



# Fernwood Primary and Nursery School

## Attendance and Absence Policy

Organisation	Fernwood Primary and Nursery School	Version date	December 2022
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DOCUMENT VERSION HISTORY		
Revision date	Author of changes	Summary of changes

## Statement of intent

School attendance is everyone's responsibility. Fernwood Primary and Nursery School believes that in order to facilitate teaching and learning, good attendance is essential. Pupils cannot achieve their full potential if they do not regularly attend school.

We understand that barriers to attendance are complex, and that some pupils find it harder than others to attend school; therefore, we will continue to prioritise cultivating a safe and supportive environment at school, as well as strong and trusting relationships with pupils and parents.

We take a whole-school approach to securing good attendance and recognise the impact that our efforts in other areas – such as the curriculum, behaviour standards, bullying, SEND support, pastoral support, and the effective use of resources such as pupil premium – can have on improving pupil attendance.

We are committed to:

- Promoting and modelling high attendance and its benefits.
- Ensuring equality and fairness for all.
- Ensuring this attendance policy is clear and easily understood by staff, pupils and parents.
- Intervening early and working with other agencies to ensure the health and safety of our pupils.
- Building strong relationships with families to overcome barriers to attendance.
- Working collaboratively with other schools in the area, as well as other agencies.
- Ensuring parents follow the framework set in section 7 of the Education Act 1996, which states that the parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable to their age, ability and aptitude, and to any SEND they may have, either by regular attendance at school or otherwise.
- Regularly monitoring and analysing attendance and absence data to identify pupils or cohorts that require more support.

## **1. Legal framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Equality Act 2010
- The Education (Pupil Registration) (England) Regulations 2006 (As amended)
- The Children (Performances and Activities) (England) Regulations 2014
- Children and Young Persons Act 1963
- DfE (2022) 'Working together to improve school attendance'
- DfE (2022) 'Keeping children safe in education 2022'
- DfE (2016) 'Children missing education'

## **2. Roles and responsibilities**

**The governing body has overall responsibility for:**

- Monitoring the implementation of this policy and all relevant procedures across the school.
- Promoting the importance of good attendance through the school's ethos and policies.
- Working with the SLT to set goals for attendance and providing support and challenge around delivery against those goals.
- Regularly reviewing attendance data.
- Sharing effective practice on attendance management and improvement across schools.
- Ensuring that this policy, as written, does not discriminate on any grounds, including, but not limited to, ethnicity/national origin, culture, religion, gender, disability or sexual orientation.
- Handling complaints regarding this policy as outlined in the school's Complaints Procedures Policy.
- Having regard to 'Keeping children safe in education' when making arrangements to safeguard and promote the welfare of children.

**The Executive Head Teacher is responsible for:**

- The day-to-day implementation and management of this policy and all relevant procedures across the school.
- Appointing a member of the SLT to be an 'Attendance Champion'.
- Ensuring all parents are aware of the school's attendance expectations and procedures.
- Ensuring that every pupil has access to full-time education and will act as early as possible to address patterns of absence.

**Staff are responsible for:**

- Following this policy and ensuring pupils do so too.
- Ensuring this policy is implemented fairly and consistently.
- Modelling good attendance behaviour.

- Using their professional judgement and knowledge of individual pupils to inform decisions as to whether any welfare concerns should be escalated.
- Where designated, taking the attendance register at the relevant times during the school day.
- Form positive relationships with families and build trust between school and home.
- Rewarding good attendance.
- Ensuring that children feel safe and happy to attend school

**The attendance team is responsible for:**

- The overall strategic approach to attendance in school.
- Developing a clear vision for improving attendance.
- Monitoring attendance and the impact of interventions.
- Analysing attendance data and identifying areas of intervention and improvement.
- Communicating with pupils and parents with regard to attendance.
- Following up on incidents of persistent poor attendance.
- Informing the LA of any pupil being deleted from the admission and attendance registers.
- Assisting parents and pupils with problems which may affect school attendance
- Rewarding good attendance.
- Referring to other agencies where there are specific needs and concerns.

**Pupils are responsible for:**

- Recognise they have to attend school
- Attending their lessons and any agreed activities when at school.

**Parents are responsible for:**

- Bringing their children to school on a regular basis and for them to be prepared for their day when they arrive.
- Arriving on time
- Promoting good attendance with their children.
- Providing accurate and up-to-date contact details.
- Providing the school with more than one emergency contact number.
- Updating the school if their details change.

**Family support worker is responsible for:**

- Supporting families
- Establishing good school routines

**Education Welfare Service are responsible for:**

- Providing a communication link between school and the Local Authority (LA)
- Helping parents to understand their legal responsibilities and rights within the Education system
- Advising parents who to contact within the LA for specialised assistance.
- Liaising with identified school staff

- Undertaking home visits, either pre-arranged or without notice as considered necessary on receipt of a detailed referral.
- Instigating legal proceedings on behalf of the LA including parental prosecutions in the Magistrates' Court and if deemed appropriate, apply for Education Supervision Orders through the Family Court.
- Planning and reviewing casework.
- Providing feedback to schools.
- Offering strategic/policy advice, support and training in relation to matters of attendance and absence from school.
- Working together with schools in the management and promotion of improving school attendance.
- Advise and support schools in the use of penalty notices and parenting contracts within the provisions of the Anti-Social Behaviour Act 2003.
- Hold termly targeted support meetings

### **3. Definitions**

The following definitions apply for the purposes of this policy:

#### **Absence:**

- Arrival at school after the register has closed
- Not attending school for any reason

#### **Authorised absence:**

- An absence for sickness for which the school has granted leave
- Medical or dental appointments which unavoidably fall during school time, for which the school has granted leave
- Religious or cultural observances for which the school has granted leave
- An absence due to a family emergency (Evidence will be required)

#### **Unauthorised absence:**

- Parents keeping children off school unnecessarily and/or without an authorised reason
- Absences which have never been explained
- Arrival at school after the register has closed
- Absence due to shopping, looking after other children or birthdays etc.
- Absence due to day trips and holidays in term-time which have not been agreed
- Leaving school for no reason during the day

#### **Persistent absence (PA):**

- Missing 10% or more of schooling across the year for any reason

#### **Severely Absent**

- Missing 50% or more of schooling across the year for any reason

## 4. Attendance expectations

The school has high expectations for pupils' attendance and punctuality and ensures that these expectations are communicated regularly to parents and pupils.

Pupils will be expected to attend school punctually every day they are required to be at school, for the full day.

Children should arrive and be in their class at the times show below.

Registers will be taken as follows throughout the school day:

### **F2, KS1 and our Lighthouse Pupils**

Pupils are expected to be in their classroom by 8.50am when their school day starts.

Children can arrive between 8.40 and 8.50am.

**Morning register will be taken at 8.50am.** If a child arrives in class after this time they will receive a late mark (L).

If a child arrives 20 minutes of more after this, at 9.10am or later they will receive a (U) code signifying they have arrived after the register has closed, this is an unauthorised absence for the morning session.

The afternoon register will be taken at **1.00pm** for **F2 pupils** and **1.15pm** for **KS1 and the Lighthouse**. Registers close after 20 minutes.

### **KS2 Pupils**

Pupils are expected to be in their classroom by 8.45am when their school day starts.

Children can arrive between 8.35 and 8.45am.

**Morning register will be taken at 8.45am.** If a child arrives in class after this time they will receive a late mark (L).

If a child arrives 20 minutes of more after this, at 9.05am or later they will receive a (U) code signifying they have arrived after the register has closed, this is an unauthorised absence for the morning session.

The afternoon register will be taken at **1.15pm** for **Y3 and Y4** pupils and **1.30pm** for **Y5 and Y6**. Registers close after 20 minutes.

## **WORKING TOGETHER TO IMPROVE SCHOOL ATTENDANCE AT FERNWOOD PRIMARY AND NURSERY SCHOOL**

The Guide below shows the approximate number of days per term in relation to percentage and the actions that could follow re non-attendance in the hope of improving attendance and providing support.

<b>Autumn Term</b>	<b>Spring Term</b>	<b>Summe Term</b>		
<b>8+ DAYS OFF</b>	<b>13+ DAYS OFF</b>	<b>20+ DAYS OFF</b>	Under 89%	<ul style="list-style-type: none"> <li>• Acknowledge improvements in attendance</li> <li>• Letter to parent/s informing them that a referral has been made to EWS</li> <li>• EWS procedure begins</li> <li>• School to maintain contact with the family and continue with their attendance procedures; telephone calls, home visits etc</li> </ul>
<b>6-7 DAYS OFF</b>	<b>9-12 DAYS OFF</b>	<b>14-19 DAYS OFF</b>	90- 92%	<ul style="list-style-type: none"> <li>• Acknowledge improvement in attendance for the students who have moved into this category from the below categories</li> <li>• At 90% - letter to parents advising them that EWS will be informed of their child's attendance</li> <li>• At Targeted Support Meeting discuss individual students; agree Attendance Panels.</li> <li>• Attendance Panel. Education Welfare Specialist and Education Welfare Officer to attend.</li> <li>• School to complete EWS referral for suitable cases. Education Welfare Specialist to approve referrals.</li> <li>• School to maintain contact with the family and continue with their attendance procedures; telephone calls, home visits etc</li> </ul>
<b>4-5 DAYS OFF</b>	<b>6-9 DAYS OFF</b>	<b>9-14 DAYS OFF</b>	93- 95%	<ul style="list-style-type: none"> <li>• Acknowledge improvement in attendance for the students who have moved into this category from the below categories</li> <li>• School staff to have weekly check ins</li> <li>• School to complete home visit</li> <li>• School to consider Early Help assessment to highlight barriers to learning and offer support (<i>requirement for LA</i>)</li> <li>• School to develop an attendance plan with parent at a parent meeting (<i>requirement for LA</i>) – <i>second letter to be sent</i></li> </ul>

<b>2-3 DAYS OFF</b>	<b>2-5 DAYS OFF</b>	<b>2-8 DAYS OFF</b>	96 – 98%%	<ul style="list-style-type: none"> <li>• Attendance matters sessions</li> <li>• Acknowledge consistent weeks and 100% weeks</li> <li>• Discuss tutor group/ overall class attendance and offer praise to movers</li> <li>• Tutor to discuss 96% attendees with Attendance Officer</li> <li>• Request notes for unauthorised absences and update relevant systems</li> <li>• Talk with parents and students regarding attendance levels dropping</li> <li>• Trigger first attendance letter for children falling within 96-98% attendance category and phone call home</li> <li>• School to complete home visit</li> </ul>
<b>0 – 2 DAYS OFF</b>	<b>0 – 2 DAYS OFF</b>	<b>0 – 2 DAYS OFF</b>	99- 100%	

## 5. Absence procedures

### Illness and other legitimate reasons.

Parents will be required to contact the school office via telephone or text message on the first day and each day of absence thereafter of their child's absence – they will be expected to provide an explanation for the absence and an estimation of how long the absence will last, e.g. one school day.

The school will decide in all cases whether to authorise an absence on the basis of the evidence available.

### Holidays in term time (family holidays)

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 state that schools can no longer grant any leave of absence during term time unless there are exceptional circumstances.

If families, choose to take their child out of school during term time for an unauthorised holiday/leave of absence they will be referred to Education Welfare for a penalty notice to be issued.

- Penalty notices are issued per parent per child. They are £60 if paid within 21 days rising to £120 if paid after 21 days but before 28 days. If the penalty notice remains unpaid then the Local Authority may instigate legal proceedings against you under section 444(1) of the Education Act 1996. If found guilty of this offence you could be fined up to £1000
- A referral will be made for a Penalty Notice to be issued if the school is informed or suspect that a family has been on holiday whilst suggesting to the school another reason of absence. It will be up to the family to prove that they have not taken a family holiday.
- Children/young people taken out of school for a holiday will have the non-attendance recorded as an unauthorised absence 'G' code



- A child or young person who does not return to school at the end of the recorded unauthorised holiday date will initially be subject to enquiries being made by the school.
- If after ten days of the expected return date, the child/young person has still not returned to school, a referral will be made to the Education Welfare Service for further enquiries to be made.
- Following the above information, if a parent/carers still intends to take their child on holiday during term time, they have a duty to inform the school of this action and give at least 6 weeks' notice of the event
- Parent/carers must complete a 'Leave of Absence' form, obtained from the school office (Appendix 1)

### **Responding to non-attendance**

The following actions may be applied when addressing concerns around non-attendance to all pupils:

- A 'School Comms' text will be sent out, followed by a telephone call if contact is not made by the parent
- Failure to inform the school of reasons of absence will result in an unauthorised absence being recorded. A second text message will be sent explaining this.
- If face to face or telephone contact appears to be deliberately avoided, we will, as a school, consider unannounced home visits
- Any child, who is absent for more than 3 days, is required to bring in medical evidence as proof of illness. Failure to inform the school of a child's reason of absence may result in a home visit from a member of our Attendance Team
- The Attendance Champion will contact parents if a child has 3 days of absence within a half term to discuss if there are any problems or concerns that they could support with. These 3 days do not have to be consecutive but should also give parents more of an insight into gaps in learning and the knock-on effect these days can have.
- Pupil attendance is reviewed every week

### **Persistent Absentees**

All pupils with an attendance rate of **90%** and below are considered as persistent absentees and will be closely monitored. The following actions are highly probable for such cases:

- A text message will be sent to inform the family of their child's attendance has fallen below 90% along with an 'Attendance Reach-out' questionnaire
- A letter will be sent out to inform parents of the actions if their child's attendance remains or continues to fall below 90%
- Further absences will be unauthorised unless one of the following is shown to school: a medical certificate, a letter from a medical practitioner, dated prescribed medication or an appointment slip/text message.
- Parents/carers will be invited to attend an attendance clinic in school if there is little or no improvement in their child's attendance. This may require parents to work alongside our Family Support Worker to improve their child's attendance and routines.
- An Attendance Improvement Plan will be put in place and reviewed. Copy will be given to parents.

- Parents/carers will be invited to attend a formal review with our Deputy Head Teacher and Education Welfare Officer if attendance shows no improvement
- A formal request for intervention will be made to the Education Welfare Service for legal action to be considered
- For any child whose attendance falls below 60% - agencies will take full account of all that is known about the child and consider completing a Multi-Agency Referral Form (MARF) for additional support from Children's Social Care
- Whenever possible, the school's Attendance Leads and/or Family Support Worker will offer support and guidance to avoid poor attendance levels. Looking at alternative support to help avoid those external barriers preventing a parent from bringing a child to school.

### **Lateness**

Registration periods last for 20 minutes after which time the register will close. Any pupil arriving after the start time, but within the twenty minutes will be recorded as an 'L' code which signifies late.

Any pupil arriving after the 20 minutes will be recorded as 'U' code which signifies that they arrived after the official close of the register, which denotes an unauthorised absence.

Issues relating to punctuality will initially be addressed with the parents/carers in the following ways:

- If there are 2 or more lates in a one-week period, parents will receive a text message
- If this occurs for 3 occasions, a call will be made by the Attendance Champion to parents to discuss
- If no improvement is made, parents will be informed that we will monitor lateness with U codes
- If there is still no improvement, formal meetings in school will be arranged where attendance targets will be agreed.
- If The Local Authority will be asked to issue a Penalty Notice on the school's behalf for any pupil registered late (recorded as U) 10 sessions or more in a six-week period.
- The school may request that a Penalty Notice is issued where there has been persistently lateness that results in unauthorised absences being recorded.

### **Safeguarding/leave of absence in term time/extended leave of absence**

Any safeguarding issues pertaining to a child being taken out of school in circumstances that cause concern will be addressed directly to the Social Care Duty Team via a Multi-Agency Referral Form (MARF).

Any child absent from school for more than 20 days will be referred to the Children Missing Education(CME) team after all relevant checks made by school.

### **Children Missing Education (CME)**

Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Staff should be aware of their

school's unauthorised absence and children missing from education procedures and Attendance Policy:

- Parents are expected to contact school on the first day of absence and each day thereafter
- School will contact parents if no reason of absence has been given to school, initially by School Comms text, if there are attendance, welfare or safeguarding concerns this will also include a telephone call
- School Comms text and phone call if no contact has been made, on the previous day, additional emergency contact numbers will also be called
- Potential home visit if no contact is made, and contact made with any additional agencies who are working with the family (who may be in a better position to visit the family)
- Referral to CME if information is gained that the family have moved out of area
- Referral to CME if child has not returned after 10 days with no contact from the family after efforts made by school, if we believe the child should or may be removed from roll whether the onward school is known or not
- The Children Missing Education (CME) Officer within the Education Welfare Service will work closely with the school to try to identify the child's current whereabouts/destination
- Both parties will then agree an appropriate time and category to remove the child from the school roll. This includes those children and young people who are expected to move swiftly into appropriate provision; this is in line with The Education (Pupil Registration) (England) (Amendment) Regulations 2016
- After 20 school days of absence and efforts by both the school and CME to find the child prove unsuccessful, the CME Officer will consult the school to discuss whether to remove their name from the school roll. The final decision about removal from a school roll remains with the Executive Head Teacher following consultation with the Local Authority via CME
- The school will create a 'lost pupil' record on the national Lost Pupil's Database School to School (s2s) to assist future schools and Children Missing from Education Officers to identify and locate children
- It is the duty of both the Education Welfare Service and school to collaborate in finding the pupil before deleting them from the register
- For further information please contact the CME Officers directly - [cme.educationwelfare@nottinghamcity.gov.uk](mailto:cme.educationwelfare@nottinghamcity.gov.uk)

## **6. Attendance register**

The school uses SIMS to keep attendance registers to ensure they are as accurate as possible and can be easily analysed and shared with the appropriate authorities.

Designated staff members will take the attendance register at the start of each school day and at the start of the afternoon session. This register will record whether pupils are:

- Present.
- Absent.
- Attending an approved educational visit.
- Unable to attend due to exceptional circumstances.

The school will use the national attendance codes to ensure attendance and absence are monitored and recorded in a consistent way. The following codes will be used:

- / = Present in the morning
- \ = Present in the afternoon
- L = Late arrival before the register has closed
- C = Leave of absence granted by the school
- E = Excluded but no alternative provision made
- H = Authorised holiday
- I = Illness
- M = Medical or dental appointments
- R = Religious observance
- B = Off-site education activity
- G = Unauthorised holiday
- O = Unauthorised absence
- U = Arrived after registration closed
- N = Reason not yet provided
- X = Not required to be in school
- T = Gypsy, Roma and Traveller absence
- V = Educational visit or trip
- P = Participating in a supervised sporting activity
- D = Dual registered – at another educational establishment
- Y = Exceptional circumstances
- Z = Pupil not on admission register

When the school has planned in advance to be fully or partially closed, the code '#' will be used for the relevant pupils who are absent. This code will also be used to record year groups who are not due to attend because the school has set different term dates for different years, e.g. induction days.

All amendments made to the attendance register will include the original entry, the amended entry, the reason for the amendment, the date of amendment and the name and role of the person who made the amendment.

Every entry received into the attendance register will be preserved for three years.

## **7. Authorising parental absence requests**

### **Leave of absence**

At Fernwood Primary and Nursery School we request that all applications for leave of absence must be made 6 weeks in advance by the parents/carers or corporate parent that the pupil normally resides with. We request that a Leave of Absence form (see Appendix 1) and a conversation with the attendance team be completed. Then, a written response will be provided.

Any leave of absence granted by the school is recorded as authorised absence using the appropriate national code. Periods that are refused are recorded as unauthorised absences. At Fernwood Primary and Nursery School, when considering such requests, we take into account the following:

- Circumstances of the request

- Purpose of the leave
- The pupil's general absence/attendance record over the last twelve months
- The amount of time requested
- Length of the proposed leave
- The proximity to SATs
- General welfare of the pupil

As mentioned, such requests receive a response in writing that addresses the following points:

- The expected date of return
- That the parents are expected to contact the school if anything delays the pupil returning to school when expected
- What action will be taken if the pupil fails to return when expected
- Additional family contact numbers/email addresses

A letter will be sent out should a request be refused. This will state what action will be taken if the parents/carers ignore the refusal and keep their child away; (Appendix 2) with a follow up letter after their return stating that a referral will be made to the Education Welfare Service for a request for service and/or a penalty notice to be issued (Appendix 3)

### **Healthcare appointments**

Parents will be expected to make medical or dental appointments outside of school hours wherever possible. Where this is not possible and appointments need to be made during school hours, parents will be expected to provide proof of appointments (appointment cards, letters, texts, emails etc.) to obtain approval for their child's absence to attend such appointment. Parents will be responsible for ensuring their child misses only the amount of time necessary to attend the appointment.

### **Religious observance**

Parents will be expected to request absence for religious observance at least two weeks' in advance.

In Nottingham city one day for each religious festival should be counted as authorised absence. The Pupil Regulations 2006 state that absence for religious observance should be treated as authorised (absence) '*on a day exclusively set apart for religious observance by the religious body to which the parent belongs*'. Additional days off for shopping or for extended celebrations should be treated as unauthorised absence.

In respect of pilgrimages, school may request to see copies of visas. Dates of return should also be agreed prior to the period of leave.

## **8. SEND- and health-related absences**

Fernwood Primary and Nursery School recognises that pupils with SEND and/or health conditions, including mental health issues, may face greater barriers to attendance than their

peers, and will incorporate robust procedures to support pupils who find attending school difficult.

The school will ensure that reasonable adjustments are made for disabled pupils to reduce barriers to attendance, in line with any EHC plans or IHPs that have been implemented. The school will secure additional support from external partners to help bolster attendance where appropriate.

Where the school has concerns that a pupil's non-attendance may be related to mental health issues, parents will be contacted to discuss the issue and whether there are any contributory factors to their child's lack of attendance. Where staff have a mental health concern about a pupil that is also a safeguarding concern, they will inform the DSL and the Child Protection and Safeguarding Policy will be followed. All pupils will be supported with their mental health in accordance with the school's Social, Emotional and Mental Health (SEMH) Policy.

### **Managing absences of pupils with health care needs**

- Parents are advised to contact the school on the first day their child is unable to attend due to illness
- Absences of pupils with health care needs will not be authorised unless the family has had prior discussion with school staff about the challenges and difficulties presented by their child's needs; this will enable school to understand the context and complexity of their child's additional health care needs. Fernwood Primary and Nursery School is committed to supporting all children regardless of their needs and is very much interested in offering support, guidance and referral to the relevant agencies
- Absences of known pupils due to health needs will be authorised (using the relevant codes) unless the school has genuine cause for concern which will trigger attendance and/or safeguarding procedures
- The school will continue to provide support to pupils who are absent from school because of health needs by liaising with the pupil's parents to arrange schoolwork as soon as the pupil is able to cope with it and if available facilitate online access to the curriculum from home
- To help ensure a pupil with additional health needs is able to attend school following an extended period of absence, a personalised or part-time timetable will be considered. Agreed periods of absence due to a part-time education timetable will be recorded with a C code for pupils of compulsory school age and an X code for non-compulsory school aged pupils

The school will incorporate an action plan to help any pupils with SEND and/or health issues cope with the stress and anxiety that attending school may cause them. Such plans will be regularly monitored and reviewed until the pupil is attending school as normal and there has been signs of significant improvement.

To support the attendance of pupils with SEND and/or health issues, the school will consider:

- Holding termly meetings to evaluate any implemented reasonable adjustments.
- Incorporating a pastoral support plan.
- Carrying out strengths and difficulties questionnaire.
- Identifying pupils' unmet needs through the Early Help Assessment
- Using an internal or external specialist.

- Enabling a pupil to have a reduced timetable for a limited time.
- Ensuring a pupil can have somewhere quiet to spend lunch and break times.
- Implementing a system whereby pupils can request to leave a classroom if they feel they need time out.
- Temporary late starts or early finishes.
- Phased returns to school where there has been a long absence.
- Small group work or on-to-one lessons.
- Tailored support to meet their individual needs.

## **9. Working with parents to improve attendance**

The school will work to cultivate strong, respectful relationships with parents and families to ensure their trust and engagement. Open and honest communication will be maintained with pupils and their families about the expectations of school life, attendance and performance so that they understand what to expect and what is expected of them. The school will liaise with other agencies working with pupils and their families to support attendance, e.g. social services.

The school will ensure that there are two sets of emergency contact details for each pupil wherever possible to ensure the school has additional options for getting in touch with adults responsible for a pupil where the pupil is absent without notification or authorisation.

The school will ensure that parents are aware of their legal duty to ensure that their child attends school regularly and to facilitate their child's legal right to a full-time education – parents will be made aware that this means their child must attend school every day that it is open, save for in certain circumstances, e.g. sickness or absences that have been authorised by the Executive Head Teacher in advance. The school will regularly inform parents about their child's levels of attendance, absence and punctuality, and will ensure that parents are aware of the benefits that regular attendance at school can have for their child educationally, socially and developmentally.

If a pattern of absence becomes problematic, the attendance team will work collaboratively with the pupil and their parents to improve attendance by addressing the specific barriers that prevent the pupil from being able to attend school regularly. The school will always take into consideration the sensitivity of some of the reasons for pupil absence and will approach families to offer support rather than immediately reach for punitive approaches.

Where these barriers are related to the pupil's experience in school, e.g. bullying, the attendance team will work with the Executive Head Teacher and any relevant school staff, e.g. the DSL and SENCO, to address this. Where the barriers are outside of the school's control, e.g. they are related to issues within the pupil's family, the attendance team will liaise with any relevant external agencies or authorities, e.g. children's social care or the LA, and will encourage parents to access support that they may need.

- Nottingham City Council Code of Conduct in Relation to Penalty Notices

1. Request for Term Time absence form to be completed online
2. Letter – Unagreed Leave of Absence Response to Parent letter
3. Letter – referral for Penalty Notice Letter

- Education Welfare Service letter templates 1 to 4 for appropriate use
- Attendance improvement plan



**Nottingham**  
**City Council**



## **NOTTINGHAM CITY COUNCIL CODE OF CONDUCT IN RELATION TO PENALTY NOTICES**

### **1. Rationale**

- 1.1 Regular and punctual attendance of pupils at school is a legal requirement. Under section 7 of the Education Act 1996 parents are responsible for ensuring the efficient fulltime education according to the child's age, ability and aptitude and to any special needs the child may have for all compulsory school age children. The Education Welfare and EOTAS Service (EW & EOTAS Service) will investigate cases of irregular school attendance by undertaking casework and, where appropriate, instigate legal action under the Education Act 1996 for unauthorised absence.
- 1.2 This Code of Conduct will govern all Penalty Notices issued in respect of children of compulsory school age who are registered at a maintained school, a Pupil Referral Unit, an Academy, A City Technology College, a City College for the Technology of the Arts, Free Schools and those attending alternative provision within the jurisdiction of Nottingham City Council, hence referred to as the LA (Local Authority).
- 1.3 The term 'school' will apply to those establishments listed above.
- 1.4 The purpose of the code is to ensure that Penalty Notices are issued consistently and fairly across the LA. The issuing of Penalty Notices will be administered by the EW & EOTAS Service to ensure independence, proportionality and fairness regarding compliance with the law and regulations and that the provisions of this code do not conflict with other forms of statutory intervention pursued by the EW & EOTAS Service.

### **2. Guidance and Legislation**

- 2.1 The Anti-Social Behaviour Act 2003, Section 23, Sub-Section (1) adds two new Sections (444A and 444B) to Section 444 of the Education act 1996. The Act empowers designated LA Officers, Head Teachers (and Deputy/Assistant Head Teachers authorised by them) and the Police, Community Support Officers and accredited persons to issue Penalty Notices. Under these sections, penalties are set at £60 if paid within 21 days of the notice, rising to £120 if paid after 21 days but within 28 days of the Notice. These Sections enable Penalty Notices to be issued as an alternative to prosecution under Section 444(1) Education Act 1996 and enable parents to discharge liability for conviction for that offence by paying the penalty.
- 2.2 The Education (Penalty Notices) (England) (Amendment) Regulations 2013 amended the Education (Penalty Notices) (England) Regulations 2007 to the effect that leave of absence should only be granted where the application for leave has been made in advance and there are exceptional circumstances for the leave.

- 2.3 In relation to exclusions, The Education and Inspections Act 2006 section 103 places a duty on parents in relation to an excluded pupil to ensure that their child is not present in a public place during the first five days and school hours without reasonable justification. This criterion applies to each and every fixed term or permanent exclusion. These days are known as the 'specified days of exclusion.' Under section, 104 schools must notify parents in writing that they are responsible for the child during these days. Section 105 allows for a Penalty Notice to be issued to a parent guilty of an offence under section 103(3)
- School hours are defined 'as school session or the break between sessions on the same day'
  - Public place means any highway or other public place to which the public have access
  - Reasonable justification is provided by the parent prior to the issuing of a Penalty Notice. A justification which is reasonable will depend on points of fact and proof and is a matter for the Court.
- 2.4 The parent is liable for a Penalty Notice if they fail to ensure the attendance of a child at the alternative provision following permanent exclusion.
- 2.5 Within this Code of Conduct, a parent is as defined in Section 576 Education Act 1996.

### **3. Procedures for Issuing Penalty Notices**

- 3.1 The EW & EOTAS Service will consider requests for service and determine the appropriate response based on the evidence provided, the level of unauthorised absence and previous involvement. The decision to issue a Penalty Notice will be made on a case by case basis. Schools should adopt the DfE guidance 'Working together to improve school attendance'.
- 3.2 Parents will have been warned in writing before a Penalty Notice is issued.
- 3.3 In relation to Penalty Notices for exclusions or Truancy Patrols, the parent will be given the opportunity to provide a reason for the child being seen in a public place.
- 3.4 Penalty Notices will only be issued subject to the approval of the Service Manager or Legal Intervention Officers.
- 3.5 Penalty Notices will always be issued by first class post unless it is deemed appropriate to hand deliver the Penalty Notice.
- 3.6 No parent will receive more than three Penalty Notices resulting from the unauthorised absence of an individual child in any twelve-month period.

Unless the child is encountered for a second or subsequent time on a truancy patrol or the child is seen in a public place while excluded.

- 3.7 The collection of payments and issuing of receipts will be administered by the Local Authority.

#### **4. Circumstances for Issuing a Penalty Notice**

- 4.1 Penalty Notices can be issued for

- Irregular attendance (unauthorised absence)
- Unagreed leave for holiday or absence
- Excluded pupil failing to attend provision after the fifth day of exclusion
- Excluded pupil seen in a public place within the first five days of the exclusion
- Pupil stopped on more than one occasion during a three-month period
- On behalf of neighbouring Local Authorities

- 4.2 Penalty Notices will be issued to a parent(s) if:

- the pupil has at least 38 unauthorised absences over the equivalent of a school year (380 sessions) or;
- a Deferred Prosecution Notice has been breached
- an Advisory Notice has been breached

In the case of Unagreed leave, Penalty Notices will be issued if

- There have been at least 10 consecutive school sessions of unauthorised absence or
- If the Unagreed leave of absence immediately precedes, or is attached to, a school closure (e.g. school holidays/INSET/school closure etc.) or any form of absence.

Unauthorised absence is where the school has either not received a reason for absence or the reason given is unacceptable. It is the Head Teacher who determines whether or not the absence is authorised.

#### **5. Withdrawing a Penalty Notice**

- 5.1 A Penalty Notice may be withdrawn by the Local Authority in any case the authority determines that:

- when it has not been issued in accordance with the Code of Conduct
- It has been issued to the wrong person.
- It contains material errors
- Where the LA decide not to prosecute the offence

## **6. Payment of Penalty Notices**

- 6.1 Non-payment of the Penalty Notice must result in the consideration of prosecution under section 444(1) Education Act 1996. The fact that a Notice was issued and unpaid can be used as evidence in the prosecution case.
- 6.2 There is no mechanism to pay by instalments or to appeal the issuing of a Penalty Notice.
- 6.3 Revenue generated from the Penalty Notices will be used to cover the costs of issuing and enforcing notices or the cost of prosecuting parents who do not pay. Any surplus will be surrendered to the Secretary of State.

## **7. Administration of the Penalty Notice Scheme**

- 7.1 The Penalty Notice Scheme will be administered by the Education Welfare Service with support from the Finance Department.
- 7.2 The purpose of this Code of Conduct is to ensure that the powers are applied consistently and fairly across the Local Authority and to state the administration arrangements of the scheme.
- 7.3 Any person authorised to issue a Penalty Notice shall only do so in accordance with this Code of Conduct.

This Code of Conduct will be regularly reviewed and developed in accordance with DfE guidance, legislation, case law and local circumstances.

To be reviewed annually.

Last reviewed: 31<sup>st</sup> August, 2022

Next review date: on or before 1<sup>st</sup> September, 2023

## **REQUEST FOR TERM TIME ABSENCE - FERNWOOD PRIMARY & NURSERY SCHOOL – ONLINE FORM**

Application must be completed by parent/carer with whom the child normally resides.  
Term time absence requests must be made 6 weeks in advance.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 state that schools can no longer grant any leave of absence during term time unless there are exceptional circumstances.

If families, choose to take their child out of school during term time for an unauthorised holiday/leave of absence they will be referred to Education Welfare for a penalty notice to be issued. Please refer to the school attendance policy for further details.

In the case of unagreed leave (unauthorised absence), Penalty Notices will be issued if there have been at least 10 consecutive school sessions of unauthorised absence **(5 school days)** or the unagreed leave of absence immediately precedes, or is attached to, a school closure (e.g. school holidays/INSET/school closure etc.) or any form of absence.

Penalty notices are issued per parent per child for children over 5 years of age. They are £60 if paid within 21 days rising to £120 if paid after 21 days but before 28 days. If the penalty notice remains unpaid then the Local Authority may instigate legal proceedings against you under section 444(1) of the Education Act 1996

<b>Child's Name</b>	
<b>Class</b>	
<b>Sibling details</b>	
<b>Name of parent making application</b>	
<b>Relationship to child/ren</b>	
<b>Home address</b>	
<b>E-mail address</b>	
<b>First day of absence</b>	
<b>Return date to school</b>	

<b>Total number of days of school absence</b>	
<b>Reason of absence</b> - please provide details/reason in the box below for request of term time absence for your child/children. (Additional supporting documents relating to exceptional circumstances should be e-mailed to admin@fernwoodprimary.co.uk within 2 days of submission of this form)	
Supporting documents expected	
<b>Employer details</b> - Name, address and telephone number of your or your partners employer if absence request is due to work commitments/limitations from your employer to take leave during school holidays. Please e-mail a letter confirming this from your employer to admin@fernwoodprimary.co.uk	
Employer letter expected	

### **Additional Factors for Consideration**

Any leave of absence granted by the school is recorded as authorised absence using the appropriate national code. Periods that are refused are recorded as unauthorised absences (unagreed leave). When considering such requests we take into account the following:

- Circumstances of the request
- Purpose of the leave
- The pupil's general absence/attendance record over the last twelve months
- The amount of time requested
- Length of the proposed leave
- The proximity to SATs
- General welfare of the pupil

Parents are expected to contact the school if anything delays the pupil returning to school when expected.

Once we have received your request for term time absence we will respond to you in writing confirming if the request has been granted or not.

Unagreed Leave of Absence Response letter to parent –  
Template – Appendix 2



## Fernwood Primary & Nursery School

Acting Executive Head Teacher Mrs L Orme  
Acting Head of School Mrs D Giles  
Arleston Drive Wollaton  
Nottingham NG8 2FZ  
Telephone: 0115 9155727  
E-mail: [admin@fernwoodprimary.co.uk](mailto:admin@fernwoodprimary.co.uk)  
Website: [www.fernwoodprimary.co.uk](http://www.fernwoodprimary.co.uk)

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Dear

### Re Unagreed Leave of Absence –

I am writing further to your e-mail/letter/message advising that xxxxxxxx will be absent from school from xxxxxxxx to xxxxxxxx , a period of xxxx school days.

As per the Department of Education and Local Authority guidance, leave of absence from school is not encouraged. The current law does not give entitlement to parents to take their child on leave in term time. Please note it is the Head Teacher's decision whether to authorise an absence.

If there are any exceptional circumstances that you wish to be considered please ensure that the evidence is provided to school, marked for my attention by the (5 days notice)

If satisfactory evidence is not received, in accordance with our attendance policy the absence will **not be authorised** on the school register and the matter may be referred to the Local Authority for a penalty Notice to be considered upon xxxxxxxx's return to school.

**Please note that where penalty notices are issued they are per parent per child. They are £60 if paid within 21 days rising to £120 if paid after 21 days but before 28 days. If the penalty notice remains unpaid then the Local Authority may instigate legal proceedings against you under section 444(1) of the Education Act 1996. If found guilty of this offence you could be fined up to £1000.**

Should you wish to discuss this matter further please contact me.

Yours sincerely

Mrs L Orme  
Acting Executive Head Teacher

Penalty Notice Referral letter to parent –  
Template – Appendix 3



## Fernwood Primary & Nursery School

Acting Executive Head Teacher: Mrs L Orme  
Acting Head of School: Mrs D Giles  
Arleston Drive Wollaton  
Nottingham NG8 2FZ  
Telephone: 0115 9155727  
E-mail: [admin@fernwoodprimary.co.uk](mailto:admin@fernwoodprimary.co.uk)  
Website: [www.fernwoodprimary.co.uk](http://www.fernwoodprimary.co.uk)

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Dear

**Re: - Unagreed Leave of Absence – Referral for Penalty Notice**

Further to my letter of XXXXXX I am writing to advise you that we will be referring the unauthorised absence recently taken by XXXXXXXXXXXX to the Local Education Authority

XXXXXX was absent from school from XXX to XXX a total of XXX days, XXX days were **unauthorised absence**.

The Education Authority are likely to issue a Penalty Notice in relation to this term time absence.

Yours sincerely

Mrs L Orme  
Acting Executive Head Teacher



**LETTER 1: 96 – 98%**

School headed paper

Full name of parent  
Full address

Date

Dear

**Re: CHILD NAME AND ATTENDANCE PERCENTAGE**

At **{your school}** each child is expected to attend every session available however, from time to time, we appreciate this may not be possible.

According to our records, **{name of child}** has been absent from school on the following dates:

As you are aware all parents are expected to notify the school on the first day of any (pupil's) absence to provide the reason for all absence along with an expected date of return to school. To date we have not received any contact from you. Please contact school as soon as possible to explain the reason for these absences.

Failure to notify school of any absence that has not been explained within two weeks will be recorded as unauthorised absence. This is when the reason provided does not comply with Government guidelines or no reason has been provided. The decision to authorise absence is a school decision.

We are committed to working with you to improve your child's attendance. If you wish to discuss this matter further, please contact me on **{telephone number}**.

Yours sincerely,

**Attendance Officer**

LETTER 2 – 93% - 95%

School headed paper

Full name of parent  
Full address

Date

Dear

**Re: CHILD NAME AND ATTENDANCE PERCENTAGE**

Following my previous letter dated **{date of letter 1}**, **{name of pupil}**'s attendance has failed to improve and now stands at **{attendance percentage}**.

Studies confirm that poor attendance at school directly impacts on a pupil's achievement. It is essential that **{name of pupil}** improves **(his/her)** attendance in order to increase the chances of academic success.

In order to discuss this matter further I am inviting you to attend a meeting at school with me on:

**{Day}**

**{Date}**

**{Time}**

At this meeting an attendance improvement plan will be developed in order to address any barriers your child may be experiencing and to look at strategies to support their attendance.

School will continue to monitor your child's attendance. Should this fail to improve (pupil name) may be discussed at a Targeted Support Panel with the Local Authority.

We are committed to working with you to improve your child's attendance. If you wish to discuss this matter further, please contact me on **{telephone number}**.

Yours sincerely

**Attendance Officer**

LETTER 3 – 90-92%

School headed paper

Full name of parent  
Full address

Date

Dear

**Re: CHILD NAME AND ATTENDANCE PERCENTAGE**

I am concerned that despite previous interventions you have failed to provide a satisfactory explanation for **(pupil's name)** absences. I enclose your child's registration certificate for information.

***EITHER (Delete whichever paragraph that does not apply)***

You were recently invited to a meeting to discuss the attendance concerns but you failed to attend. The matter will now be escalated for discussion at a Targeted Support Panel, held jointly with an Officer from the Education Welfare Service. A decision will be made as to whether a referral to the service is appropriate at this stage.

**OR** You recently attended a meeting to discuss the continued absences. At that meeting we developed and agreed an attendance improvement plan together. A copy of this plan along with the meeting minutes are enclosed. Your child's attendance has failed to improve and will now be discussed at a Targeted Support Panel, this will include an Officer from the Education Welfare Service.

Failing to ensure regular attendance at school may result in the issuing of a Penalty Notice or prosecution. Penalty Notices are set at £60 if paid by 21 days and £120 if paid between 22 and 28 days. Any legal proceedings would relate to section 444 or 444(1A) of the Education Act 1996.

We are committed to working with you to improve your child's attendance. If you wish to discuss this matter further, please contact me on {telephone number}.

Yours sincerely

**Attendance Officer**

Enc. (select appropriate)  
Attendance certificate  
Attendance Improvement Plan  
Meeting minutes

LETTER 4 – under 89%

School headed paper

Full name of parent  
Full address

Date

Dear

**Re: CHILD NAME AND ATTENDANCE PERCENTAGE**

**PERSISTENT ABSENTEE**

I write to inform you that despite the interventions outlined below a request for service has now be made to the Education Welfare Service who will consider any legal intervention.

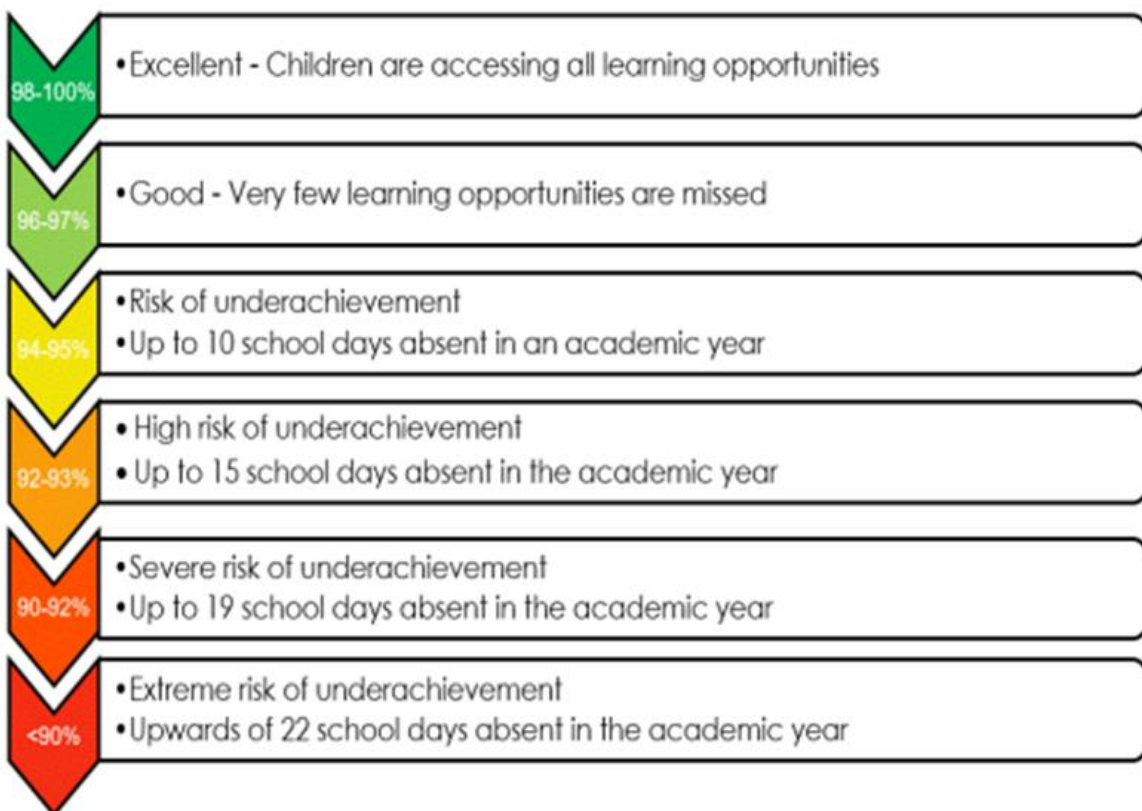
***(insert attendance interventions/ offers of support)***

Failing to ensure regular attendance at school may result in the issuing of a Penalty Notice or prosecution. Penalty Notices are set at £60 if paid by 21 days and £120 if paid between 22 and 28 days. Any legal proceedings would relate to section 444 or 444(1A) of the Education Act 1996.

As a school we have a responsibility to continually monitor and review your child's attendance. We are committed to working with you to improve your child's attendance. If you wish to discuss this matter further, please contact me on {telephone number}.

Yours sincerely,

**Attendance Officer**



# Attendance Improvement Plan

Date: .....

Name of child: .....

Date of Birth: .....

Year Group: .....

Address: .....

School: .....

**Name of Parent:** .....

**Tel:** .....

- I will contact the school and provide an explanation on every day I know that my child is absent from school unless there is a prior arrangement.
- I understand that absences will only be authorised in line with Government guidelines.
- I will contact the school if my contact telephone number or address change.
- I will inform the school or Education Welfare Officer of any significant changes in family circumstances that affect school attendance.
- I will respond promptly if contacted by either the school or Education Welfare Officer.
- I understand that my child is expected to:
  - Attend school regularly and on time.
  - Attend all lessons on their timetable.
  - Not leave the school premises during the day without permission from a teacher.

**Signed:** ..... **(Parent/Carer with Parental Responsibility)**

**Date:** .....

**REASONS GIVEN FOR THE ABSENCE**

**ADVICE AND SUPPORT OFFERED BY THE SCHOOL ( including contact details of other agencies /support networks)**

**AGREED ACTIONS**

**REVIEW DATE:**

Signed: .....(Parent/Carer)

Date: .....

Signed: ..... (EWO)

Date: .....

Signed: ..... (Child – if appropriate )

Date: .....

Signed: .....(School – if relevant)

Date: .....

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