

# **TMPF**

# **Attendance Policy**

# **2020**

Ratified: Feb 2020  
Review date: Feb 2023

## Principles

The Moorlands Primary Federation places a high priority on achieving high standards and firmly believes regular attendance and punctuality are essential contributors. It is our desire for all children to achieve a minimum of 95% attendance at the end of the academic year. We believe that all children should arrive in school, every day the school is open, and on time, unless the reason for the absence is unavoidable. Permitting absence from school without a good reason is an offence by parents and carers.

### **TMPF Values:**

**T**rust;  
**M**indful;  
**P**eace;  
**F**riendship.

Should a child be reluctant to attend school, it is imperative that a 'productive dialogue' is embarked upon as early as possible. In the first instance, any problems with regular attendance are often rectified between the school, the parents and the child. If a child is reluctant to attend, it is always most productive to address the issue in an honest and open format.

Every half-day absence from school has to be classified by the school as either AUTHORISED or UNAUTHORISED. This is why information about the cause of each absence is always required. The correct code will be added to the Multi Academy Trust's computerised 'Arbor' system as appropriate.

*Authorised absences are: mornings or afternoons away from school for a good reason such as illness or another unavoidable cause.*

*Unauthorised absences are: those which the school does not consider reasonable and for which no "leave" has been granted. This includes:*

- *parents keeping children off school unnecessarily;*
- *truancy before or during the school day;*
- *absences which have not been properly explained.*

Parents/carers are expected to contact school at an early stage and to work with the staff in resolving any problems together. If difficulties cannot be sorted out in this way, the school may refer the child to the Education Welfare Workers (EWW) from the Local Authority's Local Support Team (LST). They will also try to resolve the situation by agreement but, if other ways of trying to improve the child's attendance have failed, the LST can issue a Penalty Notice.

## Procedures

The school applies the following procedures in deciding how to deal with individual absences:

- On the day of absence, parents/carers must inform the school of the reason for absence either through a hand-delivered letter, email, telephone call, text message or personal contact.
- Any absences not reported by the parent/carer will be followed up by a telephone call by the school's Officer Manager or School Secretary on the first day of absence.

- 'Requests for Leave' are not encouraged and will only be granted in exceptional circumstances as outlined below:
  - In exceptional circumstances, the Executive Principal has the discretion to grant absence when a pupil has an attendance of 95% or higher over the previous two terms;
  - When leave in term-time is requested and a pupil's attendance for the previous two terms is below 95%, the following will be applied:
    - has the pupil been granted leave previously for the same reason? If so, unless the new request is exceptional the absence will be declined;
    - Is the pupil on the school's persistent absenteeism list? If so, unless the new request is exceptional the absence will be declined;
    - Has the parent/carer previously received 'absence is granted but will not be again' letter? If so, the absence will be declined.
  - If a leave request is refused or not granted and the child is absent, the absence period will be marked as 'unauthorised'.

See Appendices

- If the attendance drops significantly below the government level set at 90% for an extended period of time, it will be referred to the County Education Welfare Officer or Local Support Team (LST), which could result in a Penalty Notice being issued.
- To enable this process to work, all 'Requests for Leave' must be made at least **one month** in advance and attendance needs to remain at a high level from that period to the period of leave.
- All requests will be considered on a case-by-case basis and a 'Request for Leave' (see Appendices) form must be completed.

The Executive Principal and Trust Board understand that there may be exceptional illness or circumstances that sometimes overrides the processes above, however, it cannot be stated strongly enough, that children must have a high level of attendance to be allowed the opportunity to reach their educational potential.

## Lateness

Lateness will follow the following pattern:

Bishop Rawle C. E. (A) Primary School – school opens: 08:45 – 08:55, Registration, 08:45 – 09:00. 'Late' marks issued from 09:00 to 09:15. Absent from 09:15 onwards.

Dilhorne Endowed C. E. (A) Primary School – school opens: 08:45 – 09:00 Registration 08:45 - 09:00. 'Late' marks issued from 09:00 to 09:15. Absent from 09:15 onwards.

Great Wood Primary School – EYFS/KS 1 school opens: 08:50 – 09:00 Registration; 08:50 – 09:10 'Late' mark given. From 09:10 to 09:30. Absent from 09:30 onwards. KS 2 teacher on duty at 08:45, pupil's line-up at 08:55. Registration; 09:00 – 09:10 'Late' mark given. From 09:10 to 09:30. Absent from 09:30 onwards.

St. Werburgh's C. E. (A) Primary School – 08:45 – 08:55 Registration; 08:45 – 09:05 'Late' mark given from 09:05 to 09:30. Absent from 09:30 onwards.

The Valley Primary School – 08:45 – 09:15 Registration, 08:45 – 09:15 'Late' mark given. From 09:15 to 09:30. Absent from 09:30 onwards.

### **Absence Reporting**

Any children who are absent - and a telephone call has not been received - will be contacted by the Office Manager or School Secretary before 11.00 am.

Attendance will be regularly monitored by the class teacher, Trust Leadership Team and EWW, through Pupil Performance meetings or other occasions if appropriate. Attendance percentages will also be shared with the Trust Board.

### **Departure during the school day**

Parents/carers must inform the school office and child's teacher when taking a child off-site and the reason for doing so. This information should be recorded on the child's electronic file in Arbour sheet in the school office.

### **Information about individual school targets, projects and special initiatives**

The Trust has adopted the following attendance targets and special projects:

- The Executive Principal will undertake termly analysis of attendance to present to staff and Trustees and a clear target for attendance will be set and recorded along with other curricular targets.
- Attendance will be reported termly to the Trust Board through the termly Leadership Team Report.
- Attendance is shared with parents through newsletters and termly reports.

### **Those people responsible for attendance matters in this school are:**

School Leaders, Assistant School Leaders, Key Stage Leaders, class teachers, Learning Support staff, school administrative staff, Federation Leadership Team, Executive Principal, Home School Link Worker, Local Support Team including EWW.

### **Summary**

Each Trust school has a legal duty to publish its absence figures to parents/carers and to promote attendance. Equally, parents have a duty to make sure that their children attend. School staff are committed to working with parents and carers as the best way to ensure as high a level of attendance as possible.

## **Procedures**

The Trust uses web-based tracking systems: Arbor and DC-Pro. These systems create a 'live' list of Persistent Absence Pupils. These are children with an attendance of less than 90%. Each school will then analyse the list to establish if there are extenuating circumstances for the low attendance percentage, for example, serious illness, bereavement etc. If there is no suitable explanation, the child's parents will receive letter 1 (see appendices). Attendance will then be monitored. If at the next analysis/stated point there has been no improvement, letter 2 will be issued.

The third step:

### **Staffordshire Code of Conduct for issuing Penalty Notices**

#### **Rationale**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school. Penalty Notices are one of the sanctions available for this offence and offer a means of swift intervention, which can be used to combat attendance problems early, before they become entrenched.

Parents and children should also be supported by their school to overcome barriers to regular attendance, through a range of intervention strategies.

Therefore, Penalty Notices and other legal sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will also be used as a means to support and challenge parents to meet their legal responsibilities and where there is a reasonable expectation that their use will secure improved school attendance.

In April 2012, the Government accepted the Charlie Taylor Report recommendation to challenge the culture of expectation to term-time holiday and set out a clear expectation that term-time leave should only be granted in exceptional circumstances.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 made an amendment to the Education (Pupil Registration) (England) Regulations 2006 to: clarify that leave of absence shall not be granted by schools unless there are "exceptional circumstances". The Supreme Court judgement on the 'Isle of Wight v Platt' case on the 6th April 2017, has brought clarity to the issue of what regular attendance means and the use of penalty notices. Lady Hale gave the conclusion that "regularly" means "in accordance with the rules prescribed by the school", she went on to say that there are many examples where a very minor or trivial breach of the law can lead to criminal liability. For instance, it is an offence to steal a milk bottle, to drive at 31 miles per hour where the limit is 30. The answer in such cases is a sensible prosecution policy. In some cases, of which this is one, this can involve the use of fixed penalty notices, which recognise that a person should not have behaved in this way but spare them a criminal conviction.

With specific regard to leave during term-time, the judgement stated (this interpretation is also consistent with the provision in section 444(3)(a) and (9)) that a child is not to be taken to have failed to attend regularly if s/he is absent with the leave of a person authorised by the governing body or proprietor of the school to give it. Unlike sickness or unavoidable cause, leave is not a defence. It is part of the definition of the offence. A child is required to attend in accordance with

the normal rules laid down by the school authorities for attendance but the school can make an exception in a case.

### **Legal Framework**

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as deputy and assistant head teachers authorised by them) and the Police, to issue Penalty Notices in cases of unauthorised absence from school.

- The Education (Penalty Notices) (England) Regulations 2007.
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child's regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

The Regulations also require each local authority to publish a code of conduct for issuing penalty notices, after consultation with governing bodies, head teachers and the police. Guidance from the Secretary of State states that this "should set out the criteria that will be used to trigger the use of a penalty notice".

### **Circumstances where a Penalty Notice may be issued:**

- A Penalty Notice can only be issued in cases of unauthorised absence.
- The presence of an excluded child in a public place at any time during school hours in the first five days of exclusion.

### **Penalty Notices may be considered appropriate if one of the following criteria is met:**

- There is unauthorised persistent absence. "Persistent" means at least 20 sessions of unauthorised absence over a period of 12 school weeks, excluding holidays. These absences do not need to be consecutive.
- There is a period of absence not authorised by the Executive Principal or in excess of the period authorised (e.g. family holiday).
- Persistent late arrival at school, i.e. after the register has closed. "Persistent" means at least 10 sessions of unauthorised late arrival over a period of 12 school weeks, excluding holidays. These late episodes do not need to be consecutive.
- The presence of an excluded child in a public place at any time during school hours in that child's first five days of exclusion. An "excluded child" is one who has been excluded from school for a given period under the Education and Inspections Act 2006.

- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used.

### **Other conditions**

- There will be no limit on the times a Penalty Notice for 'unauthorised leave of absence' can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year.

### **Leave not authorised by the Executive Principal or in excess of the period determined by the Executive Principal**

The Local Authority will only issue Penalty Notices requested by a school in response to an unapproved 'leave of absence' (including holiday related) resulting in unauthorised absence where the school has provided the necessary paperwork. This paperwork should comprise:

- A copy of any school information available to parents which clearly states that parents may receive a Penalty Notice for unauthorised leave (holiday) in term time.
- A copy of the 'Leave of Absence' (holiday) request form submitted by the parent(s), and a copy of the response sent to the parent(s) by school. In the event the 'Leave of Absence' (holiday) request is being denied, the school's response should state the reason why the request is unauthorised and should again advise parent(s) that they may receive a Penalty Notice if they take their child out of school and that the Local Authority will be advised of the unauthorised leave of absence.
- In cases where the unauthorised leave of absence occurs without prior request from the parent(s), or is due to unauthorised absence beyond that which was agreed, the school should include all correspondence sent to the parent(s) to explore the unauthorised absence.
- Relevant pupil attendance registration certificate signed by the Executive Principal / Principal/School Leader – confirming that non-attendance during the period was unauthorised.
- Completed and signed penalty notice request form. (Appendix A).

### **Pupil who has persistent unauthorised absences/lateness**

As part of this process, the parent(s) will first be issued with a 20 day notice period, clearly advising that if unauthorised absence / lateness occurs in this 20 day period, a Penalty Notice may be issued. This is to allow the parents a further period to address their child's irregular attendance by working with the school or other agencies. It is part of a scaled approach, and affords the parents

an opportunity to avoid receiving a penalty notice. This is seen as good practice and integral to a proportionate response.

Therefore, the process is as follows:

- School completes and signs a penalty notice request form. (Appendix A).
- School provides pupil attendance registration certificate signed by the Executive Principal/Principal/School Leader – confirming that non-attendance / lateness during the period was unauthorised.
- School provides an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance/ punctuality.
- The Local Authority issues a 20 day Warning Notice to the parent(s), advising them of the possibility of a Penalty Notice being issued and that the child must have no unauthorised absence/ lateness during the set period.
- If there are unauthorised absences / lateness in the period and after due consideration of the facts of the case with the school, a Penalty Notice is issued through the post.

Please note:

Where the Penalty Notice is requested from a school in response to a 'Leave of Absence' (holiday) related unauthorised absence, or is in relation to an offence under section 103 of the Education and Inspections Act 2006, the formal warning letter and 20 day improvement period will not apply.

All Penalty Notices are entered onto a database maintained by Families First to ensure that no duplicate Penalty Notices are issued.

Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence/ lateness will be restricted to one notice/ warning per parent of a pupil per academic year.

### **Excluded Pupils**

The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day that he/ she is excluded, up to and including the first five days or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates.

If the excluded pupil is present in a public place at any time during school hours on a school day specified above, the parent commits an offence under section 103 of the Education and Inspections Act 2006 and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

In such cases the school should provide:

- A copy of the letter required to be sent to parent(s) pursuant to s.104 of the Education and Inspections Act 2006 warning them to ensure that the child is not permitted to be present in a public place in the first five days of exclusion.



- Robust and reliable evidence in the form of a witness statement, stating how the child is known to the witness, where the child was seen including the date and time.

Please note if the case is contested the witness may be required to give evidence in court.

### **Who may issue/ request a Penalty Notice**

A Penalty Notice may only be issued by authorised LA staff. In Staffordshire this will be members of Families First Education Welfare.

A Penalty Notice may be requested by the Executive Principal / Principal/ School Leader under the provision of Crime and Disorder Act 1998.

### **Procedure for issuing Penalty Notices**

The designated officers within Families First will be the only individuals permitted to issue Penalty Notices in the Staffordshire area. This will ensure consistent and equitable delivery, avoid duplication of issue and allow schools to maintain good relationships with parents and ensure that they reinforce other enforcement sanctions.

Penalty Notices will only be issued by post and never as an instant action, e.g. during a truancy sweep. This will enable officers to ensure that all evidential requirements are in place, duplication of issue is avoided and to limit the health and safety risks associated with delivering such notices by hand.

Where Schools, Police or neighbouring local authorities ask Staffordshire County Council to issue a Penalty Notice, their request will be investigated and actioned by Families First provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct;
- The pupil is registered at a Staffordshire School;
- All necessary evidence is provided to Families First to establish an offence under Section 444(1) of the Education Act 1996 has been committed;
- Issuing a Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed; and
- There is an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance (not required in the case of unauthorised leave of absence).

Families First will respond to all requests within 10 school days of receipt.

### **Truancy Sweep**

A Penalty Notice will only be issued after due consideration, when all facts are known and the threshold for serving the notice has been met. Information should be given to anyone stopped on a truancy sweep (pupil and/or parent or carer) about the possible support and sanctions used to address non-attendance.

### **Criteria for withdrawing Penalty Notices:**

Once issued a Penalty Notice may be withdrawn if Families First is satisfied that:

- The Penalty Notice was issued to the wrong person;
- The use of the Penalty Notice did not conform to this policy;
- The Penalty Notice contained material errors;
- The evidence demonstrates that the Penalty Notice should not have been issued, e.g. medical evidence.

### **Representation**

There is no statutory right of appeal against the issuing of a Penalty Notice. However, the parent will be advised when they receive the warning that they may make representation to the County Manager for Education within Families First if they believe one of the above criteria has been met. This will then be investigated and the parent(s) informed of the outcome either to withdraw or uphold the penalty notice.

Please note - in the case of a material error the penalty notice may be re-issued with the appropriate corrections made.

### **Payment of Penalty Notices:**

- Arrangements for payment will be detailed on the Penalty Notice; (Appendix A).
- Payment of a Penalty Notice discharges the parent's or carer's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice;
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120; and
- The County Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

Payments will not be accepted in part or by instalments.

### **Non-payment of Penalty Notices:**

Non-payment of a Penalty Notice will result in the withdrawal of the Penalty Notice and will trigger the fast-track prosecution process under the provisions of section 444(1) of the Education Act 1996.

### **Policy and Publicity**

- Identifying information about Penalty Notices issued to particular parents or specific children should not be made public;
- Issuing of Penalty Notices as a sanction is included in the Local Authority's (LA) Attendance Policy;
- School attendance policies should include information on the issuing of Penalty Notices and this should be available to parents;

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

### **Reporting and Review:**

Families First will:

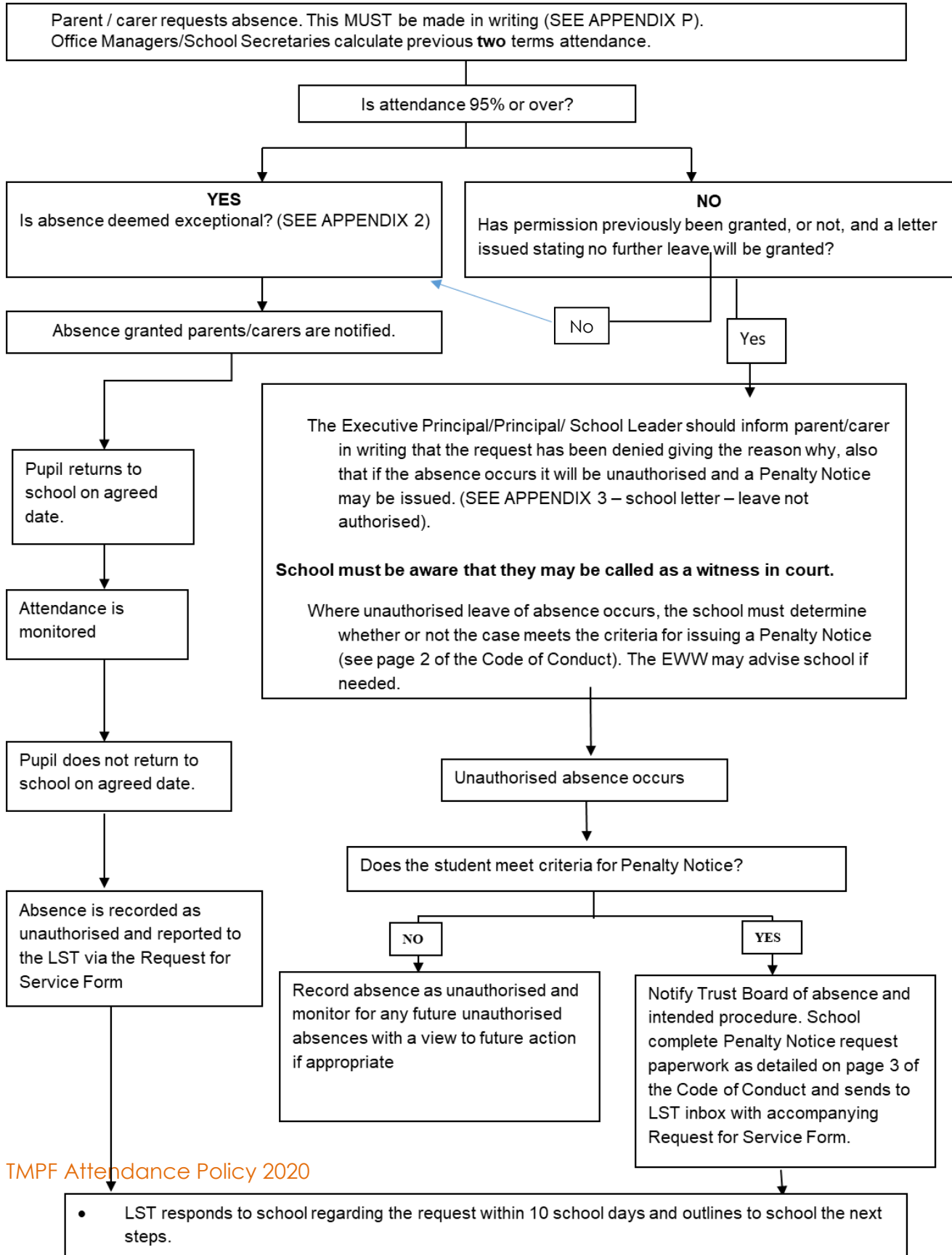
- Report at regular intervals to the Headteacher Forum groups (Primary, Secondary, Middle and Special) and Staffordshire Police on the deployment and outcomes of Penalty Notices;
- Make regular reports to Staffordshire County Council on attendance matters which will include Penalty Notice use; and
- Review Penalty Notice use at regular intervals and amend the Protocol as appropriate.

## **APPENDICES**

*(NB: The documents following this are examples of those which may be issued and are subject to change as appropriate)*

- **Unauthorised Leave of Absence flowchart**
- **Guidance for Parents requesting Term Time Leave**
- **Request for Leave Form**
- **Persistent Absence Letter 1**
- **Persistent Absence Letter 2**
- **Lateness Absence Letter 1**
- **Lateness Absence Letter 2**
- **Leave of Absence Granted**
- **Leave of Absence Not Granted (version 1)**
- **Leave of Absence Not Granted (version 2)**
- **Penalty Notice notification**

## TMPF Flowchart – Unauthorised Leave of Absence - Authorisation Procedure



## **Guidance Notes for Parents requesting Leave in Term Time**

1. Parents who want the school to consider granting leave of absence in school term time should read these notes carefully, **complete the attached form and send it to the School Leader**. This form should be sent to the school in time for the request to be considered **well before** the desired period of absence. Parents are strongly advised not to finalise any booking arrangements before receiving the school's decision regarding their request. Schools cannot authorise any leave of absence unless the request is received before the period of absence begins.
2. The Department for Education (DfE) makes it clear that schools may not grant any leave of absence during term time unless there are **exceptional circumstances**. TMPF may also determine the number of school days a child can be away from school if the leave is granted.
3. There is no automatic right to any leave in term time.
4. Staffordshire County Council understands the challenges that some parents face when booking holidays, particularly during school holidays. However, we believe that, in order to ensure children receive the best education and prospects, they should be in school during term time.
5. Each case will be considered individually and on its own merits. Parents need, therefore, to consider carefully before making any request for leave of absence. In considering a request, the school will take account of:
  - the **exceptional** circumstances stated that have given rise to the request;
  - the stage of the child's education and progress and the effects of the requested absence on both elements;
  - frequency of similar requests;
  - whether the parent made the request in advance;
  - pupils due to take statutory tests will **not** be granted leave of absence.
6. Where parents have children in more than one school, a separate request must be made to each school. The leaders of each school will make their own decision based on the factors relating to the child at their school. However, TMPF may choose to liaise with other schools as part of their decision-making process.
7. Should the school decide to grant leave of absence, but the child **does not return to school at the time s/he was expected to** (i.e. following the expiry of the granted leave of absence period) and no information is available to the school to explain/justify the continuing absence, this subsequent absence will be recorded as unauthorised.
8. Should the school decide **not to grant leave of absence** and parents still take their child out of school: the absence will be recorded as **unauthorised**, which may be subject to a Penalty Notice fine of **£60 per parent\* per child**. This fine will increase to £120 if not paid within 21 days. Failure to pay the £120 fine within the period 22 to 28 days, may lead to Court proceedings.
9. The Local Authority will continue to monitor all school absences during term time and support Headteachers/School Leaders in challenging parents who ignore the law.

\* Generally the DfE states that parents include all those with day-to-day responsibility for a child.

**Request for leave during term time (TEMPLATE LETTER)**

*This form must be submitted at least 4 weeks prior to the requested leave of absence.*

Date of request.....

I request a leave of absence from school during term time for my child:

..... (full name) Year group: .....

for the period from (date): ..... to (date): .....

The **exceptional** circumstances and reason for this request are:

.....  
.....  
.....

I have another child/ other children in (an)other school(s) as follows:

Child(ren)'s full name(s)	School(s) attended

(Signature of 1<sup>st</sup> parent/carer(s).....Print Name.....

(Signature of 2<sup>nd</sup> parent/carer(s).....Print Name.....

**Please return completed form to the school office. The school will write to you and inform you of the decision on whether the request is authorised or not.**

**For Office Use Only**

Current Attendance.....%

Number of school sessions taken as leave during term time .....(this academic year)

**Agreed/Not Agreed**

Request for leave is agreed/is not agreed for the above student to take leave during term time between the above dates.

Rationale to decline request : .....

Signed .....(Executive Principal) Date .....

Notification of decision - date letter sent to parent/carer:

*(letter to be copied into pupil(s)'s file)*

## **Exceptional circumstance that leave would be granted:**

(Please note, this is by **no** means an **exhaustive list**, merely a guide)

- Family bereavement
- Immediate family wedding (i.e mother/father/sibling/grandparent)
- Sporting, artistic or musical participation or representation at notable level, such as playing cricket for Staffordshire/ performance on stage/ TV/ film.
- To receive a prestigious award.

## Persistent Absence – Attendance Letter 1

\*\*Date\*\*

Dear Mr/Mrs/Miss \*\*,

As you know through previous correspondence, we constantly monitor the attendance of all our children to ensure they are receiving their entitled education. \*\*Pupil/s name(s)\*\* current attendance is \*\*\*% which is below our threshold of 90%. It is our duty to inform you that this low percentage is a cause for concern.

Staffordshire Local Authority state, *'Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school'*.

Our key priority is to ensure that \*\*pupil/s name(s)\*\* is as successful as possible and is able to achieve well. Although we appreciate that children are unwell from time-to-time, we do ask that \*\*pupil/s name(s)\*\* attendance improves and that absence and lateness is kept to a minimum. Should she not attend school due to illness, we may insist upon medical evidence to support this absence. Any unauthorised absence or persistent lateness is reported to the Local Authority and they may choose to issue you with a Penalty Notice. We wish to support you in avoiding any further action being taken by improving \*\*name's\*\* attendance.

Should you wish to discuss this matter, please don't hesitate to contact myself or a member of staff.

Yours sincerely,

Mr J M Eccles  
Executive Principal



## Persistent Absence – Attendance Letter 2

\*\*Date\*\*

Dear Mr/Mrs/Miss \*\*,

Following our letter dated \*\*date\*\*, you will know that we constantly monitor the attendance of all our children to ensure they are receiving their entitled education and we were concerned about \*\*child's names\*\* attendance. His/ Her current attendance is \*\*\*% which is, as you know, below our threshold of 90%. It is our duty to inform you that this must improve with immediate effect, otherwise you are at risk of receiving a penalty notice/ fine, or face possible prosecution from the Local Authority. We do not wish to see this happen.

Staffordshire Local Authority state, *'Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school'*.

Our key priority is to ensure that \*\*pupil/s name(s)\*\* is in school and is able to achieve well. Although we appreciate that children are unwell from time-to-time, we ask that \*\*pupil/s name(s)\*\* attendance improves greatly and that absence and lateness is kept to an absolute minimum. Should \*\* he/she\*\* not attend school due to illness, we will insist upon medical evidence to support this absence. Any unauthorised absence or persistent lateness is reported to the Local Authority and they may choose to issue you with a Penalty Notice which could lead to a fine, or even prosecution. As mentioned, we sincerely wish to support you in avoiding any further action being taken, by improving \*\*name's\*\* attendance. Please can you contact school to arrange a meeting to see how we can work together to prevent the issuing of a penalty notice.

Should you wish to discuss this matter, please don't hesitate to contact myself or a member of staff.

Yours sincerely,

Mr J M Eccles  
Executive Principal

## Lateness Absence – Letter 1

**\*\*DATE\*\***

Dear **\*\*Mr/Mrs/Miss\*\***,

As you may know, we constantly monitor the attendance and punctuality of all our children to ensure they are receiving their entitled education. According to our records, **\*\*pupil's name\*\*** has been late for school on **\*\*\* occasions** over a period of **\*\*weeks**. It is our duty to inform you that this is a cause for concern.

Staffordshire Local Authority state, *'Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school'*.

Our key priority is to ensure that **\*\*pupil's name\*\*** is successful as a learner and is able to work towards achieving **\*\*his/her\*\*** learning potential. Therefore, we politely request that you ensure that **\*\*pupil's name\*\*** arrives in school between 08:45 and 08:55 every day.

Should you wish to discuss this matter, please don't hesitate to contact myself or a member of staff.

Yours sincerely

Mr J M Eccles  
Executive Principal

## Lateness Absence – Letter 2

\*\*DATE\*\*

Dear **Mr/Mrs/Miss**,

As you may know through newsletters and the letter we sent to you on **date**, we constantly monitor the attendance and punctuality of all our children to ensure they are receiving their entitled education. According to our records, **pupil's name** has now been late for school on **occasions** over a period of **weeks**. It is our duty to inform you that this must improve with immediate effect, otherwise you are at risk of receiving a penalty notice/ fine, or face possible prosecution from the Local Authority. We do not wish to see this happen.

Staffordshire Local Authority state, *'Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school'*.

Our key priority is to ensure that **pupil's name** is able to work towards enhancing **his/her** learning potential. Therefore, we politely request that, with immediate effect, you ensure that **pupil's name** arrives in school between 08:45 and 08:55 every day. Any persistent lateness is reported to the Local Authority and they may choose to issue you with a Penalty Notice which could lead to a fine, or even prosecution. As mentioned, we sincerely wish to support you in avoiding any further action being taken, by improving **name's** punctuality. Please can you contact school to arrange a meeting to see how we can work together to prevent the issuing of a penalty notice.

Should you wish to discuss this matter, please don't hesitate to contact myself or a member of staff.

Yours sincerely

Mr J M Eccles  
Executive Principal

## Leave of Absence Granted – Letter

\*\*DATE\*\*

Dear Mr/Mrs/Miss \*\*,

### **Re: Request for Leave of Absence**

Thank you for completing the 'Request for Leave of Absence during term time' form, requesting permission for \*\*pupil name/s\*\* to be absent from school from \*\*dates\*\*.

You will be aware that the Department for Education made important changes to the law for families wanting to request leave of absence in term time. The changes made it clear that schools may not grant any leave of absence during term time unless there are exceptional circumstances. The Local Authority and school Trustees support this; therefore pupils will only be given permission to take leave in term time if there are exceptional circumstances.

However, having looked at your application, I feel that your request can be supported in this instance due to exceptional circumstances. Therefore, the absence to include the dates requested will be authorised. It is my responsibility to inform you that a similar request next year, however, may not be authorised.

I know that you appreciate that our key priority of ensuring that \*\*pupil name/s\*\* is/are as successful as possible and are able to continue to work towards achieving their learning potential. I would therefore ask that you support your child in catching up on the learning they will miss in school.

Yours sincerely,

Mr J. Eccles  
Executive Principal

## Leave of Absence Not Granted – version 1

date

Dear Mr/ Mrs/ Miss \*\*\*

Thank you for completing the 'Request for leave during term time' form, requesting permission for \*\*\*\*\* to be absent from school from \*\*dates\*\*.

The Department for Education made important changes to the law for families wanting to request leave of absence in term time. The changes made it clear that schools may not grant any leave of absence during term time unless there are exceptional circumstances. The Local Authority and school Trustees support this; therefore, pupils will only be given permission to take leave in term time if there are exceptional circumstances.

Given that you have previously been \*\*declined/granted\*\* a leave of absence (see letter \*\*date of letter\*\* requesting for a holiday in term time for \*\*date of leave\*\*) your request cannot be supported in this instance. **Therefore, the absences to include the dates requested will be recorded as unauthorised absence. As you were informed in the letter you previously received, you may be subject to a penalty notice.**

Although you may find this disappointing, our key priority is to ensure that \*\*pupil name/s\*\* is as successful as possible and is able to achieve \*\*his/her\*\* full potential and the law also requires us to take this decision.

Yours sincerely,

Mr J M Eccles  
Executive Principal

## Leave of Absence Not Granted – version 2

\*\*DATE\*\*

Dear Mr/ Mrs/ Miss \*\*\*,

Thank you for your letter requesting permission for \*\*pupil name/s\*\* to take a leave of absence from school from \*\*dates\*\*.

You will be aware that the Department for Education made important changes to the law for families wanting to request leave of absence in term time. The changes made it clear that schools may not grant any leave of absence during term time unless there are exceptional circumstances. The Local Authority and school Trustees support this; therefore, pupils will only be given permission to take leave in term time if there are exceptional circumstances.

Your application has been considered very carefully. Although I understand the reason for your request, I am unable to approve leave of absence in this instance, as I believe the circumstances are not exceptional and a similar request was authorised on \*\*date\*\* this year (copy of original letter attached). **Therefore, if \*\*pupil name/s\*\* are away from school during this period, it will be recorded as unauthorised absence and I would have to notify the Local Authority.**

As a school we are obliged to inform you that you may be subject to a Penalty Notice if your children's absence from school is unauthorised. This is in line with Staffordshire County Council's Code of Conduct and is their decision, not school's decision.

The Penalty Notice fine would be:

- £60 per parent, per child if paid within 21 days; rising to
- £120 per parent, per child if paid between 21-28 days.
- If the fine is not paid within 28 days you may be prosecuted under S444.1 of the Education Act 1996.

I must advise you that if the prosecution takes place, the maximum fine is £1,000 per parent, per child. This reflects the seriousness of unauthorised absence from school.

Our key priority is to ensure that \*\*pupil name/s\*\* is/ are as successful as possible, and able to work towards their learning potential and gain maximum benefits from their educational experience.

I would hope that upon reflection you are able to support the decision in line with the Local Authority and Government policy, that leave should be restricted to the 13 weeks school holidays.

Should you wish to discuss this matter, please don't hesitate to contact myself or a member of staff.

Yours sincerely,

Mr J. Eccles  
Executive Principal

**Penalty Notice**  
**S.444 Education Act 1996**  
**(insert by S23 of the Anti Social Behaviour Act 2003)**  
Please read the notes overleaf carefully

**PART 1**

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence under s.444 Education Act 1996.

To: [title] [forenames] [surname]

Of: [address] [postcode]

You are a parent of [name and address of child] (called in this notice "the pupil") who is a registered pupil at [name of school].

Between [date] and [date] the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £60/£120 in accordance with the table overleaf. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days from date of issue. If paid after 21 days but within 28 days the penalty is doubled to £120. Payment should be made to [Local Authority Name] and can be made in person at [Local Authority Address] between 9am and 5pm Monday to Thursday 4.30pm on Fridays, or by posting this notice with a cheque or postal order to this address. **NO CASH PAYMENTS**

Late, cash or part payments will not be accepted and no reminders will be sent. **If payment is not received by [insert date 28 days from date of issue], you may be prosecuted for the offence and could be subject to a fine of up to £1,000.**

This notice is issued by [Local Authority Strategic Lead], Strategic Lead Targeted Services, on behalf of [Local Authority Name].

Date of issue: [Date]

## PART 2

Please complete the following and return this notice with your payment to **[Local Authority Name]**:

Name: **[insert name]**

Address: **[insert address]**

Child's name **[insert name]**

I attach payment in the sum of £ **NO CASH PAYMENTS ACCEPTED**

Signed:

Date:

### NOTES

#### 1. Contact Details

If you have any queries about this notice, please contact Staffordshire County Council at **[insert district contact name, telephone number, fax number and address]**

#### 2. Amount of penalty.

The amount of the penalty is as follows:

<b>When paid</b>		<b>To be paid by:</b>
Within 21 days	£60	<b>[insert date 21 calendar days from date of issue]</b>
Within 28 days	£120	<b>[insert date 28 calendar days from date of issue]</b>

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#### **Address payment to be sent to:**

**[Local Authority Contact Name and address]**



### 3. Code of conduct.

This notice is issued in accordance with a local code of conduct drawn up by [Local Authority Name]. Any questions or correspondence about the code should be addressed to the Strategic Lead- Targeted Services at [Local Authority Address].

### 4. Withdrawal.

This notice may be withdrawn by [Local Authority Name] if it is shown that it should not have been issued to you, it has not been issued to you in accordance with the local code of conduct or you did not receive the notice e.g. sent to wrong address. If you believe that the notice was wrongly issued you must contact the County Council to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The County Council will consider your request and will contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

### 5. Payment.

You should complete the notice above and send or deliver it to Targeted Services, [Local Authority Name] at the address given. Office opening hours, Monday to Thursday 9am - 5pm, Friday 9am - 4.30pm.

### 6. Prosecution.

If you do not pay the penalty, and the notice is not withdrawn, you will be prosecuted for the offence of failing to ensure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be able to defend yourself and you would be advised to seek legal representation; in some circumstances you may be entitled to legal aid.