



Earl Sterndale CofE Primary School

Attendance Policy

Created on	Review Period	Review by	Date of review	Changes Made	Approved by FGB on
October 2025	3 Years	Sarah Humpleby	September 2026 (due to changes to guidance)	Aligned with current DfE documents	

Created/reviewed by: S Humpleby

The school aims to maximise attendance for all pupils and minimise persistent and severe absence through early identification of barriers, supportive intervention and strong partnership with families.

Introduction

For a child to reach their full educational achievement, a high level of school attendance is essential. Every opportunity will be used to convey to pupils and their parents/carers the importance of regular and punctual attendance. School attendance is subject to education laws and this policy is written within that context.

Our school takes account of:

- *Working together to improve school attendance Statutory guidance for maintained schools, academies, independent schools and local authorities 2024*
- Section 7 of the Education Act 1996 which requires that “ The parent of every child of compulsory school age shall cause him to receive efficient fulltime education suitable: to his age,

ability and aptitude; and to any special educational needs he may have: by either by regular attendance at school or otherwise”

- The Education (Student’s attendance records) Regulations 1991
- The Education (Student registration) Regulations 1995 (amended 1997)
- Social Inclusion : Student Support, DFES Circular 10/99, which explains the law and good practice on reducing the risk of disaffection, school attendance and registration, and the proper use of exclusion.
- Amendments have been made to the 2006 regulations in the Education (Pupil Registration) (England) (Amendment) Regulations 2013. These amendments, came into force on 1 September 2013.

Parents/carers have the legal responsibility for ensuring their child’s regular attendance and failure to do so is a criminal offence under Section 444 of the Education Act 1996.

This policy will aim to:

- Demonstrate a strong attendance ethos that improves the overall attendance of pupils and reduces the number of persistently absent pupils.
- Outline a framework which identifies roles and responsibilities of the whole school community.
- Highlight a clear structure for promoting good attendance and tackling absence.
- Promote effective systems for monitoring attendance.
- Encourage the use of attendance data and other information to improve school and pupil performance.
- Promote the general importance and legal requirements of good attendance to pupils and their parents/carers.
- Enable early intervention when an individual pupil’s absence gives cause for concern.
- Install clear support systems for vulnerable pupils.
- Promote effective partnerships with external support agencies and the Local Authority.

Definitions:

Authorised absence

An absence is classified as authorised when a child has been away from school for a legitimate unavoidable reason and the school has received notification from a parent or carer. For example, if a child has been unwell and the parent telephones the school to explain the absence. Only the head teacher can decide on whether an absence is authorised or not. Sometimes, even if absence is supported by parent, an absence will be unauthorised.

Medical Absence

Parents/carers may be asked to provide medical evidence where there are repeated absences due to reported illness. The school recognises that some pupils may experience chronic health conditions, mental health difficulties, neurodevelopmental differences or significant medical needs which impact attendance. Where attendance is affected by medical needs, the school will work collaboratively with parents, health professionals and external agencies to understand barriers and implement appropriate support.

Where attendance is affected by ongoing illness or medical needs, attendance will be considered alongside:

- medical evidence,
- professional advice,
- impact on learning,
- the child's individual circumstances

Medical / Dental Appointments

Parents/carers are advised where possible to make medical and dental appointments outside of the school day. Where this is not possible, pupils should attend school for part of the day. Parents/carers should inform school of the appointment.

Religious Observance

Earl Sterndale CE Primary School acknowledges the multi-faith nature of British society and recognises that on some occasions, religious festivals may fall outside holiday periods or weekends. Consideration will be given to authorising absence or special leave for religious observance. Parents/carers are requested to give advance notice to Earl Sterndale CE Primary School if they intend their child to be absent.

It is reasonable that no more than one day be designated for any individual occasion of religious observance or festival and no more than three days in total in any academic year. Any further absence will be categorised as unauthorised. In such cases the school may request that a Penalty Notice is issued.

Other Authorised Circumstances

This relates to occasions where there is cause for absence due to exceptional circumstances, for example family bereavement or part time timetable agreed as part of a reintegration package.

Unauthorised absence

An absence is classified as unauthorised when a child is away from school without the permission of the school even if the absence is supported by the parent.

Emotionally Based School Avoidance (EBSA)

EBSA refers to a pattern of school non-attendance that is driven by emotional distress, often linked to anxiety, low mood, or other mental health challenges. It has a strong correlation with neurodiversity. At Earl Sterndale CofE Primary School, we recognise that EBSA is not a form of truancy or defiance, but a complex response to overwhelming emotional experiences. We are committed to early identification, compassionate support, and collaborative planning with families and professionals to help pupils re-engage with learning. Our approach includes person-centred strategies, adjustments to the school environment and access to wellbeing resources, ensuring that every child feels safe, understood, and supported in their return to school. Where EBSA occurs our usual procedures and expectations will be adapted for the individual circumstances. We will seek support from external services, work closely with the family and ensure that any strategies utilised are in the best interest of the child.

Attendance and Vulnerability

The school recognises that repeated absence may be linked to underlying unmet needs, including special educational needs and disabilities (SEND), anxiety, emotionally based school avoidance (EBSA), physical or mental health conditions, family circumstances or other vulnerabilities. Attendance concerns will always be explored through a supportive, individualised and child-centred approach. The school will work collaboratively with families and, where appropriate, external agencies to understand and address barriers to attendance before considering enforcement action.

Responsibilities:

Teachers are responsible for keeping registers in line with school policy and alerting the Headteacher to any patterns or concerns they may have regarding attendance.

The school business officer is responsible for inputting data, following up absence and alerting the head to any issues.

The headteacher is responsible for monitoring data, attendance meetings and referrals to external services.

Attendance data is reported to the Local Authority and Department for Education termly through the census and to the Governing Body termly at Full Governing Body meetings. Attendance is discussed as part of the agenda during Governors meetings and an Attendance Report is presented to the Governors at each Full Governors Meeting.

No individual Governor is responsible for attendance. Where necessary Governors will be appointed to attend Attendance Panels.

In signing the school's Home School Agreement, parents agree to ensure their children will attend school every day as far as is practicably possible.

Procedures:

Earl Sterndale CE Primary School will ensure there is a whole school approach to improving attendance and reinforcing good attendance by:

- Disseminating the Attendance Policy to all staff.
- Reviewing the Attendance Policy regularly and updating all staff.
- Ensuring the school has strategies in place for collecting and analysing attendance data.
- Promoting the importance of good attendance to parents, carers and pupils through regular communication including newsletters and updates.
- Ensuring parents are aware of our Attendance Policy.
- Seeking to promote the importance of good attendance to pupils and parents/carers during assemblies and at parent events.
- Ensuring a safe and structured learning environment for all pupils
- Delivering informative lessons that are set to pupils' needs
- Ensuring that there is a consistent approach to the use of the escalation of interventions, across classes and pupils, applying discretion in exceptional circumstances.

The school will support good attendance, respond to concerns and promote improvements by:

- Implementing an escalation of intervention.
- Monitoring and analysing pupil attendance data.
- Implementing the identified strategies for promoting good whole school attendance.
- Implementing the identified strategies for tackling unsatisfactory attendance.
- Taking an active lead in delivering whole school initiatives when necessary.
- Making referrals to appropriate external agencies and the Local Authority as required.
- Contacting parents/carers when appropriate and recording all contact.

The staff will support and promote good attendance by:

- providing an induction programme for new entrants and parents to help children come to school willingly with a positive attitude
- encouraging parents to discuss any attendance related problems with the class teacher/headteacher
- aiming to ensure that the school is a pleasant and ordered environment.
- ensuring school is accessible to all e.g. teachers/classroom assistants available from 08:50am in classrooms/Link to greet/help settle the children
- informing parents of any changes in the school routine by newsletter e.g. school trips
- Highlighting to the Headteacher any pupils causing concern.
- Talking to their class about the importance of good attendance.
- Promoting whole school initiatives, reward schemes and celebrations.
- Delivering an engaging and adapted curriculum in a child-centred learning environment.

The parents/carers of our pupils will be expected to support good attendance by:

- Talking to their child about school life and taking an interest in their child's educational progress.
- Avoiding unnecessary absence such as holidays in term time.
- Contacting school when their child is absent and providing a reason for the absence.
- Ensuring their child attends punctually every day.

- Engaging with intervention strategies provided by school if their child's attendance becomes highlighted as a cause for concern.

Strategies for promoting good whole school attendance will include:

- Updating the whole school community about attendance matters through newsletters and other means.
- Ensuring positive communication with parents.

Strategies for tackling unsatisfactory attendance will include:

Before formal attendance procedures are considered, the school will seek to understand and address the barriers affecting attendance. This may include discussion with families, pastoral support, reasonable adjustments, attendance meetings, referrals to support services, individual attendance plans and multi-agency working where appropriate.

- A standard approach of escalation regarding school warning letters.
- Tailored plan of support for all pupils under 90%.
- A commitment to maintaining written correspondence to parents/carers when this is deemed necessary.
- Attendance Panel meetings.
- Parenting contracts with agreed targets.
- Requesting Penalty Notices.
- Referral to the Local Authority for consideration of implementing legal proceedings.
- Referral to the School Nurse where medical issues are a concern.
- Referral to the Inclusion Support Advisory Team.
- First day calling procedure.
- Home Visits in certain circumstances.
- Referral to other agencies.
- Casework with identified pupils/families.

Registration

The school doors open at 8:50 a.m. and children are expected to be in school by 9:00 a.m. This gives plenty of time for all pupils to come into their classroom and be ready to learn when lessons start.

Each class teacher has the responsibility for marking the attendance register at the beginning of the morning and afternoon session.

All attendance records are documented using Arbor MIS. Attendance registers are legal documents and these must be kept secure and preserved in line with the relevant retention schedule

Late arrival at school

At Earl Sterndale CE Primary School all pupils are expected to arrive on time for every day of the school year. The school day begins at 9:00 a.m. and we advise all parents/carers to ensure their child is on site prior to this. All pupils arriving after this time will be recorded in the register.

School starts at 9am and registration takes place as soon as the children are in the classrooms. The school register closes at 9.30am. Pupils arriving after registration has taken place but before the register closes will receive an L code. All pupils arriving on or after this time without explanation will be marked as having an unauthorised absence for the morning session.

All pupils who arrive late, or after the close of registration, will be asked to provide an explanation for their lateness, and, where necessary, parents/carers will be contacted in respect of the late arrival. Repeated arrival after the close of registration will be followed up through discussion with parents. Support will be offered, and further repeated lateness may result in a request for a Penalty Notice or legal proceedings to be considered.

Any pupil who comes into school after 9:10 will be marked as late. Records are kept of those pupils who are late; this is documented on the electronic register for each pupil (Attendance code L).

Any child who arrives for school later than 9:30 will be marked as late after close of register (Attendance code U). This is an unauthorised absence for the whole session and will affect your child's overall attendance percentage and can be used to calculate absence thresholds for legal decision making.

Children who have attended a dentist or doctor's appointment and subsequently come to school later than 9:30 will have the absence recorded as a medical absence (Attendance code M).

Absence procedure for Earl Sterndale CE Primary School

If a child is absent from school, the following will be initiated:

- If there is no contact made from the pupil's parent/carer, a telephone call home will be made in the morning.
- The school will telephone home if a pupil leaves the school without permission.

In certain circumstances the school may also:

- Visit the home of the pupil.
- Invite parents/carers to discuss the situation in school.
- Invite parents/carers into school for a Meeting.
- Invite parents/carers into school to discuss and offer a Parenting Contract.
- Request a Penalty Notice and/or send a legal proceedings warning letter.
- Refer the matter to an appropriate external agency.

Expected absence procedure for parent/carer

A parent/carer has a legal responsibility to ensure that their child attends school regularly. Failure to do so could result in legal action being taken.

If a child is unavoidably absent from school parents/carers are expected to:

- Contact school by telephone call or text before close of register at 9.30 a.m. on the first day of absence, identifying the reason for absence and the expected date of return
- A telephone call will be required in all circumstances.
- If no reason is provided, a letter will be sent home asking for the reason for absence.

Leave of absence in term time

Parents/carers are strongly advised to avoid taking their children on holiday during term time. Parents do not have an automatic right to remove their child from school during term time for the purpose of a holiday. Leave of absence will not be granted unless there are 'exceptional circumstances' to support the request. Each request will be considered carefully by the headteacher.

Parents/carers wishing to apply for leave of absence during term time must send a completed leave of absence form (available in the school office) to the Headteacher before arrangements are made.

Retrospective requests will not be considered and therefore will result in the absence being categorised as unauthorised. In such cases the school may request that a Penalty Notice is issued.

Earl Sterndale CE Primary School acknowledges all absences result in lost learning and directly affect a child's education. Applications for leave of absence during term time will only be authorised in exceptional circumstances and will be considered on a case-by-case basis

It is recognised that a pupil who takes 10 days holiday in term time will only be able to achieve a maximum of 94.7% attendance for the full academic year.

The law stipulates that the cost of a holiday is not reasonable grounds for claiming it as an exceptional circumstance.

Where applications for leave of absence in term time are refused and families take the holiday without authorisation, a Penalty Notice may be requested for each parent, for each child.

Persistent Absence

A pupil becomes a 'persistent absentee' (PA) when their attendance drops below 90% for any reason. Over a full academic year this would be 38 sessions or 19 days. Absence at this level is causing considerable damage to a child's educational prospects.

All pupils who are PA, or are considered to be on track to becoming PA, will be referred to the school's Attendance Team and may also be referred to appropriate external agencies for targeted support.

If parents fail to engage with support and their child continues to have unsatisfactory attendance, a request may be made to the Local Authority to pursue legal proceedings.

Parents found guilty in a Magistrates' Court of failing to secure their child's regular attendance at school under the provisions of the Education Act 1996, will receive a criminal record and a maximum penalty of a £1000 fine under a Section (1) offence and a £2500 fine and up to a 3 month prison sentence, under a Section (1a) offence.

First Day Contact

Where a child is absent from school and we have not received any contact from the parent, then we initiate a first day contact process. Office staff check all of the registers each morning to identify those pupils who are absent without explanation and, as a safeguarding requirement, make contact with the parents of these children by telephone.

Applications for Leave of Absence in Term Time

In September 2013 the government introduced new regulations making it clear that headteachers **must not** give approval for any leave of absence during term time, including holidays, unless there are exceptional circumstances.

Any requests for term time leave should be made on a Leave of Absence Form available from the school office and handed in at least 6 school weeks before the first date of the requested absence whenever possible. You must have received written authorisation before your child can be absent from school.

Parent/carers may be issued with a penalty notice fine or prosecution should leave of 5 days or more be taken which is not authorised by the Headteacher, or where repeated incidents of leave in term time for less than 5 days occur or where the unauthorised absence contributes to wider poor attendance that meets the legal threshold. (Attendance code G).

Addressing Attendance Concerns

It is important for children to establish good attendance habits early on in their school career. It is the responsibility of the Headteacher and the governors to support good attendance and to identify and address attendance concerns promptly. We rely upon parents to ensure their child attends school regularly and punctually and therefore where there are concerns regarding attendance parents are always informed of our concerns.

If parents are struggling to ensure their children are attending school regularly, they should contact the headteacher to discuss a plan for improving attendance.

If a child's attendance does not improve and absences are unauthorised this may lead to consideration of parental responsibility measures which include the issue of penalty notice fines or other statutory action.

National framework for penalty notices

The new national threshold for consideration of legal action is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. A school week means any week in which there is at least one school session. This can be met with any combination of unauthorised absence, including lates after close of register (Attendance code U) and unauthorised leave in term time (Attendance code G).

If your child's absence falls into this category the school will decide if further offers of support is likely to improve the situation or if a request for legal action should be submitted to the Local Authority.

Appendix A – Letter to parents from DCC

School attendance update 2024/5

Dear parent/carers,

We are writing to you because the Department for Education (DfE) have introduced some new guidance for schools and Local Authorities (LAs) for managing school attendance. They have also introduced a new national framework for penalty notice and amended the law. These changes come into effect from the 19 August 2024 and all schools and LAs across the country will be expected to follow the new statutory guidance.

Support first

The importance of regular attendance at school cannot be stressed enough. All schools and LAs are expected to promote school attendance and provide support to remove barriers where a pupil is struggling to attend school. This may mean that the school raises the issue of attendance even if your child has only had a couple of days off ill. This is not because they don't believe you. By working with you, schools can step in early to help to prevent patterns of absence developing. Schools may identify other underlying issues that are making your child reluctant to attend school and be able to help you and your child. For this to be successful parents need to work with the school. Where it can be demonstrated that a parent/carer is not fulfilling their parental responsibility to ensure that their child receives a suitable full-time education then the school can consider requesting that the LA take further action. This can be in the form of a penalty notice, prosecution, or the school may suggest other formal interventions.

National Framework for penalty notices

To provide consistency, the Government have introduced a new national framework for when schools and LAs believe that they have exhausted all offers of support and the parent/carer is not engaging with the attempt to improve their child's attendance at school. The threshold for when a school should consider next steps is 10 sessions (5 school days) of unauthorised absence in a rolling period of 10 school weeks. A school week means any week in which there is at least one school session. This can be made up of any form of unauthorised absence including late after close (attendance code U) of register and odd days of unauthorised absence (attendance code O) which add up to 5 days within a 10-week period. At this point the school will consider if it is likely that the attendance will improve with further support. They may then decide to refer the case to the LA for formal monitoring. This may proceed to legal action if the attendance does not improve. Education Penalty Notices are issued to parents of statutory school age children. They can be issued to each parent or carer who is deemed liable for the child's absence from school. The new costs and process is outlined below:

First Offence - The first time a Penalty Notice is issued for Term Time Leave or Irregular Attendance the amount will be: £160 per parent, per child paid within 28 days. Reduced to £80 per parent, per child if paid within 21 days.

Second Offence (within 3 years) -The second time a Penalty Notice is issued for Term Time Leave or Irregular Attendance the amount will be: £160 per parent, per child paid within 28 days.

Third Offence and Any Further Offences (within 3 years) - The third time an offence is committed for Term Time Leave or Irregular Attendance a Penalty Notice will not be issued, and the case will be presented straight to the Magistrates' Court.

Term time holidays

Pupils should not be taken out of school during term time unless it is unavoidable. Schools are required to consider requests for leave of absence in term time and should only approve the leave if there are exceptional circumstances. If a request for leave is denied and the pupil is absent for 5 days or more then the school is expected to refer the case to the LA. The LA will issue a penalty notice with no requirement for a formal warning to be issued. Penalty notices can also be issued where a pupil is absent for repeated incidents of unauthorised leave in term time that fall below the 5-day threshold. In every case, the request for the Penalty Notice comes in from the school to the LA for the process to be completed.

New registration codes

You might find that your child's attendance report looks slightly different next year. The DfE have amended some of the codes to include numbers as well as letters. These new codes are to enable schools, LA and the DfE to better understand the reasons for absence. For example: Code C: Leave of absence for exceptional circumstance. Code C1: Leave of absence for the purpose of participating in a regulated performance. The important thing for you as a parent is still the C which means that the absence was authorised. There is also a new code which has been introduced for pupils who are on the school roll but are temporarily being provided with an alternative education by the local authority, such as a home tutor. Code K: Attending education provision arranged by the local authority. Full details of all of the changes can be found by visiting the Government webpage:

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

Derbyshire County Council will be publishing its updated code of conduct for penalty notices and all the necessary updated information on Education Welfare page in time for the start of the new term in September. We appreciate that there are a lot of changes for September and for many of you these will have little or no impact. However, if your child is anxious about attending school, please speak with your child's teacher or the attendance/family support workers within the school. They are there to explore what support can be provided to help your child to attend school regularly.

Appendix B – Letter to head teachers from DCC

Dear Headteacher,

Following the changes to the statutory guidance around school attendance, I am contacting you with some important updates. As you aware there have been a number of changes to the way in schools and local authorities are expected to deal with absence from school in the next academic year, including the

updated Working together to improve school attendance guidance, and changes to the law in relation to penalty notices. Some of these changes which relate to the support provided to schools from the LA is currently still in progress and this information will be communicated once it is finalised. You will receive a separate update about this before the end of the summer term. The Education Welfare Service we will be working closely with the new Inclusion Support Service teams with a joint approach to ensure continuity. The Education Welfare Service has been working on updating the information with regards to parental responsibility measures. We have prepared a letter which schools can send to parents along with a poster which can be used in school. Both of these are designed to inform parents of the new penalty notice framework and the consequences of poor attendance going forwards.

We have also responded to requests from a number of schools for support with school attendance policies. The council cannot provide an attendance policy individual to all schools, but we have included a template which you can amend to meet your own policies and processes. The council's code of conduct for penalty notices is currently being updated and will be circulated in draft form for schools to view and comment on. It will be published before the start of the new academic year. We have also included the frequently asked questions sheet that the DfE have published which may also answer some of your queries. The new guidance on how to request penalty notices from September will not be circulated before the end of this academic year as all absence up until the end of July will be dealt with using the existing processes. Leave of absence requests for 2024/5 The process for leave of absence requests has not changed, however the threshold for fines and the escalation process has. We advise that any requests for absence for next year which are declined include a sentence in the rejection letter which advised parents that if the leave is taken and unauthorised any request for legal action will be dealt with under the new National Framework for penalty notices. We hope that you find this information and the documents attached helpful.

Yours sincerely,

Mrs Diane Oxborough

Service Lead Education Welfare Service

[Appendix C – FAQs from DfE](#)

Department For Education

National Framework for Penalty Notices for school absence guidance 2024

Frequently asked questions

1) Do we have to issue a penalty notice every time the threshold is met?

No, when a school becomes aware that the national threshold has been met a penalty notice must be considered. A penalty notice should only be issued if it is the best tool for the individual circumstances of the case. Even then, it should only be used when support is not appropriate or where support is appropriate, has been provided and has not worked or not been engaged with.

2) What happens with existing cases and when do the new thresholds and escalation processes apply from?

The new rules only apply to offences committed from 19 August 2024-25. This means that any penalty notice issued for an offence prior to that date must follow the existing rules in rules in the local authority's current code of conduct.

The 3 year rolling period can only be counted from 19 August 2024, therefore, only penalty notices issued from that date will be counted in the escalation process. I.e. a penalty notice issued in the Summer Term 2024 would not count regardless of the fact it was issued within the last 3 years. Similarly, the 10 school week period can only be counted from 19 August 2024 i.e. offences committed at the end of Summer Term 2024 will not count regardless of the fact they are in the last 10 school weeks.

3) If a pupil misses 10 sessions in a short timeframe, do we have to wait until 10 school weeks have passed to issue a penalty notice?

No, it is a rolling period so a penalty must be considered as soon as the threshold is met. For example, a week of unauthorised holiday will itself normally meet the national threshold and there is no reason to wait to see if any further offences are committed.

4) Should a penalty notice be issued to one parent or all parents?

All parents can commit an offence under section 444 of the Education Act 1996 and therefore all parents liable for the offence may be issued a penalty notice in line with regulation 13 of the Education (Penalty Notices) (England) Regulations 2007.

Usually, in deciding which parents to issue a penalty notice to, the local authority should include all parents involved in failing to secure the pupil's attendance e.g. who they were living with on the dates of the offences or which parents went on the unauthorised holiday.

The meaning of parent in relation to a child includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996.

5) I'm worried about how prosecution at the third offence will work in practice? Could a prosecution be taken forward if the previous offences were longer than 6 months ago?

Local authorities can prosecute whenever they feel there is sufficient evidence that the offence has been committed and it is in the public interest to do so. The Department is clear, that whilst local authorities are independent prosecutors and must make the final decision, a third offence following two out of court settlements shows that parental behaviour has not changed and prosecution is a possible next step.

The prosecution is for the latest offences committed regardless of whether this was a continuous or sporadic set of absences and not for those that contributed to the previous penalty notices. Since it is only the latest offence(s) being prosecuted and that must have happened within the 6 months before bringing the case to court it is unlikely that there will be an issue with timescales.

6) Hasn't a parent discharged any liability through paying a penalty notice – can prosecution be taken forward based on previous penalty notices?

If the prosecution is being taken forward because the parent has already reached the limit of penalty notices, the local authority cannot raise previous out of court disposals before the parent has been found guilty. They should prosecute solely for the third (or subsequent) offence. If the local authority wishes to set out the history of offending they should submit any information regarding previous convictions or out of court settlements to assist the Magistrates in sentencing in line with existing procedures.

7) Can a penalty notice be issued to a parent of a pupil at an independent school?

No, parents of pupils at independent schools cannot be issued with penalty notices but can be prosecuted under section 444(1) or (1A).

8) Is there an upper threshold where a penalty notice is not appropriate? Should penalty notices be used as an early intervention tool or a last resort?

The National Framework does not set an upper threshold but an assessment should always be made on a case by case basis whether a penalty notice is the best tool available to improve attendance in the specific case. The Department is clear that a penalty notice is unlikely to be effective where absence(s) are significantly higher than the national threshold e.g. where a pupil is absent from school for a prolonged period or in cases of persistent or severe absence where a multi-agency response is required. Feedback suggests that they are most effective when used as a tool to encourage parents' engagement in support where progress is not being made without the Notice to Improve/penalty notice.

9) Who sends the 'Notice to Improve' letter and does it need to be physical or can it be digital?

The National Framework does not prescribe the process for issuing a Notice to Improve as local authorities will want to coordinate this in different ways to suit their local contexts. Local authorities are expected to set out in their local code of conduct how the Notice will should be issued including whether it should be issued by the school or local authority, or co-signed by both, and in what format.

10) Can a local authority retain a threshold below the national threshold?

Local authorities can choose to issue a penalty notice for any offence. Local authorities are discouraged from setting an additional threshold to help improve consistency across areas of the country. However, Local authorities that wish to retain flexibility for individual cases are therefore advised to include a provision in their code of conduct to be clear, that although a penalty notice must be considered when the national threshold is met, authorised officers retain discretion to issue a penalty notice earlier.

11) Who makes the decision about whether sufficient support has been provided?

Whoever is issuing the penalty notice must make a decision as to whether proportionate support has been provided, and whether that support has worked or not. Where there is dispute, authorised officers are expected to defer to the local authority's judgement about whether sufficient support has been provided before issuing a penalty notice

12) Does a penalty notice issued for a pupil found in a public place during the first 5 days of an exclusion count towards the escalation process or national limit?

No.

13) What should we do if a pupil is absent because they are waiting for support e.g. from an external agency? Would it ever be appropriate to issue a penalty notice in that case?

Decisions should always be made on a case by case basis by asking if a penalty notice is the best available tool to improve attendance for this family. If a pupil's absence requires support from an outside agency which is not provided quickly (e.g. subject to a waiting list), schools are expected to quickly consider other avenues of support or other temporary solutions whilst waiting. If a parent does not engage in the available support provided, the national threshold is met, and the school believes that a penalty notice or prosecution would change behaviour in this particular case then that route can be taken. In complex cases such as these it would be important for the school and local authority to discuss the case before taking action.

14) Why did you decide on a threshold of 10 unauthorised sessions in 10 school weeks rather than 8 sessions in 8 school weeks?

Following analysis of the latest absence and penalty notice data, we estimated that a national threshold lower than 10 sessions of unauthorised absence in 10 school weeks could result in an increase in prosecution rates (following unpaid penalty notices) that would be difficult for all local authorities to implement. We think this is the right compromise, providing national consistency that all local authorities can deliver. The Department has committed to keeping this under review as national absence rates change in future and the National Framework beds in.

15) Does the penalty notice escalation and limit on number that can be issued to a parent apply when the offences are in relation to different children?

No. The escalation and limit on penalty notices applies to a parent in respect of offences relating to an individual child . This means that a parent could receive a penalty notice for one child, and then one for

a different child within 3 years without the penalty notice amount increasing or the 2 penalty notice limit being reached.

Appendix D – Poster for schools



school attendance update September 2024





Attendance categories

95 to 100% - as expected

91 to 94% - at risk of persistent absence

80 to 90% - persistent absence

51 to 79% - at risk of severe absence

Less than or equal to 50% - severe absence

Support first approach

Missing school means children fall behind. This not only impacts on their future achievement, but also adds additional stress and worry as the pupil attempts to catch up. This can affect their mental health and that of their family.

Schools will always try to offer support to remove barriers to attendance before considering any form of legal intervention however they can only do this with the support of parents. If you do not engage with this support the school may feel that they have no choice than to request the Local Authority consider taking legal action against you for failure to secure your child's regular attendance at school under section 444(1) of the Education Act 1996



Penalty Notice Fines for School Attendance are Changing

With the introduction of the new National Framework for Penalty Notices, the below changes will come into force for Penalty Notice Fines for unauthorised absence after 19th August 2024.

Education Penalty Notices are issued to the parents of statutory school age children and can be issued to each parent or carer who is deemed liable for the child's absence from school.

- First Offence
The first time a Penalty Notice is issued for Term Time Leave or Irregular Attendance the amount will be:
£160 per parent, per child paid within 28 days.
Reduced to £80 per parent, per child if paid within 21 days.
- Second Offence (within 3 years)
The second time a Penalty Notice is issued for Term Time Leave or Irregular Attendance the amount will be:
£160 per parent, per child paid within 28 days.
- Third Offence and Any Further Offences (within 3 years)
The third time an offence is committed for Term Time Leave or Irregular Attendance a Penalty Notice will not be issued, and the case will be presented straight to the Magistrates' Court. Magistrates' fines can be up to £2500 per parent, per child.

Can my child take a holiday in term time?

The simple answer is NO – pupils can only take leave of absence during term time if this is approved in advance by the school. Leave taken without permission may result in a penalty notice and or prosecution.

CONTROLLED

Appendix E

Earl Sterndale CE Primary School - Absence Monitoring Procedure

The Headteacher is the designated person responsible for attendance, and works closely with the School Business Assistant who establishes a routine that ensures regular monitoring and review takes place.

Frequency	Action
Daily	• Class teacher has initial responsibility for dealing with concerns which should be raised with the Headteacher.
Weekly	• School Business Assistant to raise absence concerns or issues with Headteacher when compiling registers. • Action to be taken by the school with regard to students whose absence is causing concern. Discussions may take place with the LA.
Monthly / half termly	• Inform LA of any children whose attendance meets the criteria for concern. • Monitor identified pupils or groups.
Termly	• Discuss progress towards targets at Full Governing Body meetings and provide a summary report on attendance prepared for Governors. Send a copy to LA if necessary.
Yearly	• Headteacher (as designated member of school staff responsible for attendance) to attend meeting with LA to review and renew Annual School Attendance Plan if necessary.

A chronology of attendance support, interventions, meetings, correspondence and external agency involvement will be maintained for identified pupils.