



Attendance and Punctuality Policy

Document Control

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1	May 18	Introduction of new policy	H. Taylor
2.	March 19	Amended policy produced	Isabel Webb
3.	Sep 21	Review and update of the policy	Isabel Webb/Becci Davies
4.	March 2022	Review and update of the policy to include the pupil voice	Isabel Webb/Becci Davies
5	March 23	Updated the support given to parents if there are attendance concerns	Isabel Webb/Becci Davies
6.	November 2023	Updated letters sent to parents	Isabel Webb/Becci Davies
7.	December 2023	Updated to be in line with our feeder infant school	Isabel Webb/Jo Poyser
8.	November 2024	Updated with the new statutory guidance and common language.	All staff.
9.	January 2026	Annual review	Isabel Webb

Approval		
Meeting	Date	Chair
T&L Committee	7.10.21	Helen Brocklehurst
Resources	17.03.23	Stuart Archer
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T&L Committee	12.12.24	Helen Brocklehurst
FGM	21.01.26	Wilma Hyde

This policy has been written in collaboration with Wirksworth C of E Infant School to support the families within our community.

School vision and motto

Our motto is:

Creative. Curious. Caring. We make every moment count.

And we plan to achieve these through 5 clear aims:

- Aim 1: Children will enjoy their time and thrive at Wirksworth Junior School by being given creative, cultural experiences.
- Aim 2: Children will have been given a 'cultural rucksack' which enables them to investigate their environment and respect differences within school, the wider community and the world around them.
- Aim 3: To equip our children with tools to become good citizens, through empathising and developing sensitivity and respect for each other. With these skills, they are able to influence others in a positive way, encouraging them to develop their moral compass, standing up for equality and fairness.
- Aim 4: We make every moment count, by providing a rich curriculum for all pupils. We will enable every individual, regardless of ability, to achieve their full potential, building resilience, perseverance and high aspirations personally and academically, through high quality teaching.
- Aim 5: We will listen to the whole community, collaboratively working with all stakeholders to create a sense of belonging and togetherness; meeting the needs of all pupils at the school. We will provide a safe, trusting environment where children and staff can feel happy, valued and cared for.

School values

We have six core values: respect, trust, fairness, togetherness, perseverance and aspiration which are taught explicitly through the assemblies in school but are also interwoven through our bespoke curriculum.

Character and values teaching are an essential part of the hidden curriculum within school but are also taught through a well-planned Social, Moral, Spiritual and Cultural (SMSC) curriculum woven across all subjects and aspects of school life which develops children's abilities to show initiative, gain respect and tolerance in addition to shaping the mindsets and behaviour of future adults.

We also focus on the British Values to ensure children understand how to be a good citizen.

Rationale for this policy

The Wirksworth Primary Partnership is committed to helping children make the best possible progress with their education. To do this, they need to attend school regularly and punctually, ensuring we work together to improve attendance. The Education Act 1996 section 444 states that it is an offence if a child of compulsory school age fails to attend regularly at school.

It is a parents' legal responsibility to ensure that this happens.

It is recognised that for illness or other exceptional reasons, children may occasionally have to be absent from school, but it needs to be made clear that in the interests of their education, they should only be kept off school if it is essential.

We believe that the most important factor in promoting good attendance and punctuality is development of positive attitudes towards school. To this end, we strive to make our school a happy and rewarding experience for all children.

Definitions

Authorised absence – an absence is classified as authorised when a child has been away from school for a legitimate reason and the school has received timely notification from a parent/carer.

Only the school can make an absence authorised. Parents/carers do not have this authority. Consequently, not all absences supported by parents/carers will be classified as authorised.

An authorised absence could be one of the following:

1. Genuine sickness
2. "Unavoidable causes" such as severe weather conditions which make travel impossible, major domestic upset, fire, sudden death of a relative etc.
3. Advance permission may be given by the headteacher for events such as hospital visits, funeral of close relatives etc.

Unauthorised absence – an absence is classified as unauthorised when a child is away from school without the permission of the Headteacher.

Unauthorised absences are those which:

1. May jeopardise a child's educational welfare.
2. Could be done outside school hours. This would include non-essential events such as shopping, having a haircut and any non-urgent medical appointments such as eye-checks or dental check-ups that could be made out of school hours.
3. Arriving after register closes at 9.15am

Punctuality- Lateness after the register.

- All children should be ready for registration by 8.55am each day. Children may enter the school from 8:40am
- The gate to the playground will then be closed at 8:55am when school starts.
- A member of staff will supervise the gate from 8:40am to until it closes at 8:55am.
- Children will walk directly into the classrooms. Parents are welcome to walk their child/children into the classroom but must be mindful that the teacher is teaching from 8:55am; therefore, they will not be able to speak to them at this time.
- Parents should be leaving the school across the playground.
- If a child arrives after 8:55am, the gate to the playground will be locked and they should enter school through the office. Children should be escorted into school if they are arriving late not be left to enter by themselves.
- Class teachers take the register at 8:55am. Children arriving after this time but before 9.15am will be marked as "L" indicating a late in the register.

- Any child arriving in school after 9.15am will be marked as "U" indicating that they have arrived after the register has closed. This is an unauthorised absence.
- If a child arrives late on a regular basis, parents/carers will be spoken to by the Attendance Officer to agree strategies to support the child arriving to school on time.
- An afternoon register is taken at 12:45pm.
- For fire safety reasons it is essential that children arriving and leaving school with a parent/carer outside the normal hours are signed in or out from the office

If a child is absent

- Parents/carers must contact the school by 9.15am every morning their child is unwell. If on the first day you are aware that your child will be off for more than one day, such as sickness, then this should be shared with the school.
- If by 9.30am no message has been received regarding the reason for the absence the school office will endeavour to contact the parent/carer. A call will be made by the school office every day unless a reason has been given for why the absence is longer than one day.
- If no notification is given by parent/carer for reason of absence then this will be recorded as unauthorised
- A note will be recorded on **Arbor** by the person who made the call.
- If there is any doubt about the whereabouts of a child, the class teacher should take immediate action by notifying the school office and the DSL of their concern.
- The school office, in liaison with the Headteacher, will then make attempts to be in contact straight away with the parent/carer. This may be through multiple means of communication: email, Class Dojo, phone or a home visit if necessary. If the threshold of concern has been met after discussion with the Designated Safeguarding Lead, and the school has serious immediate concerns about the safeguarding of the child, a referral to Call Derbyshire may be considered.

Medical appointments

Every effort should be made to arrange medical appointments outside school hours. If it is necessary for a child to be out of school for a medical appointment, parents/carers should inform school of the reason and return their child to school directly after the appointment. It may be that we request a medical letter detailing the appointment.

Leave of absence

The DFE made amendments to the Education (Pupil Registration England) Regulations 2006 on 1st September 2013, updated 19th August 2024 stating that Headteachers may not grant any leave of absence during term time, including holidays, unless there are exceptional circumstances. These regulations also state that holidays cannot be authorised retrospectively. If a child is missing from school for 10 sessions (5 days) within a 10-week period (as a leave of absence) then the Local Authority will be notified to consider legal action (see Letter 1 Parental Responsibility letter)

- Any absence request should be made in writing at ***least 20 working days*** in advance of the intended leave using a leave of absence request form obtained from the school office.
- Late applications for any leave of absence will not be accepted/considered unless there are ***highly exceptional circumstances***.

- All applications for a leave of absence will be considered by the Headteacher. Any request for leave of absence will be taken on its own merits and based on the information provided by the parent/carer.
- A leave of absence that has not been agreed by the headteacher will be recorded as unauthorised. Should you still decide to take your child out of school you may be issued with a Penalty Notice which, if unpaid, could lead to prosecution under section 444(1) of the Education Act 1996.

Exceptional circumstances

All Headteachers within our school cluster met to agree a common definition of 'exceptional circumstances' so there is consistency across the schools in our area. Two tests were agreed which are applied to every application for leave of absence, these are:

- Could the leave reasonably be taken at another time?
- Will the leave unduly affect the child's education and progress?

If the answer to any of these questions is yes, then the application will be refused. Should a parent/carer decide to take their child out of school when leave has been refused, then the absence will be recorded as unauthorised. A leave of absence that has not been agreed will be recorded as unauthorised. Should you still decide to take your child out of school you may be issued with a Penalty Notice. If unpaid, this could lead to prosecution under section 444(1) of the Education Act 1996.

Should your child have siblings at another school within the area, then your application will be discussed with that school in order to agree a decision.

Repeated period of unauthorised leave

Derbyshire County Council code of conduct states that the LA will not issue more than two penalty notices within a 3-year period, consequently a third period of unauthorised leave will automatically result in consideration of a straight to court prosecution.

The Local Authority will be notified of unauthorised leave in term time, or unsatisfactory school attendance meeting the threshold of 10 sessions in a 10-week period, under Section 444 of the Education Act 1996. This may result in

A penalty notices payable up to £160 fine per child per parent

Prosecution under s444 (1) Education Act 1996 where if convicted you may be fined up to £1000

Prosecution under s444 (1a) Education Act 1996 where if convicted you may be fined up to £3500 and/or a community order or imprisonment

At Wirksworth Junior School, we are adopting a support first approach, as outlined in the Government guidance "Working Together to Improve School Attendance" This means that once a child's attendance drops below 90% we will begin monitoring and will offer support to the child and their family to help improve attendance, whatever the reason for absence.

If a child's attendance has declined due to 10 sessions of unauthorised absence, then the local authority has to be informed, and a parental responsibility letter sent out (Letter 1 Parental Responsibility letter). We will then start a period of support to the child and family. This may include meetings, letters, phone calls, target setting, rewards and/or referrals to other agencies to work alongside other professionals. We will be monitoring the impact of this support and will be

required to provide evidence to the Local Authority that this support has been offered and the outcomes. The evidence could be recorded in My Concern, RM Integris, TAF meeting notes, notes taken at parent's meetings and school chronology.

Persistent absentees

Promoting good attendance and punctuality

The school promotes good attendance and punctuality with all its stakeholders by:

- Having attendance as a regular standing item for discussion, review and monitoring on the Governing Body agenda as part of the Headteacher Report to Governors.
- Reviewing the Attendance and Punctuality policy annually.
- Issuing parents/carers with information highlighting the importance of good attendance.
- Signposting parents/carers to the updated Attendance and Punctuality Policy, focussing in particular on specific changes from the previous academic year.
- Working with the Local Authority and local cluster schools on improving attendance.
- Rewarding the class with the best attendance with a movement on the attendance board which could result in extra playtime.
- Termly attendance figures for the school are reported to parents/carers.
- Attendance display board in the school hall shares the successes of good attendance in the whole class, with rewards of extra play for the best attendance in a class.

Absence monitoring

We use a "traffic light" system to track children's attendance. Attendance is monitored half termly.

- **Green** attendance above 96%
- **Amber** attendance between 90% and 96%
- **Red** attendance below 90%

Punctuality monitoring

- **Green** punctuality is above 96%
- **Amber** punctuality is between 90% and 96%
- **Red** punctuality is below 90%

Every parent receives electronically a banding of their child's attendance to indicate where their child's attendance is Green, Amber or Red. This is sent termly.

Bespoke Herringbone reports are given to parents at parent's evenings detailing their exact attendance for each day and if these are authorised or unauthorised. Support will be offered if needed at this meeting - a separate meeting maybe arranged.

For children whose attendance falls in the Amber or Red a termly attendance progress meeting will be held with the teachers and the attendance officer. In these meetings staff will discuss what support would be offered and who by. This may result in the attendance officer completing direct work with the child - See Appendix 16 - pupil voice target sheet, or another member of staff. A meeting with parents maybe arranged depending on the circumstances.

Monitoring expectation

- Unauthorised absences in a 10-week period – monitored by office staff.
- Office staff to inform attendance officer of letters needing to be sent.
- Attendance officer to check weekly on who has fallen below 90%

- Teachers, teaching assistants & Attendance Officer to meet termly to discuss children who have fallen into Amber and Red.

What will formal monitoring look like after 10 unauthorised absences

1. Once the pupil has had 10 unauthorised absences in a 10-week period the Attendance Officer will call parents to let them know a letter will be arriving.
2. Letter 1 Parental Responsibility letter will be sent out by the office via post. A copy will be sent for each person with parental responsibility for each child, even at the same address.
3. A **supportive planning meeting** will be arranged with the teacher, Attendance Officer, DSL, headteacher and parents will be required to attend. Pupils maybe invited to attend where appropriate. Notes will be taken of this meeting. With bespoke actions identified and time frames. Actions could be:
 - Referral to the family support worker, school nurse, social workers etc.
 - Adaptation to school arrival procedures to meet specific needs
 - Referral for additional funding/Inclusion panel- EHCP
 - Working with the child on particular skills, such as breakfast routines, setting alarms to get up on time.
 - SEMH support for pupil 1:1 or in groups – Lego therapy, nurture, anxiety gremlins, meet and greets.
 - Target setting with parents and pupils.
 - School to get support from the Inclusion Support Advisory Teacher (ISAT) on how to engage and support pupils increase in attendance.
4. School staff will meet regularly with parents and pupils to review the actions and improvements. Notes will be taken from all meetings and could be used as evidence if the school is referring to a penalty fine after the monitoring period.
5. Support will be offered up to 6 months.

Request for a penalty notice/court prosecution to be issued

Wirksworth Junior school will follow Derbyshire County Council's best practise before we consider issuing a request for a penalty fine.

These are:

- Ensure we have given the family a key worker in school (Attendance Officer or Family Support worker).
- Undertaken and recorded preventative work for **up to 6 months**
- Ensure parents are informed of their parental responsibility by contacting them and sending a Parental Responsibility Letter.

A fine will only be issued if we feel that **all avenues of support that can be offered** have been exhausted and the child's attendance or punctuality has not improved. A letter will be sent to explain that a request for a penalty notice will be sent. This is known as Letter 2 Failure to Improve letter

Unauthorised holidays.

A holiday which exceeds the 10 unauthorised absences within a 10-week period will be considered as enacting the same procedures/ monitoring period as unauthorised absences for other reasons. Parents will be notified by letter and a phone call from the attendance officer that there will be a period of monitoring, and the local authority will be notified to consider issuing a penalty fine. Letter 1- parental responsibility will also be issued to start the period of monitoring and support. In the case of a holiday, this support maybe for information sharing about the importance of good attendance and the impact of lost learning if no other concerns exist.

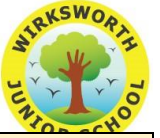
The local authority will not issue more than two penalty notices within a 3-year period, consequently a third period of authorised leave will automatically result in consideration for a straight to court prosecution.

Roles and responsibilities when supporting pupils to improve attendance.

	Office staff	Midday supervisor	Teaching assistant	Teacher	Attendance officer/ SENDCo	Headteacher	Governors
Actions we take if a child is off for more than three days.	<p>Ensuring there is a reason for absence – daily communication from parents.</p> <p>If needed, they may be able to sort out a laptop to assist with home learning.</p>	<p>Noticing the children’s absence – professional curiosity</p>	<p>Phone call to parents/dojo</p> <p>Keeping copies of key learning missed to allow them to access/catch up on missed learning</p>	<p>Phone call to parents/dojo</p> <p>Keeping copies of key learning missed to allow them to access/catch up on missed learning</p>	<p>Raise a concern with the office staff over the nature of the absence.</p> <p>Look at the attendance record on Arbor to see if there are any emerging patterns and get their baseline figure.</p> <p>Once attendance is slipping towards 90%, then a file would be opened. The child would be spoken with, and parent/carer would be phoned to express concern. Possibly start formal monitoring periods.</p>		
Language used to support poor attenders and persistently absent children.	<p>Lovely to see you, Nice to have you back,</p> <p>We’ve missed you. Can I help you with anything?</p>	<p>Lovely to see you, Nice to have you back,</p> <p>We’ve missed you. Can I help you with anything?</p>	<p>Lovely to see you, Nice to have you back,</p> <p>We’ve missed you. Can I help you with anything?</p>	<p>Lovely to see you, Nice to have you back, We’ve missed you. Can I help you with anything?</p>	<p>Empathetic listening with the parent/carer acknowledging how difficult the situation is for them. Explaining what expected attendance looks like and how this has been externally set by the government. Talk about how we can work together to improve the situation</p> <p>Offer practical advice.</p> <p>Introduce our attendance policy and monitoring periods, and incentives for coming into school.</p>		
Language used for a child late into school	<p>“It’s lovely to see you today.”</p> <p>“I’m glad you’re here”</p>	<p>“It’s lovely to see you today.”</p> <p>“I’m glad you’re here”</p>	<p>Hello, how are you? Don’t worry we are just... Is there anything you need?</p>	<p>Hello, how are you? Don’t worry we are just... Is there anything you need?</p>	<p>Welcome back into school personally. Making time for a 1:1 chat to see how things are going and build up a positive relationship to pave the way for more</p>		

	Office staff	Midday supervisor	Teaching assistant	Teacher	Attendance officer/ SENDCo	Headteacher	Governors
			What have you got for lunch, have you got a drink?	What have you got for lunch, have you got a drink?	difficult chats further down the line. Reward based targets.		
Support in the classroom to catch up lost learning.		Check in with the children during lunchtime – try to make time for a conversation with them on the playground or in the hall	Follow teacher direction on any specific learning to be caught up on and how it is to be delivered. Offer a summary of learning	Provide any catch-up materials or scaffolding that they feel are a priority. Direct TA's on how they want specific learning missed to be implemented.	Completing annual surveys/pupil interviews with the children on what support they get when they come back into school after absences. Using this to reflect on offers from the school.		
Raising awareness across the school	Monitor the daily register and ensure there are reasons for daily absences. Record notes on the register for teachers. Record lates and reasons given by parents for this. Record on My Concern if needed. Alert teacher of any patterns that have been noticed on the register that haven't been picked up already – professional curiosity.		Monitor the daily register and ensure there are reasons for daily absences.	Sharing Herringbone reports with parents-on-parents evening and asking if they need support to get their child into school on time/in school.	1:1 meeting to discuss individual targets with the child. Engagement with the parents. Following the support and the sanctions from the attendance officer. Reporting on class attendance every week. 100% attendance certificates given out. Updating the attendance policy.		Asking to see attendance data on headteachers reports and questioning the support offered is meeting the needs identified.

	Office staff	Midday supervisor	Teaching assistant	Teacher	Attendance officer/ SENDCo	Headteacher	Governors
Monitoring and action setting.	Processing fines for holidays.		<i>Attend termly meetings to discuss attendance and what actions we agree to take to improve poor attenders or persistently absent children in school.</i>	<i>Attend termly meetings to discuss attendance and what actions we agree to take to improve poor attenders or persistently absent children in school.</i>	<p><i>Attend termly meetings to discuss attendance and what actions we agree to take to improve poor attenders or persistently absent children in school.</i></p> <p>Support the teacher on actions that could be taken to improve attendance.</p> <p>Signposting to different agencies.</p> <p>Making referral to Early Health support from the family support worker.</p> <p>Application for funding needs.</p> <p>Assess provision they are receiving in school and if another provision/intervention would be more effective.</p>	<p><i>Attend termly meetings to discuss attendance and monitor actions we agree to take.</i></p> <p>Report to Governors, through the Headteacher's report, on actions taken to improve attendance and the impact these are having.</p> <p>Monitor the attendance figures for trends.</p>	<p>Read termly reports on attendance and question what actions have been taken and how this is impacting on improving attendance.</p> <p>Ask questions on actions taken and the outcomes and what could be done differently if positive change is not happening from the support put in so far.</p>
Vision and strategy	<p>Mantra- Attendance is everybody's responsibility.</p> <p><i>We are all connected, and we all care for each other.</i></p>						



How can we support persistently absent children? Positive language to be used.

Negative language that could be preventing children from coming into school regularly.	What language could we use instead?	How can we show we care? What can we do?	How can peers show they care?
<i>You're late again why are you late again?</i>	<ul style="list-style-type: none"> It's nice to see you here. I'm glad you're here. We have missed you. 	<ul style="list-style-type: none"> Talk to them about strategies they can use to help them with time management in the mornings. 	<ul style="list-style-type: none"> Smile. Say hello. Catch up with them.
<i>You need to get on with your work.</i>	<ul style="list-style-type: none"> I can see you're finding this difficult and getting frustrated. What can I do to help you? 	<ul style="list-style-type: none"> Scaffold the learning. Praise the positives. Ignore the negative behaviours. Remind them of behaviours, we expect him school. 	
<i>Phrases that start with 'Don't' and 'Stop' - the imperative verbs.</i>	<ul style="list-style-type: none"> Can you.....? Please, could you?... Let's think about this together. 	<ul style="list-style-type: none"> Co- regulate together. Model throughout your teaching practise/ interactions. Consistent approach through all aspects of the day. 	
<i>We've got to get through this maths and then we can get some fun stuff completed.</i>	<ul style="list-style-type: none"> Well done. Maths can be fun. I'm so pleased to see you're trying hard at this. You're showing a lot of courage and resilience. To help you, you can..... 	<ul style="list-style-type: none"> Scaffold the learning – use ideas from the SEND Share-point folder on our schools offer. Talk to SENDco and how to support further. 	
<i>I know it's boring.</i>	<ul style="list-style-type: none"> Well done. Keep going. I'm so proud of you. 	<ul style="list-style-type: none"> Share own experiences and empathise with the children. Praise positive actions about completing the work, 	
<i>You are being really naughty at the moment</i>	<ul style="list-style-type: none"> What could you have done differently? How do you think you've made other people feel by doing those things? 	<ul style="list-style-type: none"> Recognise the behaviours are a means of communication and they maybe avoiding the situation 	

Appendix 1: Letter 1 Parent Responsibility letter (One letter per parent)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Private and Confidential

Dear

As you are aware, I am concerned about **NAME's** school attendance. I have enclosed a copy of **HIS/HER** attendance printout for your information. Whilst the average attendance for a child of **PHASE** age is **NUMBER** % your child's attendance is **NUMBER**%.

I am obliged to make you aware of your legal responsibilities in relation to school attendance. Under Section 444 of The Education Act 1996 a parent is guilty of an offence if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school.

If **NAME's** attendance continues to be unsatisfactory and **HIS/HER** absences marked as unauthorised then I will have no option but to refer your case to Derbyshire County Council for consideration of legal action. This may result in:

- A Penalty Notice payable up to £160 fine per child, per parent.
- Prosecution under s444 (1) Education Act 1996 where, if convicted, you may be fined up to **£1000**.
- Prosecution under s444 (1a) Education Act 1996 where, if convicted, you may be fined up to **£2500 and/or a community order or imprisonment**.

In order to support you and **NAME** to improve the situation we would like to offer you **INSERT INITIAL SUPPORT OFFER/PACKAGE/MEETING AND NAME OF A LINK PERSON IN SCHOOL TO CONTACT**.

I will continue to monitor the situation but if **NAME's** attendance does not improve then legal action may follow. If you wish to talk to **ME/NAME**, **TITLE** regarding this issue please do not hesitate to contact me on the number at the top of this page.

Yours sincerely

Headteacher/Designated attendance lead

Appendix 2: Failure to Improve letter (One letter per parent)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Private and Confidential

Dear

As you know, NAME's attendance has been an ongoing concern, and he/she is in the category of persistent absentee.

Unfortunately, despite our offers of support, NAME has continued to miss school without good reason and HIS/HER absences remain unauthorised.

Section 444 of the Education Act 1996 states that if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly then their parent is guilty of an offence. Consequently, I intend to forward your case to the Local Authority for consideration of legal proceedings against you.

Please contact NAME OF MEMBER OF STAFF on the telephone number at the head of this letter, if you wish further clarification on this matter.

Enc: Register Extract

Yours sincerely

Headteacher/Designated attendance lead

Appendix 3: 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 4: Information for schools in relation to Requests to the LA for formal commencement of statutory measures/legal action in relation to unsatisfactory school attendance from September 2024

The new *Working Together to improve school attendance* guidance has resulted in changes to the way that the local authority will process and issue penalty notices or prosecute families in relation to unsatisfactory school attendance.

Support first approach

As you are aware there is a strong emphasis on partners working together to support pupils and families to remove barriers to attendance prior to any consideration being given to legal intervention.

From September each school will be allocated an Inclusion Support Advisory Teacher (ISAT) who will offer schools advice and guidance in relation to attendance. This will include whole school strategy advice but also case management consultation, thereby ensuring that the school and Local Authority are satisfied that all offers of support have been exhausted and it can be evidenced that the parent is failing in their duty to secure their child's regular attendance at school.

New Process

Our new process now requires that, at the point that the school become aware of an emerging attendance concern they should send a parental responsibility letter to the parent, this is the start of the legal period of evidence should there be no subsequent improvement.

This letter should trigger a period of intense support and monitoring where a designated member of the school staff works directly with the pupil and parent/carer who has parental responsibility to try to improve the situation. These cases should be discussed with the ISAT during the targeted support meeting and the work should continue until the situation improves or it is decided that the case needs to be referred to the LA for consideration of legal intervention. We would envisage a case to be managed for a period of approximately 6 months unless the pupil was not attending at all in which case action could be taken sooner.

Once received the LA will review the evidence submitted and a decision will be made and communicated with the school. Where either a penalty notice or prosecution is being considered the LA will send the parent a formal notice to improve which will give a final 4 week period for the parent to avoid legal action.

New Thresholds

The Local Authority attendance process team will only accept referrals if the case meets the following criteria:

- The pupil's overall attendance is below 90%
- The pupil has had 10 sessions of unauthorised absence in the previous 10 school weeks
- Support has been offered and it can be evidenced that the parent has not engaged

Escalation process

In line with the new Government guidance Derbyshire County Council new code of conduct states that the Local Authority will not issue more than two penalty notices within a 3 year period, consequently a third request will automatically result in consideration of a straight to court prosecution.

Important reminders

School Policy

In order for schools to use the penalty notice process they must have a policy statement which outlines the school's rule regarding leave in term-time. This can be part of a wider attendance policy or a stand-alone

document. This information should be available for all parents of children at the school to view. It should be prominently placed on the school website and parents should be regularly reminded of the school rules regarding attendance. The minimum wording required can be found on appendix 1.

Please note, if the case proceeds to the Magistrates Court this document forms part of the evidence.

Letters

Please note, if the case proceeds to the Magistrates Court all letters sent to parents form part of the evidence.

Please remember to send an individual letter to each parent against who you may be requesting a legal process. All letters must be dated and addressed in full even if you intend to hand the letter directly to the parent.

The Local Authority only require the school to send the parental responsibility letter at the start of the process and the failure to improve at the end, all other letters sent by the school to a parent should be tailored to reflect the individual circumstances of the case and written in a way that can be used as evidence in court if needed.

GDPR

It is vital that all correspondence to parents is sent to a correct address. If any documentation is sent to an incorrect address by the Local Authority this will have to be reported as a DATA BREACH and the school will be named as the source of the data.

For further advice and support contact **Cilla Warrington**

Email: cilla.warrington@derbyshire.gov.uk or telephone on: 01629 535756

Appendix 5: How to request legal action for ongoing unsatisfactory school attendance.

EMERGING CONCERNS

Send parental responsibility letter + offer support and consult Inclusion Support Advisory Teacher

THRESHOLD FOR REFERRAL TO LA

No improvement following support and decision made that further support will not result in improved attendance
Pupil has a minimum of 10 session of unauthorised absence in the previous 10 weeks

HOW TO REQUEST LEGAL ACTION FOR ONGOING UNSATISFACTORY SCHOOL ATTENDANCE

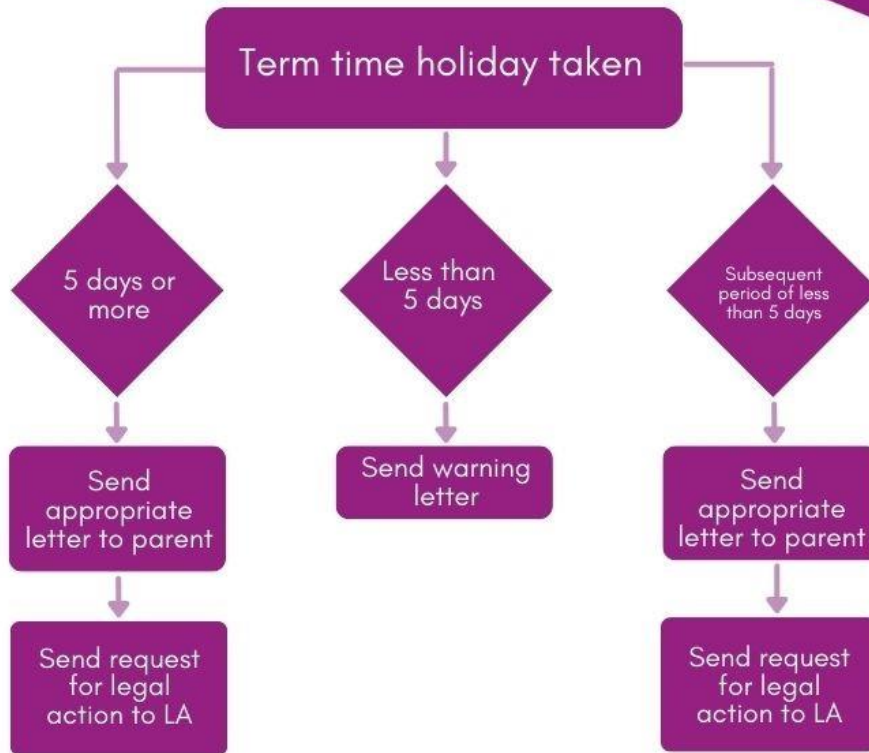
REQUEST FORMAL LA MONITORING

Send failure to improve letter to parent
Complete referral and submit to LA with all necessary documentation

NEXT STEPS

LA will send formal notice to improve to parent
LA will request updated attendance information
School will be notified of outcome

Appendix 6: Action to take if unauthorised holidays are taken in school time.



Appendix 7: Request for holiday letter not granted, no penalty notice. (Less than 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Private and confidential

Dear

Absence from School

Thank you for your application requesting leave of absence for CHILD'S NAME, for NUMBER school days, from DATE to DATE, for the purpose of a family holiday.

In September 2013 the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** came into force. These regulations make it clear that Headteachers should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Having carefully considered your application, in line with Government guidelines, I am unable to grant approval for your request as the reason given is not exceptional.

Whilst on this occasion we will not be requesting a Penalty Notice please note that should there be any further periods of unauthorised leave during term time regardless of the duration this may result in a request for a penalty notice

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 8: Request for holiday letter not granted, no penalty notice, late application. (Less than 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

Thank you for your application requesting leave of absence for CHILD'S NAME, for NUMBER school days, from DATE to DATE, for the purpose of a family holiday.

In September 2013 the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** came into force. These regulations make it clear that Headteacher's should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Having carefully considered your application, in line with Government guidelines, I am unable to grant approval for your request as the reason given is not exceptional. In any event, as your application was received late (*expand on this if necessary e.g. quote school policy or when the application was received*) I was unable to advise you of my decision prior to your departure.

For your information, CHILD'S NAME absence has been marked in the register with code 'G' which means 'unauthorised absence for a holiday during term-time.

Whilst on this occasion we will not be requesting a Penalty Notice please note that should there be any further periods of unauthorised leave during term time regardless of the duration this may result in a request for a penalty notice

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 9: Challenge reason for absence. (Less than 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear,

Absence from School

CHILD'S NAME was absent from school for NUMBER school days between DATE and DATE. You informed SCHOOL that CHILD'S NAME was absent due to REASON.

It is my belief that CHILD'S NAME was absent from school due to a family holiday. In view of this, in accordance with Government regulation, I must mark the register for CHILD'S NAME with a 'G' which means 'unauthorised absence for a holiday during term-time'.

If this is not the case please arrange an appointment to meet with me to discuss the matter further and where possible provide evidence to support your position.

Whilst on this occasion we will not be requesting a Penalty Notice please note that should there be any further periods of unauthorised leave during term time regardless of the duration this may result in a request for a penalty notice

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 10: Challenge reason (Less than 5 days.)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

NAME was absent from school for NUMBER days between DATE and DATE without explanation. You were sent a text message, enquiring about the reason for absence, each day during this time. (Or give details of the contacts made by school during the absence.)

It is my belief (*or* - You have since informed us) that CHILD'S NAME was absent from school due to a family holiday. In view of this, in accordance with Government regulation, I must mark the register for CHILD'S NAME with a 'G' which means 'unauthorised absence for a holiday during term-time'.

If this is not the case, please arrange an appointment to meet with me to discuss the matter further and where possible provide evidence to support your position.

Whilst on this occasion we will not be requesting a Penalty Notice please note that should there be any further periods of unauthorised leave during term time regardless of the duration this may result in a request for a penalty notice

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 11: Approved holiday request for exceptional reasons. (Less than 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

Thank you for your application requesting leave of absence for CHILD'S NAME, for NUMBER school days, from DATE to DATE, for the purpose of a family holiday.

In September 2013 the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** came into force. These regulations make it clear that Headteachers should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Having carefully considered your application, in line with Government guidelines, I am able to grant approval for your request for NUMBER school days on the basis that the reason given is exceptional.

Yours sincerely

Appendix 12: Holiday request denied- (over 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

Thank you for your application requesting leave of absence for CHILD'S NAME, for NUMBER school days, from DATE to DATE, for the purpose of a family holiday.

In September 2013 the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** came into force. These regulations make it clear that Headteachers should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Having carefully considered your application, in line with Government guidelines, I am unable to grant approval for your request as the reason given is not exceptional. If your child is absent from school during the specified dates you may be issued with a Penalty Notice for this unauthorised absence.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 13: Holiday request denied late application- (over 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

Thank you for your application requesting leave of absence for CHILD'S NAME, for NUMBER school days, from DATE to DATE, for the purpose of a family holiday.

In September 2013 the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** came into force. These regulations make it clear that Headteacher's should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Having carefully considered your application, in line with Government guidelines, I am unable to grant approval for your request as the reason given is not exceptional. In any event, as your application was received late (*expand on this if necessary e.g. quote school policy or when the application was received*) I was unable to advise you of my decision prior to your departure.

For your information, CHILD'S NAME absence has been marked in the register with code 'G' which means 'unauthorised absence for a holiday during term-time' and you may be issued with a penalty notice for this unauthorised absence.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 14: Holiday request challenge - (over 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

CHILD'S NAME was absent from school for NUMBER school days between DATE and DATE. You informed SCHOOL that CHILD'S NAME was absent due to REASON.

It is my belief that CHILD'S NAME was absent from school due to a family holiday. In view of this, in accordance with Government regulation, I must mark the register for CHILD'S NAME with a 'G' which means 'unauthorised absence for a holiday during term-time'.

If this is not the case please arrange an appointment to meet with me to discuss the matter further and where possible provide evidence to support your position. Unless I hear from you in the next 5 school days I will refer the case to the Local Authority and you may be issued with a penalty notice for unauthorised absence.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 14: Holiday request challenge unexplained - (over 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

NAME was absent from school for NUMBER days between DATE and DATE without explanation. You were sent a text message, enquiring about the reason for absence, each day during this time. (Or give details of the contacts made by school during the absence.)

It is my belief (**or** - You have since informed us) that CHILD'S NAME was absent from school due to a family holiday. In view of this, in accordance with Government regulation, I must mark the register for CHILD'S NAME with a 'G' which means 'unauthorised absence for a holiday during term-time'.

If this is not the case, please arrange an appointment to meet with me to discuss the matter further and where possible provide evidence to support your position. Unless I hear from you in the next 5 school days, I will refer the case to the Local Authority and you may be issued with a penalty notice for unauthorised absence.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely

Appendix 15: Holiday request authorised - (over 5 days)

Wirksworth Junior School, Wash Green, Wirksworth,
Derbyshire, DE4 4FD
Tel/Fax: (01629) 822457
Email: office@wirksworth-jun.derbyshire.sch.uk
Headteacher: Mrs Isabel Webb



Date

Dear

Absence from School

Absence from School

Thank you for your application requesting leave of absence for CHILD'S NAME, for NUMBER school days, from DATE to DATE, for the purpose of a family holiday.

In September 2013 the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** came into force. These regulations make it clear that Headteachers should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Having carefully considered your application, in line with Government guidelines, I am able to grant approval for your request for NUMBER school days on the basis that the reason given is exceptional.

Yours sincerely

My attendance targets



Name:

Target

To attend school for the next

This will be checked on

What helps me to get to school in the morning?

-
-
-

What slows me or stops me getting into school?

-
-
-

What can I do to make sure I am in on time?

-
-
-

What reward would I like for hitting my targets?

-
-
-

Signed:.....

Name.....

Review my Targets

What helps me to get to school in the morning? What has worked to help me get to school on time?

-
-
-

What has not helped me to get to school on time?

-
-
-

What has improved since last time?

-
-
-

Appendix 18: Parental request for leave of absence



Anthony Gell School Cluster of schools Request for leave of absence from school

Please note – The Education (Pupil Registration) (England) (Amendment) Regulations 2013 state that Headteacher's should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances. Unauthorised absences may be referred to Derbyshire County Council and incur a Penalty Notice. **You are strongly advised to gain school authorisation before making any travel arrangements.**



Name of child

Class groupYear

Are there siblings also requesting leave from another school? Yes / No



Sibling School
(Headteachers will speak to each other concerning your request)



Name of Applicant(s) and Address

I / We wish to apply for our child to be absent from school for **EXCEPTIONAL CIRCUMSTANCES** on the following dates:



Leave requested from (date).....to (date).....

Total number of days child will be absent from school.....



Please supply, in as much detail as possible, the reason for your request and why you feel it should be considered as exceptional circumstances. Please include the names of the adult(s) who will be with your child during their absence from school.



Signed (by both parents if applicable): Date.....

Parent 1 (print name)..... Signed.....

Parent 2 (print name)..... Signed.....

For school use only:

Current attendance this academic year _____% Previous academic year's attendance (if applicable) _____%

Known reasons for absence in the last 12 months: _____

Sibling school contacted (if applicable) Yes / No / NA

Head teacher's decision:

Authorised Absence Unauthorised Absence Signed: _____

Letter sent to parents date: _____ Signed: _____

Route letter sent (circle as applicable): with child by hand to parent by post

ADVICE FOR PARENTS AND CARERS

Derbyshire County Council Children's Services

2 August 2024

ADVICE FOR PARENTS AND CARERS

▪ **What is the Anti-Social Behaviour Act 2003?**

The Act gives powers to local authorities, schools and the police to issue penalty notices to parents or carers for their child's unsatisfactory attendance at school.

▪ **Why have penalty notices been introduced?** Reducing absence from school is very important. This is because missing school can damage children's achievements, disrupt the school's routines and affect yours and other children's learning. It can also leave children at risk of anti-social behaviour and youth crime. Above all, missing out on the opportunities provided in school can have a long-term effect on children's chances in life.

▪ **What are my responsibilities as a parent?** You have a legal duty to ensure that your child receives full-time education¹. Where a child is registered at a school, you must ensure that your child attends school regularly and on time. You will be committing an offence, therefore, if your child fails to attend regularly and punctually and the school has not given permission for the absence or late arrival. Remember - only your child's school can authorise absence or late arrival.

▪ **What is a penalty notice?** A penalty notice is an alternative to prosecution. It provides the parent the option to pay a fixed amount as a fine for their child's non-attendance and avoids court proceedings. It is intended to secure better attendance without taking legal action through the courts. The decision to offer the option of a penalty notice lies with the local authority and takes into

consideration the facts of the case and the threshold guidance as outlined in the Government guidance²

▪ **What are the penalty costs?** In the first instance, the fine is £160 to be paid within 28 days. The 28 days starts two days after the date of issue as shown on the notice. If the fine is paid within 21 days, payment reduces to £80. If a second penalty notice is issued within 3 years of the first the amount to be paid is £160 to be paid within 28 days with no reduction for early payment.

PLEASE BE AWARE when two parents/carers are issued with a penalty notice for the same child both penalty notices must be paid. The fine will apply to each parent for each child who fails to attend regularly and punctually. 1 The law states that education must be “efficient, full-time and suitable to the child’s age, ability, aptitude and to any special educational needs the child may have either by regular attendance at school or otherwise (Section 7 of the Education Act 1996)” 2 <https://www.gov.uk/government/publications/working-together-to-improve-school-attendance> 3 August 2024

▪ **Who is counted as the parent responsible for ensuring attendance?** The law defines a parent as:

- Any natural parent, whether married or not
- Any parent who, even if not married, has responsibility as a parent
- Any person who, although not a natural parent, has care of a child or young person Having care of a child or young person means that if the child or young person lives with you and is cared for by you then you will be regarded as the parent irrespective of what your relationship is with the child.

▪ **How are they issued?** A penalty notice will normally be sent by first class post to your home address.

▪ **When are they used?** Penalty notices can be used in a wide range of situations, including but not limited to circumstances:

- Where it is clear that parents fail to ensure their child attends school regularly and on time
- Where parents take their child on holiday during term-time without the written permission of the headteacher.

- Unsatisfactory school attendance The threshold for when a school should consider requesting the issue of a penalty notice 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 or if they should refer the case to the local authority for formal monitoring with a view to legal action if the attendance does not improve.

▪ **Is a warning given?** A formal written notice to improve will be issued in cases of unsatisfactory school attendance, but there will be certain circumstances where you will not be given a formal written warning. For example, if you have taken your child on holiday in term-time without the authorisation of the headteacher. 4 August 2024

▪ **What happens if I receive a notice to improve?** The letter will tell you how many school sessions your child has missed and give you a minimum number of school days to improve your child's attendance. If there is no significant improvement, a penalty notice may be issued. We never take such action lightly and would prefer to work with parents or carers to improve attendance without having to enforce it. However, we will use these powers to ensure that your child attends school.

▪ **What does the law say regarding holidays in term-time?** The Education (Pupil Registration) (England) (Amendment) Regulations 2013 makes it clear that the headteacher should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances. Parents are not entitled to take their children on holiday in term-time. Planned absence can only be taken with the prior written approval of the headteacher. Each case will be considered on its own merits and the decision of the headteacher is final. 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 local authority who 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 but fall below the 5-day threshold. If a penalty notice is issued the following apply:

- Each parent is liable to receive a penalty notice for each child for each period of absence
- A penalty notice will be issued without warning

Taking or allowing your child to take a holiday in term-time without the school's permission is a serious matter. If we find that you have done so, we will not hesitate to issue a penalty notice if requested to do so by the school.

Can I appeal? There is no right of appeal once a penalty notice has been issued. We can take back a penalty notice but only if:

- It should not have been issued in the first place (for example, if your child was actually at school); or
- It has been issued to the wrong person;

or

- It appears to Derbyshire County Council that the notice contains material errors. 5 August 2024 If you believe that any of the above circumstances apply, you should contact Derbyshire County Council immediately with evidence to support your view. The contact details will be included in the penalty notice.

▪ **How do I pay?** Details of how to pay will be included in the penalty notice. Please remember that there will be no reminder to pay and no opportunity to pay in instalments. Failure to pay within the timescales as specified in the penalty notice will result in prosecution.

▪ **What happens if I do not pay?** If you do not pay, the consequences can be very serious. You have up to 28 days from receipt to pay the penalty notice in full. After this time, if it has not been paid, Derbyshire County Council is required by law to begin proceedings in the magistrates' court for the original offence of failing to secure the satisfactory attendance of your child at school. Cases will usually be dealt with by using a process called the single justice procedure (SJP), which allows the case to be heard without the need for you to attend the Magistrates Court however you still have the right to request that your case be heard in open court even you wish to plead guilty. If you wish to plead not guilty to the offence the Court will schedule a trial and you will be required to attend. If proven, this can attract a range of fines of up to £2500, and may include other remedies such as parenting orders, community

sentences, or imprisonment, depending on the circumstances. A guilty verdict will also mean that you will have a criminal record.

▪ **Can I be prosecuted if I pay but my child still fails to attend school?** If your child's attendance at school does not improve a second penalty notice or escalation to prosecution may occur. You cannot be prosecuted for the period included in the existing penalty notice, however, you can be prosecuted for any further periods of non-attendance, depending on the circumstances.

Appendix 20: useful resources from the DCC

Summary table of responsibilities for school attendance (applies from 19 August 2024)

[Removing Barriers to Education | Derbyshire Services for Schools](#)