absent to discuss the reason for the absence. We need to receive information when the child returns to school, in the form of a note and any medical evidence such as prescription, appointment card etc.

It is a fact that parentally-condoned unjustified absence is a serious problem in some schools. This can be every bit as damaging as the more traditional forms of truancy.

Only the Headteacher of the School, within the context of the law, can approve absence, not parents. The fact that a parent has offered a note or other notification in relation to a particular absence does not, of itself, oblige the school to accept it if the school does not accept the explanation offered as a valid reason for absence. If, after further investigation doubt remains about the explanation offered – or where no explanation is forthcoming at all, the absence must be treated as unauthorised. Where parentally-condoned unjustified absence appears to be a problem in relation to a particular pupil, school will involve the Pastoral Lead and in some cases the Local Authority Education Welfare Officer at an early opportunity.

An excessive amount of authorised absence can also seriously disrupt continuity of learning and encourage disaffection. We must alert to emerging patterns of authorised absence. We may authorise absence retrospectively where we are satisfied as to the explanation offered. Absences of pupils of compulsory school age without valid reason or for which no explanation has been provided will be treated as unauthorised and attendance procedures will be followed.

Section 444 of the Education Act 1992 provides that no offence is committed where a pupil of compulsory school age is prevented from attending school by reason of illness. If school is satisfied that a pupil is absent as a result of illness the absence will be treated as authorised.

Where we have reason to doubt the validity of an explanation offered in respect of a particular absence, further information will be requested by the Pastoral Lead from the child's parents. If the school continues to be dissatisfied then the absence will be treated as unauthorised.

Where there is doubt about the authenticity of absence attributed to illness, the School's Pastoral Lead may refer the matter to the school nursing team to arrange a home visit, or to make contact with the pupil's GP. If a pupil is absent for a prolonged period or the school notices a pattern emerging, early contact will be made with the Local Authority Education Welfare Service and/or School Health Service.

We will not authorise leave of absence for the purpose of a family holiday apart from in the most **exceptional of circumstances**. Any leave of absence request that is declined by the Headteacher may result in the school issuing a warning letter and subsequent unauthorised absence may result in a referral to the Local Authority for the issue of a Penalty Notice.

Leave of absence during term time is at the Headteacher's discretion and should not be considered a parental right.

Decisions made in relation to leave of absence, whether granted or not, will be applied equitably and consistently.

Reporting Absence

Once we receive a reason for an absence, we may authorise that absence by inserting the correct symbol on the computer records.

Reporting reasons for absence by telephone, verbally to a member of the Reception Team / Pastoral Lead or a note are all acceptable. We expect parents will contact the school and report the reason for absence on the first day of the absence before 9:00 am. St Thomas More Primary operates a first day calling system. Registers are taken at 9:00am and returned to the office by 9:05am. The parents of pupils recorded as absent without a reason receive a text before 9:30am from the school office asking them to contact school immediately with a reason for their child's absence. If we have not received a reason for absence by 10:00 am on the first day of absence the Administration Team will contact the home contact number to try and ascertain the reason for absence. Where appropriate the Pastoral Lead will follow this up with a home visit as deemed necessary. If the absence continues to the second day then procedures will be repeated. The first day contact file, that can be found in the main office records actions taken by school to address a child's unauthorised absence. The Pastoral Lead will add information to the contact file and CPOMS if needed and all information will be dated.

Where concerns continue and/or a pupil has had 10 consecutive days or more of unauthorised absence from school and no contact is made, a referral will be made to the Local Authority Education Welfare Service under Children Missing Education/Attendance Procedures. Where it is suspected that a pupil may be at risk of Female Genital Mutilation (FGM), sexual exploitation, radicalisation, or is a runaway or young carer, safeguarding procedures will be followed.

Local Authority attendance procedures will be followed in relation to school transfers, exclusions and pupils' who are dual registered and attending alternative educational provision.

Where a pupil is present for registration but then has to attend an appointment, the School need take no action beyond the staff in school recording the fact in the 'Signing Out Book' for the purpose of emergency evacuation. The pupil although registered is not physically present. Similarly the School must note the presence of a pupil (again for emergency evacuation) who was not there when the register was being taken but returns later from an appointment.

Leave of Absence in Term Time for Family Holiday

The Pupil Registration Regulations 2013 state that Headteachers may not grant any leave of absence unless there are **exceptional circumstances**. The legislation makes it clear that parents do not have an automatic right to take their child out of school for holidays in term time.

Parents are strongly urged to avoid making requests for leave of absence for the purpose of a family holiday during term time due to the disruption and impact of the missed education on the child.

If parents feel that **exceptional circumstances** apply then they should complete a Leave of Absence form (**see Appendix A**) and must state in full their reasons for the absence, why they feel it is essential that it takes place during term time and if appropriate accompanied by evidence. An example of evidence in the case of a family holiday being a letter from an employer on letter headed paper, which states the reason why the applicant is unable to take a leave of absence for a family holiday during school holidays.

The Leave of Absence form can be obtained from the school's main office. It should be completed and returned to the office for the attention of the Headteacher for individual consideration. The Headteacher will inform the parent of their decision.

Parents have been made aware that the Local Authority will decide to issue penalty notice fines to parents. Currently the amounts are £60 per child for each parent where the fine is paid within 21 days, and £120 per child for each parent where the fine is paid between the 21st day and the 28th day. Parents should be aware that this means a family of 2 parents and 2 children will be fined £240 if the fine is paid within 21 days or £480 if the fine is paid from 21-28 days. For families with 3 children, these amounts would be £360/£720 (**See Appendix B**).

If the penalty notice is not paid in full by the end of the 28th day period, then the Local Authority will either prosecute for the offence to which the notice applies or withdraw the notice.

Categorising Absence

Our policy generally categorises absence but cannot cover every eventuality. It will be necessary on occasion to exercise reasonable discretion when investigating some absences.

Some Key Points:

- Registered pupils of compulsory school age are required by law to be in school.
- Whilst it is right that schools and Academies should recognise that individual pupils and families have problems the aim should always be to expect regular attendance.
- Lateness should be actively discouraged.
- Where a pupil is absent without prior authorisation an explanation is required. If one is not forthcoming (for whatever reason) it must be treated as unauthorised and the register recorded accordingly.
- Schools are not obliged to accept parental notes where there is reason to doubt the validity of the explanation offered.
- Explanations such as minding the house, birthdays, looking after other children, or shopping trips within school hours will not be acceptable reasons for absence.
- Even when an absence is authorised, schools should be alerted to emerging patterns of absence which may seriously disrupt continuity of learning.
- In promoting regular attendance, schools should work closely with appropriate education department staff.

Punctuality

It is St Thomas More Primary policy to actively discourage late arrival. A pupil arriving late may seriously disrupt not only his or her continuity of learning but also that of others. In recognition of local circumstances (such as bad weather), we may keep registers open for a reasonable period.

For registration to mean anything at all, a firm line must be taken on late arrivals. To do otherwise undermines the whole purpose of registration and may serve to encourage other pupils to arrive late. Particular attention will be paid to emerging patterns of late arrival.

Where a pupil does arrive late and misses registration, his or her presence on site will still need to be noted. Anyone arriving late must report to the office. Office staff will be there to challenge the lateness. Office staff will amend the child's presence on the electronic register.

In responding to lateness, we will of course need to take account of the individual circumstances of each case. In some instances enquires may reveal that the late arrival stems from difficulties at home or other genuinely unavoidable circumstances.

The Pastoral Lead keeps a weekly lateness tracker which is updated every Monday to enable her to track improved punctuality and determine appropriate next steps (**see Appendix C**). The Pastoral Lead may need to seek an early meeting with parents of pupils who persistently fail to arrive on time without valid reason whilst keeping the Headteacher informed. If the parents do not have any valid reason for the child's persistent lateness the School's Pastoral Lead will consult with the Local Authority.

Role of the Pastoral Lead with responsibility for Attendance

At the time of writing this policy the School's Education Welfare Officer role is held by St Thomas More Primary.

The role of our Pastoral Lead for Attendance is to:

- To identify pupils groups we use a traffic light system, those causing attendance concern are highlighted in Red (below 90%), Amber (90-96%) and Green (96+%).
- Liaise, where appropriate, between home and school. Inform all parents on a regular basis of their child's attendance percentage.
- Investigate irregular attendance or lateness which may rise to concerns that a child may be at risk.
- Complete a regular register check liaising with office staff to record the correct codes. . Analyse and interpret data correctly.
- Provide advice and support to parents through the initiation of attendance procedures.
- Work with children who are experiencing problems with attendance and/or punctuality, especially those who are preparing to transfer to secondary school.
- Assist school in setting annual attendance target in line with national average figure. Initiate and encourage excellent attendance. Implement strategies to improve attendance. Signpost families to outside agencies that are able to offer additional help, via Early Help (My Family Plan).
- Follow Local Authority attendance procedures through to prosecution and possible court action.

Referral to the Local Authority Education Welfare Service

Referral to the Local Authority Education Welfare Service will be made in the following circumstances:

- The absence is unauthorised, regular and/or repeated and therefore affecting the child's education.
- The intervention by the School has failed to secure a pupil's regular attendance.
- The intervention by the School has failed to secure a pupil's punctual attendance.

Referrals can only be made after discussion with the Head or Deputy Headteacher. A referral form will be completed for each pupil and given to the Local Authority Education Welfare Service.

When making a referral to the Local Authority, the following information may be included:

- Action taken to date by the school.
- Parents/Pupils' attitudes towards the School and the School's intervention.
- Parental reasons for non-attendance.
- Action taken by the School to resolve any identified problems.
- Information regarding any special educational needs the pupils may have, academic attainments and support being provided by the school.
- Information regarding potential aggression from the parents.

Attendance Procedures

Intervention at School Level

Stage 1 – Monitor

This section describes the role of school in relation to improving attendance. All pupils with less than 96% attendance are regularly monitored by the Pastoral Lead on a weekly basis.

The class teacher has primary responsibility maintaining an accurate register and informing the Headteacher/Deputy Headteacher and/or the Pastoral Lead with concerns about attendance and punctuality. Every class teacher is expected to ensure the children in their class are encouraged to complete the attendance weekly stats record, which is a visual reference point which uses traffic light coding.

St Thomas More Primary operates a first day response to absence system, and where this has failed to make contact with the parent of the absent child a home visit may be the next step.

Stage 2 – Attendance Concerns

Home is contacted by phone if no reason for absence is received by the school office by 9.30am. A record is kept by the school of all contacts and conversations relating to reasons for absence from school.

Parents are encouraged to visit the school to discuss attendance and strategies to improve, with the Pastoral Lead.

Where attendance falls below 90% attendance procedures will be actioned. A legal warning letter will be sent from school and monitoring will commence (**see Appendix D**). If attendance continues to be a concern, then an attendance case conference will be arranged. The parent will then be involved in writing an attendance plan and given a target to improve the pupil's attendance, which is higher than their normal attendance rate to be achieved over an agreed timescale. Pupil voice is paramount therefore, permission will be sought from parents to seek their child's views on their attendance.

Attendance for that pupil is then monitored for the duration of the plan and appropriate action taken if attendance remains a concern.

If attendance has not improved then a referral to the Local Authority Education Welfare Service which may result in a Penalty Notice. The Local Authority will decide to issue penalty notice fines to parents.

The Pastoral Lead will prioritise the list of pupils to be referred to the Middlesbrough Local Authority Education Welfare Service. These circumstances include:

- When St Thomas More Primary despite several attempts by phone and also by letter is unable to make contact with the parent.
- If attendance continues to cause concern and the absence is unauthorised.
- When St Thomas More Primary has offered all support available but attendance fails to improve.
- When the School has reason not to accept the parents' justification for absence on a regular basis.

Rewarding Good Attendance and Punctuality

As well as taking appropriate action against parents who fail to secure the regular attendance of their children, we will take steps to reward good attendance and punctuality at St Thomas More Primary. Attendance is discussed regularly in each class.

Rewards and Incentives for 100% attendance are:

Half Termly certificates and disco for –given out every first Friday of each new half term.

Termly - reward given out the last day of term (Christmas – selection box, Easter – Easter Egg. Summer Term reward will be given out on the last day - an outdoor disco and treat will take place to celebrate).

Annual - certificate and gold star pin badge – given out on the last day of the year and trip will take place during the last week of term.

Attendance and punctuality is actively promoted to parents and children at St Thomas More Primary through:

Monitoring by teachers – class sticker chart and attendance champions

- Weekly celebration assembly
- Friday assembly announcement of class with highest attendance wins attendance cup and treats.
- Year group and whole school attendance is displayed in the main hall, attendance board between KS1 corridor and on the notice board outside the main entrance.
- Termly whole school newsletter will include attendance news and information.
- Termly individual attendance letters will be given out each term.

(Appendix A)

St Thomas More R.C Primary School

REQUEST FOR LEAVE OF ABSENCE **DURING TERM TIME (exceptional circumstances only)**

Education (Pupil Registration) (England) Regulations 2006
Education (Pupil Registration) (England) (Amendment) Regulations 2013

The 2013 amendments to the 2006 regulations make it clear that Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances and that Head Teachers should determine the number of school days a child can be away from school if the leave is granted.

Name of Pupil	
Date of Birth	
Tutor/Year Group	
Address	
Contact Numbers	
Sibling Details (or other Children living in the household)	

I request permission for my child to be absent from school between:	
First Day Absence	
Date of Return	
Total School Days	
Please fully explain the exceptional Circumstances that you would like the Head Teacher to consider (continue on a separate sheet if necessary)	

Declaration

I have read and understood the information about leave of absence during term time, unauthorised absence, and Penalty Notices. I am aware of the possible consequences should my child take leave of absence without the prior authorisation of the Head Teacher.

Signature.....
Parent/Carer

Date.....

Important Information for Parents

Parents are required under the Education Act (1996) to ensure their child attends school regularly. There is no automatic right to take a child out of school during term time but the law allows head Teachers to consider individual requests to authorise a leave of absence in exceptional circumstances.

The Head Teacher must be satisfied that the exceptional circumstances justify an authorised absence and it is entirely the responsibility of the parent submitting the request to provide sufficient information and evidence in order to establish this fact.

The request for an authorised leave of absence must be made in advance and the Head Teacher may invite the parent into school to discuss the request before a decision is made.

If the circumstances relating to this request are considered exceptional and the absence is authorised by the Head Teacher, the expectation is that the child's attendance will be of a satisfactory level both prior to and after the date covered by the request.

If the request for leave of absence is refused and the absence is recorded as unauthorised, the Head Teacher may refer the matter to the Local Authority requesting a Penalty Notice be issued against you.

A Penalty Notice is £60 if paid within 21 days of receipt, rising to £120 if the notice is paid after 21 days but within 28 days. If the penalty is not paid in full by the end of the 28 days period the Local Authority may prosecute for the offence to which the notice applies.

Where there is more than one child, each parent may be issued with a penalty Notice in respect of each child.

As a parent/carer you can demonstrate your commitment to your child's education by not allowing your child to miss school for anything other than an exceptional and unavoidable reason. Research suggests that children who are taken out of school may never catch up on the learning they have missed, which may ultimately affect exam and test results.

(Appendix B)

Middlesbrough Education Welfare Service

Penalty Notice Code of Conduct

The Education (Penalty Notices)(England) Regulations 2007

Section 444A Education Act 1996
(Section 23 Anti Social Behaviour Act 2003)

Section 103 of the Education and Inspections Act 2006
(Section 105 Education and Inspections Act 2006)

Education (Pupil Registration) (England) (Amendment) Regulations 2013

Section 1

This Code of Conduct will govern the issuing of Penalty Notices for Middlesbrough Council.

In order to comply with Human Rights legislation and to ensure that there is no underlying bias that could lead to disproportionate, unfair or unequal treatment on account of ethnicity, disability or special educational needs, it is essential that Penalty Notices are issued in a consistent manner.

This code ensures that Penalty Notices are issued consistently and fairly and that suitable administrative arrangements are in place.

The Education Welfare Service (EWS) will issue Penalty Notices in Middlesbrough on behalf of the Local Authority (LA). This will ensure consistent and equitable delivery, retain home-school relationships and allow integration with other enforcement sanctions.

Penalty Notices will be hand delivered (to ensure receipt) and never as an on the spot action; this is to ensure that all evidential requirements are in place.

These procedures apply to the parents of children of compulsory school age who are registered at a maintained school, a pupil referral unit or an academy.

Within this Code of Conduct the term 'parent' means all natural parents, whether they are married or not; and includes any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person, as defined in Section 576 Education Act 1996.

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

- has failed to effectively engage with any voluntary or supportive measures proposed to support regular school attendance
- removes their child from school during term time without authorised leave of absence
- has failed to make adequate arrangements to ensure their child is not in a public place during the first 5 days of exclusion

Section 2

Penalty Notice: in relation to school attendance

Legal Basis

Sections 444A and 444B of the Education Act 1996 (introduced by Section 23 of the Anti Social Behaviour Act 2003) introduced Penalty Notices as an alternative to prosecution under Section 444, and empowers designated Local Education Authority Officers to issue Penalty Notices in cases where an offence under s444 has, in the opinion of the Local Authority, been committed. Parents may discharge potential liability for conviction for this offence by paying a penalty within a fixed time. There is no legal requirement for there first to have been a Penalty Notice issued before proceeding to prosecution.

The Education (Penalty Notices) (England) Regulations 2004 came into force on 1st September 2007.

Section 23 of the Anti Social Behaviour Act 2003 came into force on 27th. February 2004.

The Education (Penalty Notices) (England) (Amendment) Regulations 2013 come into force on 1 September 2013. The amendment reduces the timescales for paying a penalty notice to £60 within 21 days or £120 within 28 days.

Circumstances where a Penalty Notice may be issued

A Penalty Notice may only be issued in accordance with this Code of Practice and when the Local Authority is satisfied that an offence under s444 of the Education Act 1996 has been committed by the recipient of the Notice.

A Penalty Notice can only be issued in cases of **unauthorised** absence. An unauthorised absence is recorded where the Head Teacher is not satisfied with the reasons given for absence, or a leave of absence request has been refused.

A Penalty Notice is considered appropriate in the following circumstances:

- 10 or more sessions of unauthorised absence during the current term

- Unauthorised leave of absence of 10 or more sessions during the current term. Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. The Head Teachers should determine the number of school days a child can be away from school if the leave is granted.
- Persistent late arrival (recorded as unauthorised) after the register has closed for 10 or more sessions during the current term

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

- At least 10 sessions (5 school days) lost to unauthorised absence by the pupil during the current term
- Other than in specific circumstances* the parent will receive a formal warning of the possibility of a Penalty Notice being issued and given a minimum of 10 school days to effect an improvement

*The deliberate taking of a leave of absence in term time without the Head Teacher's permission (where it can be clearly demonstrated that the parent understood that permission had not/would not be given) and where this has created, or contributed to, a period of unauthorised absence of at least 10 sessions.

In cases where families contain more than one child who meets the above criteria parents may receive a separate Penalty Notice for each child but this will be the subject of careful consideration and coordination.

Where more than one person comes within the definition of "parent" a separate Penalty Notice may be issued to each such person for each relevant offence.

Usually a parent can receive a maximum of one Penalty Notice per child; subsequent offences will proceed to prosecution.

The LA must consider every aspect of a child's case before considering whether a Penalty Notice would be appropriate.

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In the case of unauthorised leave of absence the parent can make representation to the Head Teacher at the time of the leave of absence request. Where the request is refused, and there is an unauthorised absence of 10 or more sessions, the Head Teacher may notify the LA to request a Penalty Notice be issued.

Where all criteria are met the LA will:

- Ensure a formal written warning has been issued to the parent explaining the possibility of a Penalty Notice being issued.
- Penalty Notices will be hand delivered (to ensure receipt) if there has been no significant improvement in the child's school attendance as required in the warning letter.

Section 3

Penalty Notice: in relation to exclusion

Legal Basis

Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first 5 days of each and every fixed period or permanent exclusion as specified in a Notice given to the parent by the School under s104 of the Education and Inspections Act 2006.

The implementation of the Education and Inspections Act 2006 Section 105 allows for a Penalty Notice to be given to a parent guilty of an offence under Section 103. The school must have notified the parent at the time of the exclusion of their duty and the days to which it relates.

Designated Local Authority Officers are empowered to issue Penalty Notices where pupils are found in a public place during the first 5 days of exclusion.

The Education (Penalty Notice) (England) Regulations 2007 came into force on 1st September 2007.

Circumstances where a Penalty Notice may be issued

The parent is liable for a Penalty Notice if a child is found present in a public place during school hours without reasonable justification during the first 5 days of each and every period of a fixed or permanent exclusion as specified in a Notice given to the parent by the School under s104 of the Education and Inspections Act 2006.

Where more than one person comes within the definition of “parent” a separate Penalty Notice may be issued to each such person for each relevant offence. The LA must consider every aspect of a child’s case before considering whether a Penalty Notice would be appropriate.

The LA recognises that, in some circumstances, it may be necessary for a child to be in a public place during school hours on a day when they are excluded. For example, the child may have a prearranged medical appointment or emergency. Similarly if the parent needs urgent medical help it may be inappropriate to leave the child at home. In all cases it will be for the parent to prove reasonable justification.

A reasonable justification depends upon points of fact and evidence, and will ultimately be decided by the Courts.

Procedure for issue

The EWS, on behalf of the LA, will receive requests to issue Penalty Notices from Cleveland Police. These requests will be actioned provided that:

- All necessary information is provided to the EWS to establish that an offence under Section 103 of the Education Act 2006 has been committed.
- the circumstances of the pupil's whereabouts meets all the requirements of this Code of Conduct.
- The issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.

A parent can receive a maximum of 2 Penalty Notices resulting from an individual child being in a public place during the first 5 days of a fixed period or permanent exclusion; subsequent offences will proceed to immediate prosecution.

Section 4

Limitations on Local Authorities issuing Penalty Notices

A Local Authority may only issue a Penalty Notice in respect of a child: -

- Who is a registered pupil at a school in the area of the Authority
- For whom the Authority has made arrangements for alternative educational provision (whether or not in the area of that Authority)
- Who is not, at the time the notice is given, a registered pupil at any school (whether due to permanent exclusion or otherwise) but resides in the area of that Authority

NB The Local Authority of the school at which the child is registered should issue the Penalty Notice. Where the child has been excluded it would be the Local Authority where the child resides.

Procedure for withdrawing Penalty Notices

A Penalty Notice may be withdrawn by Middlesbrough Council in any case in which the Authority determines that:-

- It ought not to have been issued
- It ought not to have been issued to the person named as recipient
- It contains material errors
- The use of the Penalty Notice did not conform to the terms of this Code of Conduct

Where a Penalty Notice has been withdrawn in accordance with the above, a notice of the withdrawal shall be given to the recipient. Any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence for which the withdrawn notice was issued.

Payment of Penalty Notices

Arrangements for payment will be detailed on the Penalty Notice.

Payment of a Penalty Notice discharges the parent's liability for the offence in question, and they cannot subsequently be prosecuted for the offence covered by the Penalty Notice.

The penalty is £60 if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice. If the penalty is not paid in full by the end of the 28 day period the Local Authority must either prosecute for the offence to which the notice applies or withdraw the notice.

Non-payment of Penalty Notices:

Non-payment of a Penalty Notice will result in the withdrawal of the notice and will trigger the prosecution process. Prosecution is for the offence to which the notice relates rather than for non-payment of the notice.

In the case of the prosecution of a parent who has failed to ensure their child attends school regularly the prosecution will be brought by the Local Authority under the provisions of Section 444 Education Act 1996.

In the case of prosecution of a parent who has failed to ensure that their child is not found in a public place during a specified day of exclusion the prosecution will be brought by the Local Authority under the provisions of Section 103 of the Education and Inspections Act 2006.

The parent cannot be prosecuted for the particular offence for which a notice was issued until after the final deadline for payment has passed (28 days after receipt of the notice) and cannot be convicted of that offence if the parent pays a penalty in accordance with the notice.

Policy and Publicity

All school Attendance Policies will include information on the deployment of Penalty Notices and this will be brought to the attention of all parents.

The Local Authority will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional and public information material.

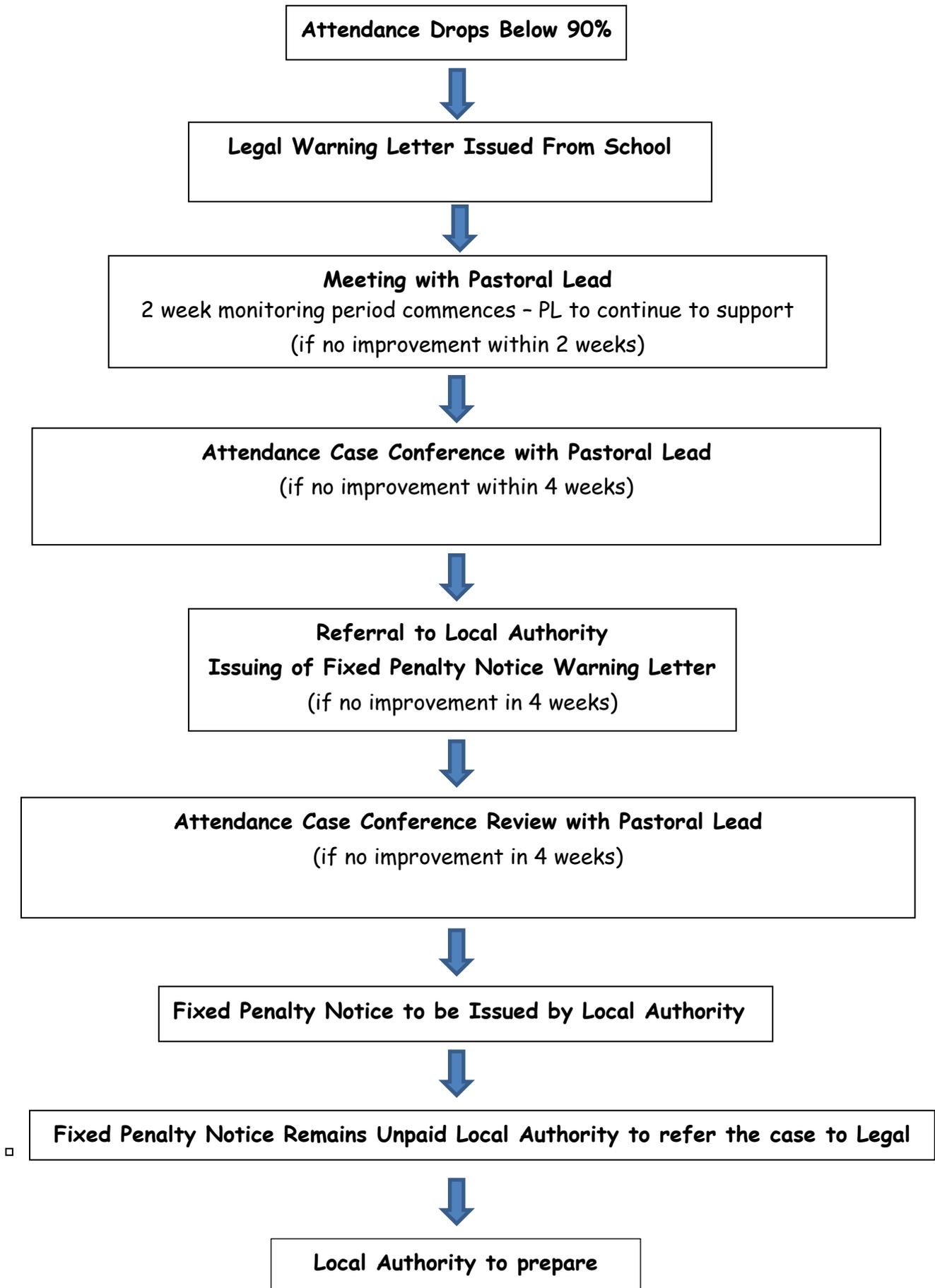
Reporting and Review

The EWS will report at regular intervals to the Assistant Director School Partnerships on the deployment and outcomes of Penalty Notices.

The EWS will review Penalty Notice use at regular intervals and amend the general enforcement strategy as appropriate.

Reviewed and updated
September 2013
Lynn Mitchell, SEWO

ATTENDANCE PROCEDURE - (Appendix C)



PUNCTUALITY PROCEDURE - (Appendix C)

Late More Than Twice In Any Half Term



Warning Letter from Pastoral Lead
Punctuality needs to improve within 2 weeks
(if no improvement)



Meeting with Pastoral Lead
2 week monitoring period commences - PL to continue
to support



Punctuality Case Conference with Pastoral Lead
(if no improvement within 2 weeks)



**If attendance is affected Referral to Local
Authority**
Issuing of Fixed Penalty Notice Warning Letter