



Primary Attendance and Absence Policy

Date Policy Agreed: 30th September 2024

Signed by: K Thompson

Signed by: D Baldwin

Review Schedule: Annually

Next review due: September 2025

DfE Compliant from the 29th of August 2024

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1. Aims

We are committed to meeting our obligation about school attendance through our whole school approach that values good school attendance, including:

- Promoting good attendance
- Ensuring every child has access to full-time education
- Building and maintaining a strong relationship with families to enable targeted support to better school attendance
- Reducing absence, including persistent and severe absence
- Acting early to address patterns of absence
- Promoting the importance of arriving to school and lessons on time to support punctuality

2. Roles and Responsibilities

2.1 The Governing Board of Trustees

The governing board is responsible for:

- Promoting the importance of school attendance across the school's policies and ethos
- Making sure school leaders fulfil expectations and statutory duties
- Regularly reviewing and challenging attendance data
- Monitoring attendance figures for the whole school
- Making sure staff receive adequate training on attendance
- Holding the headteacher to account for the implementation of this policy

2.2 The headteacher

The headteacher is responsible for:

- Implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors
- Supporting staff with monitoring the attendance of individual pupils
- Monitoring the impact of any implemented attendance strategies
- Issuing fixed-penalty notices, where necessary
- The Head Teacher is Kathryn Thompson and can be contacted via telephone on 0191 4067113

2.3 The designated senior leader responsible for attendance

The designated senior leader is responsible for:

- Leading attendance across the school
- Offering a clear vision for attendance improvement
- Evaluating and monitoring expectations and processes
- Having an oversight of data analysis
- Devising specific strategies to address areas of poor attendance identified through data
- Arranging calls and meetings with parents to discuss attendance issues
- Delivering targeted intervention and support to pupils and families
- The designated senior leader responsible for attendance is Kathryn Thompson and can be contacted via telephone on 0191 4067113

2.4 The attendance officer

The school attendance officer is responsible for:

- Monitoring and analysing attendance data (see section 7)
- Benchmarking attendance data to identify areas of focus for improvement
- Providing regular attendance reports to school staff and reporting concerns about attendance to the designated senior leader responsible for attendance and the headteacher
- Working with relevant school staff to tackle persistent absence.
- Advising the headteacher (authorised by the headteacher) when to issue fixed-penalty notices
- The attendance officer is Ruth Summers and can be contacted via telephone on 0191 4067113

2.5 Class teachers

Class teachers are responsible for recording attendance on a daily basis.

2.6 School office staff

School office staff will:

- Take calls from parents about absence on a day-to-day basis and record it on the school system
- Transfer calls from parents to the head or pastoral team to provide them with more detailed support on attendance

2.7 Parents/carers

Parents/carers are expected to:

- Make sure their child attends every day on time

- Call the school to report their child's absence before 8.45 am on the day of the absence and advise when they are expected to return
- Provide the school with more than 1 emergency contact number for their child
- Ensure that, where possible, appointments for their child are made outside of the school day
- Only book holidays during school holidays

2.8 Pupils

Pupils are expected to:

- Attend school every day on time

3. Recording attendance

3.1 Attendance register

We will keep an attendance register and place all pupils onto this register.

We will take our attendance register at the start of the first session of each school day and once during the second session. It will mark whether every pupil is:

- Present
- Attending an approved off-site educational activity
- Absent
- Unable to attend due to exceptional circumstances

Any amendment to the attendance register will include:

- The original entry
- The amended entry
- The reason for the amendment
- The date on which the amendment was made

The name and position of the person who made the amendment

See Appendix 1 for the DfE attendance codes.

We will also record:

- Whether the absence is authorised or not

- The nature of the activity if a pupil is attending an approved educational activity
- The nature of circumstances where a pupil is unable to attend due to exceptional circumstances

We will keep every entry on the attendance register for 3 years after the date on which the entry was made.

Pupils must arrive at school by **8.45am** on each school day.

The register for the first session will be taken at 8.50am and will be kept open for approximately **30** minutes. The register for the second session will be taken at 12.55 and will be kept open until 1.00pm.

3.2 Unplanned absence

The pupil's parent/carer must notify the school of the reason for the absence on the first day of an unplanned absence by 8.50am or as soon as practically possible by calling the school office (see also section 7).

We will mark absence due to illness as authorised unless the school has a genuine concern about the authenticity of the illness.

If the authenticity of the illness is in doubt, the school may ask the pupil's parent/carer to provide medical evidence, such as a doctor's note, prescription, appointment card or another appropriate form of evidence. We will not ask for medical evidence unnecessarily.

If the school is not satisfied with the authenticity of the illness, the absence will be recorded as unauthorised and parents/carers will be notified of this in advance.

3.3 Planned absence

Attending a medical or dental appointment will be counted as authorised as long as the pupil's parent/carer notifies the school in advance of the appointment.

However, we encourage parents/carers to make medical and dental appointments outside of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

The pupil's parent/carer must also apply for other types of term-time absence as far in advance as possible of the requested absence.

3.4 Lateness and Punctuality

A pupil who arrives late:

- Before the register has closed will be marked as late, using the appropriate code
- After the register has closed will be marked as absent, using the appropriate code
- The school will use the [U] code for arrivals after 30 minutes from the start of the session

When ongoing punctuality issues are identified, the Attendance Lead and Attendance Officer will arrange a meeting to discuss any barriers or support required and will monitor until the situation is resolved.

3.5 Following up unexplained absence

Where any pupil we expect to attend school does not attend, or stops attending, without reason, the school will:

- Call the pupil's parent/carer on the morning of the first day of unexplained absence to ascertain the reason. If the school cannot reach any of the pupil's emergency contacts, the school may ask for a welfare visit if there are safeguarding concerns. School may inform any appropriate professionals or agencies working with you or your child. If the school cannot reach any contact on the second day of unexplained absence, school will carry out a welfare check at 10am.
- Identify whether the absence is approved or not
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained – this will be no later than 5 working days after the session
- Call the parent/carer on each day that the absence continues without explanation to ensure proper safeguarding action is taken where necessary. If absence continues, the school will consider involving an education welfare officer

3.6 Reporting to parents/carers

The school will regularly inform parents about their child's attendance and absence levels [for example, via text, parent consultation meetings and written reports.

4. Authorised and unauthorised absence

4.1 Approval for term-time absence

The headteacher will only grant a leave of absence to a pupil during term time if they consider there to be 'exceptional circumstances'. A leave of absence is granted at the headteacher's discretion, including the length of time the pupil is authorised to be absent.

The school considers each application for term-time absence individually, taking into account the specific facts, circumstances and relevant context behind the request.

Any request should be submitted as soon as it is anticipated and, where possible, at least 2 weeks before the absence, and in accordance with any leave of absence request form, accessible via the school office. The headteacher may require evidence to support any request for a leave of absence.

Valid reasons for **authorised absence** include:

- Illness and medical/dental appointments.
- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart

4.2 Extended Leave

When a child is absent from school for an extended period (i.e 15 school days or more) parent/carer should advise the school of the temporary address

4.3 Legal sanctions

Please refer to North Tyneside Council Penalty Notice Code of Conduct.

All schools must consider whether a penalty notice is appropriate in each individual case where a child reaches the national threshold for considering a penalty notice. Schools are required to make judgements on each individual case to ensure fairness and consistency.

The threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. In this regard:

- A school week means any week in which there is at least one school session.
- The threshold may be met with any combination of the following unauthorised absence codes: G (unauthorised leave/holiday taken during term-time) O (unauthorised absence) and U (arriving late after registers have closed). For example, the following would all satisfy the threshold if they took place within 10 weeks:
 - i. 4 sessions (2 days) of holiday taken in term time, plus 6 sessions of arriving late after the register within a 10-week period, would meet the threshold.
 - ii. 10 consecutive sessions (5 school days) of holiday absences (G coded)
 - iii. 6 sessions of unauthorised absence taken in one week and 1 further session of unauthorised absence, per week for the next four weeks
 - iv. 5 separate days of absence (10 sessions) taken over several weeks. For example, a pupil who fails to attend school on a Friday on five separate occasions within a 10-week period.
- The period of 10 school weeks can also span different terms or school years. For example, 2 sessions of unauthorised absence in the summer Term and a further 8 sessions recorded within the following Autumn Term could meet the threshold.

If issued a fine, or penalty notice, each parent must pay £80 within 21 days or £120 within 28 days. The payment must be made directly to the local authority.

The decision on whether or not to issue a penalty notice may take into account:

- The number of unauthorised absences occurring within a rolling academic year
- One-off instances of irregular attendance, such as holidays taken in term time without permission
- Where an excluded pupil is found in a public place during school hours without a justifiable reason

If the payment has not been made after 28 days, the local authority can decide whether to prosecute or withdraw the notice.

The first penalty notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.

A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days.

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

often include considering prosecution, but may include other tools such as one of the other attendance legal interventions.

A penalty notice may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first 5 days of a fixed period or permanent exclusion. These penalty notices are charged at £160, reduced to £80 if paid within 21 days

5. Strategies for promoting attendance

A whole school display shows weekly attendance for each class. The class with the winning attendance is announced during celebration assembly each Friday. This winning class gains extra recognition time that week. This display includes quotes from children about the importance of good attendance. In addition, each classroom door is updated with daily attendance. Attendance information and targets are visible in the school reception area for parents/carers and frequently sent home as reminders. Some children have more bespoke plans depending on the agreed support.

Here are some of the comments from the children about the importance of being in school every day and on time.

How does late arrival affect you?

- You miss explanations at the beginning of the day.
- You miss other pieces of important information about what is happening that day.
- If the teacher has to repeat information, then the whole class loses learning time.
- You might need to stay in to catch up.
- You can feel embarrassed, nervous and shy when you walk in the room.
- It impacts your confidence as you miss the first small steps of learning.

How does missing one day affect you?

- Every lesson builds on the learning from the one before, so it makes it harder to know what to do.
- It makes it hard to catch up.
- It makes me feel confused as I have missed important information.
- It impacts your social skills.
- You can feel like you have missed out on being with your friends and knowing what they are playing or talking about.

6. Attendance monitoring and Analysing Procedures

Percy Main Primary has adopted the following attendance monitoring procedures, to ensure that pupils' attendance meets the expected standard, and effective intervention is provided where pupils' attendance falls below the standard:

- Attendance reports are run every Friday
- A spreadsheet is updated by the attendance officer who monitors and tracks attendance of children where attendance is a concern. Please refer to the attendance flow chart in appendix 2 which is used to inform decision making

- Any attendance/punctuality trends noticed by classroom teachers are passed immediately to the SLT.

The attendance officer will monitor and analyse attendance data regularly to ensure that any interventions are delivered quickly to address habitual absence at the first signs.

The school will collect data regarding punctuality, truancy, and authorised and unauthorised absence, for:

- The school cohort as a whole.
- Individual year groups.
- Individual pupils.
- Demographic groups, e.g. pupils from different ethnic groups or economic backgrounds.
- Other groups of pupils, e.g. pupils with SEND, CiC and pupils eligible for FSM.
- Pupils at risk of PA.

The attendance officer and headteacher will conduct a thorough analysis of the above data on a half-termly, termly and full-year basis to identify patterns and trends. This will include identifying, for each group:

- Patterns in uses of certain codes.
- Particular days of poor attendance.
- Historic trends of attendance and absence.
- Barriers to attendance.

6.3 Using data to improve attendance

The school will:

- Provide regular attendance reports to class teachers, and other school leaders, to facilitate discussions with pupils and families
- Use data to monitor and evaluate the impact of any interventions put in place in order to modify them and inform future strategies

6.4 Reducing persistent and severe absence

Please refer to the attendance flow chart in appendix 2.

Persistent absence is where a pupil misses 10% or more of school, and severe absence is where a pupil misses 50% or more of school.

The school will:

- Use attendance data to find patterns and trends of persistent and severe absence
- Hold regular meetings with the parents of pupils whom the school (and/or local authority) considers to be vulnerable, or are persistently or severely absent, to discuss attendance and engagement at school
- Provide access to wider support services to remove the barriers to attendance

7. Monitoring arrangements

This policy will be reviewed as guidance from the local authority or DfE is updated, and as a minimum annually by the headteacher. At every review, the policy will be approved by the full governing board.

8. Support

The school will:

- Build relationships with students and families to encourage regular school attendance.
- Analyse and use data and relationship knowledge to prevent regular absence.
- Using resources (School-based and external services) to intervene early with support.
- Use targeted support for persistent/severe absences.

9. Links with other policies

This policy links to the following policies:

- Child protection and safeguarding policy
- Relational policy

10. Legislation and guidance

This policy meets the requirements of [working together to improve school attendance](#) from the Department for Education (DfE) and refers to the DfE's statutory guidance on [school attendance parental responsibility measures](#). These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, 2016 amendments\)](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2024](#)

This policy also refers to the DfE's guidance on the [school census](#), which explains the persistent absence threshold

- [Summary of responsibilities where a mental health issue is affecting attendance](#)

- [Support for pupils where mental health issues are affecting attendance \(Effective practice examples\)](#)
- [Keeping Children Safe in Education](#)

Appendix 1: attendance codes

The following registration is effective from the 19th of August 2024 - '[Working Together To Improve School Attendance 2024](#)'

Code	Definition	Scenario
/	Present (am)	The pupil is present at morning registration
\	Present (pm)	The pupil is present at the afternoon registration
L	Late arrival	The pupil arrives late before the register has closed
B	Off-site educational activity	The pupil is at a supervised off-site educational activity approved by the school
K	Off-site educational activity	The pupil is at a supervised off-site educational activity approved by the local authority
D	Dual registered	The pupil is attending a session at another setting where they are also registered
P	Sporting activity	The pupil is participating in a supervised sporting activity approved by the school
V	Educational trip or visit	The pupil is on an educational visit/trip organised, or approved, by the school
W	Work experience	The pupil is on a work experience placement

Code	Definition	Scenario
Authorised absence		
C	Authorised leave of absence	The pupil has been granted a leave of absence due to exceptional circumstances
C1	Leave of absence	The pupil should be participating in a regulated performance or regulated employment abroad
C2	Leave of absence – Part-time timetable	For compulsory school-age pupils who are on an agreed part-time timetable
E	Suspended or permanently excluded	The pupil has been suspended or permanently excluded but no alternative provision has been made
H	Authorised holiday	Pupil has been allowed to go on holiday due to exceptional circumstances
I	Illness	The school has been notified that a pupil will be absent due to illness
J1	Leave of absence	Pupil has an interview with a prospective employer/ admission to another educational institution
M	Medical/dental appointment	The pupil is at a medical or dental appointment
R	Religious observance	Pupil is taking part in a day of religious observance
S	Study leave	Year 11 pupil is on study leave during their public examinations

T	Parents travelling for occupational purposes	The pupil is a mobile child due to the parent travelling from place to place for business/trade
Q	Unable to attend due to lack of access arrangements	The pupil is unable to attend due to a lack of travel arrangements made by the local authority
Y1	Unable to attend due to lack of transport	Where the school or local authority normally provides transport which is not available; and the school is beyond reasonable walking distance
Y2	Unable to attend due to widespread disruption to travel	The pupil is unable to attend school because of widespread disruption to travel caused by a local, national or international emergency
Y3	Unable to attend due to part of the school premises being closed	Part of the school premises is unavoidably out of use
Y4	Unable to attend due to the whole school being unexpectedly closed	Where the whole school was planned to be open but remained closed unexpectedly
Y5	Unable to attend as pupil is in criminal justice detention	If the pupil is in police detention or on remand to youth detention, awaiting trial or sentencing
Y6	Unable to attend in accordance with public health guidance or law	Pupil travel to or attendance at the school would be contrary to restrictions set by the secretary of state for health
Y7	Unable to attend because of any other unavoidable cause	The unavoidable cause must be something that affects the pupil, not the parent
Unauthorised absence		
G	Unauthorised holiday	The pupil is on a holiday that was not approved by the school

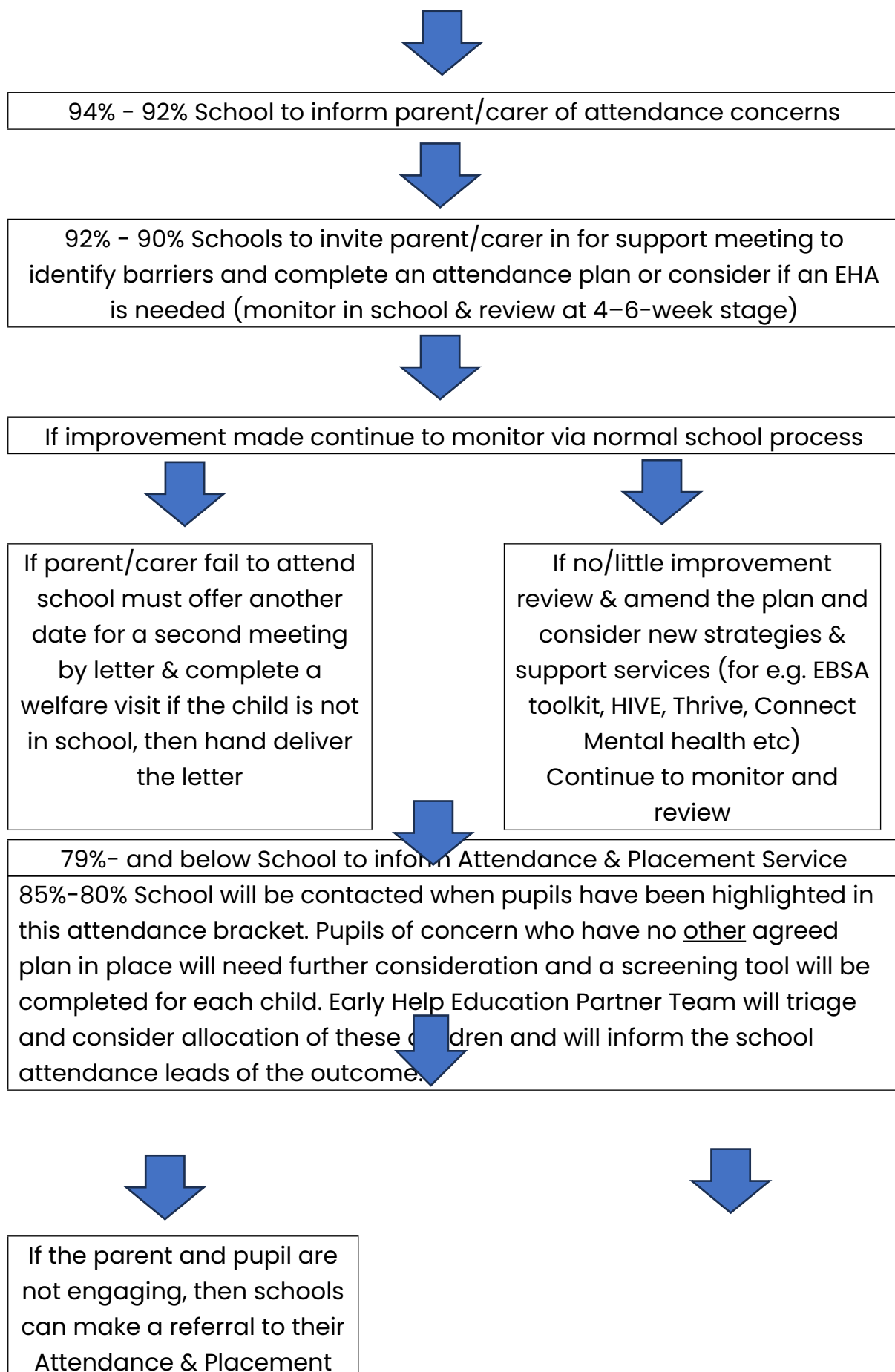
N	Reason not provided	Pupil is absent for an unknown reason (this code should be amended when the reason emerges, or replaced with code O if no reason for absence has been provided after a reasonable amount of time)
O	Unauthorised absence	The school is not satisfied with the reason for the pupil's absence
U	Arrival after registration	The pupil arrived late and after 30 minutes from the start of the session

Code	Definition	Scenario
X	Not required to be in school	Pupil of non-compulsory school age is not required to attend
Z	Pupil not on admission register	Register set up but pupil has not yet joined the school
#	Planned school closure	Whole or partial school closure due to half-term/bank holiday/INSET day

Attendance and Placement Service

Attendance Flow Chart

2024-2025



Officer to request advice or a Notice to Improve. School must complete a referral form and attach supporting evidence

If the parent & young person is engaging with the support offered school to continue to review and monitor attendance.



Attendance improves no further action



If the threshold has been met the Attendance & Placement team will issue a Notice to Improve and school must monitor for 4-6 weeks. A Notice to improve is a final opportunity for parents to engage with support and improve their child's attendance to avoid a penalty notice being issued or legal action being taken. Schools to offer an Attendance Contract (where appropriate) and this must be reviewed during the monitoring period.



The Attendance & Placement service will consider whether there is or has been a significant improvement in attendance to avoid a penalty notice being issued and /or other legal action to be taken and notify school of their decision.



Attendance improves no further action

Appendix 3

North Tyneside Council Penalty Notice Code of Conduct

1. Introduction

- 1.1 The purpose of this local code of conduct is to set out the procedures and terms under which penalty notices for unauthorised absence can, and should, be issued by North Tyneside Council. It applies to statutory school age children from age 5 to 16 and to all maintained schools and academies within the borough of North Tyneside.
- 1.2 The code sets out the arrangements for administering penalty notices in North Tyneside and must be adhered to by anyone issuing a penalty notice for school absence in this area.
- 1.3 The code complies with relevant regulations and the Department for Education's (DFE) National framework for penalty notices as set out in 'Working Together to Improve School Attendance' guidance.

2. Legal background

- 2.1 Penalty notices are issued to parents as an alternative to prosecution for failure to ensure regular attendance at school under Section 444 of the Education Act 1996. They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, and alternative provisions.
- 2.2 The Education (Penalty Notices) (England) (Amendment) Regulations 2024 makes several changes to the procedure for issuing penalty notices for absence under section 444 of the Education Act 1996.
- 2.3 The national framework for penalty notices is published in the DFE's statutory guidance: 'Working together to improve school attendance'. The Education (Penalty Notices) (Amendment) (England) Regulations 2024 came into force on the 19th August 2024.

2.4 The definition of a parent under Section 576 of the Education Act 1996, and the Children Act 1989, includes: all-natural parents, whether they are married or not; any person or body who has parental responsibility for a child; and any person who, although not a natural parent, has day-to-day responsibility for a child. This means a person who lives with and looks after a child, but has no biological relationship to them, can still be considered a parent-in-law and for the purpose of this code. The term “parent” shall be used from hereafter within this code and shall have this definition.

3. Rationale for issuing Penalty Notices

3.1 Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in Primary and Secondary school.

3.2 In law, parents are committing an offence if they fail to ensure the regular and punctual attendance of their child at the school at which the child is registered, unless the absence has been authorised by the school. Only schools have the power to authorise or grant a leave of absence.

A range of sanctions to enforce regular school attendance exist under Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989. In cases of general persistent absence, professionals should take a ‘support first’ approach in line with the DFE’s ‘Working together to improve school attendance guidance and only resort to legal enforcement when necessary. North Tyneside Council’s Attendance and Placement Service will consider the use of Penalty Notices in cases where support is not appropriate (e.g. a term-time holiday) or where support has been provided and has

either not been engaged with and/or been successful.

3.3 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.

4. Key considerations prior to issuing a penalty notice

4.1 Penalty notices can be used where a pupil's absence has been recorded in the school's register with one or more of the unauthorised codes and the absences(s) constitutes an offence under s444 of the Education Act 1996; bearing in mind the precedent set by the Supreme Court in the case *Isle of Wight Council v Platt* [2017].

4.2 Penalty notices are intended to prevent the need for court action. In cases of general persistent absence, they should only be used where it is deemed likely to change parental behaviour and support to secure regular attendance.

4.3 Schools should take all reasonable steps to ensure good general attendance without the use of a penalty notice.

4.4 Schools are expected to monitor the attendance of all pupils on their roll and act early to address patterns of absence. Penalty notices should be used where a parent is capable of securing an improvement in their child's school attendance with support, but where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.

4.5 In cases where a school has concerns about a pupil's attendance, the school should have first ensured that contact has been made with the parent/carer to try to resolve any difficulties.

4.6 The Attendance and Placement Team will consider all referrals on a case-by-case basis to ensure that sufficient support has already been provided before they would consider issuing a penalty notice.

4.7 In cases of general persistent absence, upon referral, the Attendance and Placement Team will require schools to provide the following:

- a. Clear details of the “support first” approach which has been taken to identify the reasons for the pupil’s absence, any barriers impacting the pupil’s attendance, and all support strategies which have been offered (whether engaged with by parents or not) to remove any such barriers.
- b. Copies of all letters/emails sent to parents to advise of the concerns held in relation to their child’s absence record.
- c. Copies of all letters/emails sent and/or details of telephone calls which have been made to arrange meetings with the parents to establish the attendance patterns and prevent further unauthorised absence.
- d. Copies of any attendance contracts which have been agreed with or offered to parents, and confirmation as to whether these have been adhered to, and if so to what extent.
- e. Copies or details of any referrals made to relevant agencies and wider support services.
- f. A link to the school’s Attendance Policy which makes clear the escalation process which may be applied in cases of unresolved irregular school attendance, including the risk of a penalty notice under this code of conduct and legal action under section 444 of the Education Act 1996.

4.8 If the threshold has been met, then the Attendance and Placement Team will then send a Notice to improve to the parent/carers.

5. Notice to improve

- 5.1 A notice to improve is a final opportunity for a parent/carer to engage in support and improve attendance before a penalty notice will be issued and legal action will be considered.
- 5.2 In most cases, notices to improve will not be issued where support is not appropriate (for example in circumstances relating to a holiday in term-time).
- 5.3 If the national threshold has been met and support is appropriate, but offers of support have not been engaged with by the parent or have not worked, a notice to improve will be sent to the parent to give them a final chance to engage with the support offered.
- 5.4 The Attendance & Placement Team will issue the notice to improve following a referral from school, who will monitor and update the Attendance & Placement Team. The length of the period of improvement will be 4-6 weeks, decided on a case-by-case basis considering the child and family's circumstances. Throughout the period, and at the end, the Attendance & Placement Team will review and consider whether there is or has been a significant improvement in attendance to avoid a penalty notice being issued and/or other legal action being taken.
- 5.5 Where improvement is not being made, a penalty notice can be issued before the improvement period has ended (e.g. if the notice to improve states that there should be no further unauthorised absences in a 4-week period, but the pupil is absent in the first week, there is no need to wait the full monitoring period before issuing a penalty notice.)
- 5.6 If, after a notice to improve has been issued, there is enough irregular attendance to merit a penalty notice, it must be issued unless there are

exceptional reasons against taking this action.

5.7 The DfE guidance indicates that a penalty notice can be issued for a first offence in certain circumstances, for example where a parent takes a child on holiday during term time without the school authorising the absence. Parents should be made aware of this. The Attendance and Placement Team will not be required to issue a notice to improve letter for unauthorised attendance due to a term time holiday taken without school approval.

5.8 Schools must publish their attendance policy in the current academic year, and this must include warning to parents that penalty notices can be issued in instances where a child takes an unauthorised absence in relation to term time holiday. This should be available on schools' websites.

5.9 To request a penalty notice for a term-time holiday (G code in the school's register) schools must refer to the Attendance & Placement Service within 15 days of the pupil returning to school and send the following documents:

- a. A copy of the leave of absence request, if applicable.
- b. A copy of the written response sent by the school, informing them that the absence would not be authorised and that a penalty notice will be issued if the leave of absence is taken without permission.
- c. A copy of the pupil's registration certificate, clearly showing that the national threshold has been met and that the appropriate coding has been used to allow for a penalty notice to be issued.
- d. Where no application for leave has been submitted by parents and the Leave was taken without prior discussion or knowledge of the school (e.g. where a parent has called to report their child is ill but later find out that the child is on holiday during term-time), schools must inform parents of their intention to request a

penalty, notice from the LA because of the unauthorised absences recorded.

6. Circumstances in which a Penalty Notice may be issued

6.1 The National Framework for penalty notices, contained within the DFE's guidance, sets out the maximum number of penalty notices which may be issued by a local authority to each parent, for each child, in a 3-year period.

6.2 All schools must consider whether a penalty notice is appropriate in each individual case where a child reaches the national threshold for considering a penalty notice. Schools are required to make judgements on each individual case to ensure fairness and consistency across the country.

6.3 The threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. In this regard:

- a. A school week means any week in which there is at least one school session.
- b. The threshold may be met with any combination of the following unauthorised absence codes: G (unauthorised leave/holiday taken during term-time) O (unauthorised absence) and U (arriving late after registers have closed). For example, the following would all satisfy the threshold if they took place within 10 weeks:
 - i. 4 sessions (2 days) of holiday taken in term time, plus 6 sessions of arriving late after the register within a 10-week period, would meet the threshold.
 - ii. 10 consecutive sessions (5 school days) of holiday absences (G coded)

- iii. 6 sessions of unauthorised absence taken in one week and 1 further session of unauthorised absence, per week for the next four weeks
- iv. 5 separate days of absence (10 sessions) taken over several weeks. For example, a pupil who fails to attend school on a Friday on five separate occasions within a 10-week period.
- c. The period of 10 school weeks can also span different terms or school years. For example, 2 sessions of unauthorised absence in the summer Term and a further 8 sessions recorded within the following Autumn Term could meet the threshold.

6.4 If repeated penalty notices are being issued and they are not working to change behaviour, they are unlikely to be the most appropriate and a different tool or legal intervention should be considered in this case.

6.5 The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a 3-year period.

7. Who may issue a penalty notice?

7.1 The Attendance and Placement Service are responsible for issuing penalty notices on behalf of North Tyneside Council.

8 Making a referral for a penalty notice

8.1 If the notice to improve has not solved the problem, or if the child is taken on a term time holiday without approval of the school, the school should record their considerations and decision to make a referral for a penalty notice. This is required as evidence.

8.2 A penalty notice must be addressed to one parent, but notices may be issued to each parent liable for the offence or offences. When more than one parent is issued with a penalty notice for a child, each penalty notice must be paid.

9. Payment of penalty notices: (in line with the National Framework for penalty notices)

- 9.1 Information as to how to make payment will be detailed in the documentation provided with the penalty notice.
- 9.2 The first penalty notice issued to a parent in relation to a particular pupil will be charged at £80 if paid within 21 days, rising to £160 if paid between 22 and 28 days. If a previous penalty notice has been issued more than 3 years prior to the current absence, any penalty notice to be issued in respect of the current absence will be treated as the first penalty notice.
- 9.3 A second penalty notice issued to the same parent in respect of the same child within a 3-year period is charged at a flat rate of £160 and is payable within 28-days. There is no reduced sum available in this instance.
- 9.4 A third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for the third time (or subsequent times) within those 3 years, alternative action will include considering prosecution or other legal intervention.
- 9.5 When paying a penalty notice fine, parents are essentially agreeing to an out of court settlement in respect of the unauthorised absences to which the notice refers. Payment in full against the penalty notice discharges the parent's legal responsibility for the period of unauthorised absence outlined in the notice and the parent cannot be subsequently prosecuted for that period; however, North Tyneside Council may still make reference to it in any prosecution or other legal action taken in respect of absences following it.

10. Cross Border Arrangements

10.1 In cases where a pupil has moved school or to a different Local Authority's area in the previous 3 years, an additional check will be made to ascertain whether previous penalty notices have been issued to the parent in respect of the pupil.

10.2 Checks can be made by the school, or the Local Authority at the school's request. North Tyneside's email for such purposes is crossborder.penaltynotice@northtyneside.gov.uk

10.3 Where pupils attend school in North Tyneside but live outside of North Tyneside, North Tyneside Council will liaise with the home Local Authority in cases where a penalty notice is being considered and support is appropriate.

10.4 As the penalty notice is a fixed penalty, legislation does not allow part-payment to be made or payments by instalments.

10.5 Any revenue resulting from payment of penalties will be retained by the Council and is used to cover the enforcement costs.

11. Non-payment of penalty notices

11.1 It is possible that non-payment of a penalty notice will lead to a prosecution under Section 444 of the Education Act 1996. The prosecution would not be for non-payment of the penalty notice but for the original unauthorised absence.

The parent will be issued with a letter advising that legal proceedings will be taken if the penalty notice is not paid within 28 days.

12. Withdrawal of a Penalty Notice

12.1 There is no statutory right of appeal against the issuing of a penalty notice. Furthermore, once issued, a penalty notice can only be withdrawn if it is established that it should not have been issued, e.g. where it has been issued outside of the terms of the Code of Conduct, or where no offence has been committed or where it has been issued to the wrong person.