



THE JOHN FISHER SCHOOL

FOUNDED 1929

## **Attendance Policy**

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## **1. Introduction**

The John Fisher School attaches great importance to the regular attendance of its students. The aim of this policy is to encourage students to attend school regularly so that they take full advantage of the educational opportunities available to them at this school.

Post Covid-19, it is of even greater importance that students attend school regularly, on time and ready to learn to ensure that there is no further disruption to a student's education.

In framing this policy the Governors have kept in the forefront of their discussions the statutory duty of schools to record student attendance twice a day; once at the start of the morning session and once during the afternoon session (Period 4/5). This duty is applicable to all students of compulsory school age who are on the school's admission roll.

## **2. Promoting attendance**

The foundation for good attendance is a strong partnership between the school, parent/carers and the student.

The Home/School Agreement outlines how we will work with parent/carers and our expectations of what they will need to do to ensure their child(ren) achieve(s) good attendance.

We will ensure that our students are made aware of the importance of good attendance and how this will benefit them.

The school will seek to encourage students to attend school and to be punctual by a range of incentives. For students with outstanding attendance, this may include:

Recognition at year group assemblies, newsletters and notice boards.

- Letters home
- Certificates
- Queue jump passes

## **3. Attendance Targets**

The school will set attendance targets each year. A system for analysing performance towards the targets has been established and a member of the school's Senior Leadership Team is responsible for overseeing this work. The school makes use of the attendance information and its own data, when setting its targets. Targets will relate to national averages.

Our absence target rate is currently 6% or lower:

The school's absence rate for 2019 – 2020 was 5.35% (Covid-19)

The school's absence rate for 2020 – 2021 was 10.59% (Covid-19)

The school's absence rate for 2021 – 2022 was 6.96%

The school's absence rate for 2022 – 2023 was 7.11%

The school's absence rate for 2023 – 2024 was 7.55%

#### 4. **Absence**

Any student who is absent from school at the morning or afternoon registration period must have their absence recorded as being authorised, unauthorised or as an approved educational activity [attendance out of school]. Only the Headteacher, or a member of staff acting on their behalf, can authorise absence. If there is no known reason for the absence at registration, then the absence will be recorded in the first instance as unauthorised.

The coding for any absences will be in accordance with the guidance provided by the Department of Education. The codes can be found at the back of this policy in Appendix A

##### 4.1 **Persistent Absence [PA]**

- Below **94%** attendance – stage 1 letter
- Below **90%** attendance – stage 2 letter and meeting with student and parent/carers led by the Director Of Learning (DOL)
- Below **87%** attendance – stage 3 letter requesting medical evidence and meeting with Inclusion co-ordinator and Assistant Headteacher (AHT)
- Below **85%** attendance – stage 4 letter and meeting with AHT and the Borough Attendance Officer

**Persistent absence will be closely monitored from 90% and any student whose attendance level falls below 85% will be subject to an action plan to support their return to full attendance.**

The action plan will include engagement with all parties, including the Borough School Attendance Service, who can support the student's attendance.

## 4.2 Categorisation of Absence

Any student who is on roll but not present in the school will be recorded within one of these categories:

- **Unauthorised absence**
  - This is for those students where no reason has been provided, or whose absence is deemed to be without valid reason.
- **Authorised absence**
  - This is for those students who are away from school for a reason that is deemed to be valid under the Education Act 1996.
- **Approved Educational Activity**
  - This covers types of supervised educational activity undertaken off site but with the approval of the school.
  - Students recorded in this category are deemed to be present for attendance returns purposes.
  - This would include:
    - Work experience placements
    - Field trips and educational visits
    - Sporting activities
    - Link courses or approved education off site
- **Covid-19 related absence**
  - All absences directly related to Covid-19, for example self-isolation, will be recorded and remote learning provided.

If a student is receiving education off site or is attending at a school where they are dual registered with, the school will liaise with the other education provider to check on attendance.

## 4.3 Leave of Absence in Term Time

Leave of absence during term time will be discouraged. Parent/carers will be reminded of the effect that absence can have on a student's potential achievement. The school will consider any application for leave of absence and will only agree to authorise the absence in exceptional circumstances; Parent/carers must apply in advance for permission for their child to have leave of absence. A referral (i.e. for

unauthorised term time family holiday) may be made to the London Borough of Sutton Attendance Service where a fixed penalty notice (see Appendix B) may be issued for unauthorised 'leave of absence' over and above 5 consecutive days.

#### **4.4 Procedures in The Case of Absence**

- Parent/carers are expected to telephone the absence line at school on the first day of absence of their son. They should indicate the reason for the absence and, if possible, predict the likely date of their son's return to school.
- On the first morning of any unexplained absence from school, parent/carers will receive a text message informing them of their child's absence and requesting that they contact school regarding the absence. The school uses the 'PS Connect' messaging service.
- Where no contact is made with a parent/carer, this is followed up by letter or telephone.
- When a student returns to school after being absent his parent/carers(s) must provide him with a note explaining the reason for his absence. This should be firstly given to his Form Tutor and then passed onto the appropriate Key Stage Administrator (Mrs H Maynard KS3, Mrs M Cody KS4, Mrs K Cooney KS5). Failure to produce a note should be followed up immediately by means of a telephone call.
- All such notes, and notes of telephone messages, must be dated and signed.
- If Form Tutors receive what they consider to be an unsatisfactory explanation they should bring the matter to the attention of their Director of Learning.
- Unexplained absences will be followed up by telephone or by enlisting the help of the Borough School Attendance Officer.
- Attention should be paid to any student with 85% attendance or under, who have incurred seven sessions of unauthorised absences in a six-week period- these may be formally referred to the Borough School Attendance Officer.

#### **4.5 Approving Absence**

The Governors acknowledge the law which says that parent/carers may not authorise the absence of their son from school. Such authorisation may only be sanctioned by the school. Absence may be authorised retrospectively if the school is satisfied with the explanation offered.

### **5. Lateness**

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Morning registration will take place at the start of school at 8.45am. The registers will remain open for 20 minutes until 9:05am. Any student arriving after this time will be marked as having an unauthorised absence, unless there is an acceptable explanation.

Where the absence at registration was for attending an early morning medical appointment, the appropriate authorised absence code will be entered.

Students arriving after the start of the school day, but before registers close at 9:05am, will be recorded as late.

## 5.1 Procedure in The Event of Lateness to School

Students who are not present at registration, due to their late arrival at school, must sign in at the main reception. Students are registered as late if they arrive after the registration bell goes at 8.45a.m.

Parent/carers are contacted in the event of an unauthorised absence.

## 5.2 Persistent Lateness to School

A late to school report will be generated weekly and circulated to Heads of Year and Senior Leadership members. The table below outlines the sanctions for lateness rates.

Level	No of 'lates' over a 5-day period	Sanction
1	2	40 min Central Detention
2	3	60 minute Central Detention
3	4+	Saturday Detention

Persistent lateness (level 3 or above twice in a half term) will result in parent/carers being invited into school to discuss and resolve the situation. Repeated persistent lateness involving a student incurring unauthorised absences due to lateness, will be referred to the Borough School Attendance Officer.

## 6. Early departure from school

If a student has to leave school for such things as medical/dental treatment, parent/carers must provide written evidence to the Key Stage Administrators 24 hours prior to the departure to ensure this message is received and shared with his

teachers. The student must sign out at the main reception before departing the school site.

If they return to school, later in the day, they must report to the main reception in order to sign themselves back in.

## 7. **Emotionally Based School Avoidance (EBSA)**

Emotionally Based School Avoidance (EBSA), also known as Anxiety-based school avoidance (ABSA), is a term used to describe ‘children and young people’ (CYP) who experience persistent challenges in attending school due to negative feelings (such as anxiety). EBSA is when difficulties attending school have escalated to a point where the CYP has continued to struggle to attend school over a period of time and is associated with emotional and physical distress (Ladwig & Khan, 2007).

School refusal behaviours are more than a CYP’s dislike or disregard for school (Lingenfelter & Hartung, 2015). Researchers reported ‘school avoidance’ is not a medical diagnosis but often encompasses symptoms and behaviours associated with particular diagnoses and difficulties, such as social anxiety disorder, generalised anxiety disorder, separation anxiety, specific phobias, major depression, post-traumatic stress disorder and more (Kawsar & Marwaha, 2019; Walter et al., 2010).

Persistent non-attendance at school appears to be an increasing and serious difficulty within modern society (Wilkins, 2008), especially since COVID-19 and CYP’s extended period not attending school. As a school, we will work with the students and their families to identify triggers and risk and ensure an action plan is put in place to support improved attendance.

It is important to gather information from members of staff who work most closely with the child or young person. Each member of staff may have valuable information to help identify triggers (e.g. for anxiety) and strategies the young person responds positively to. It is important to gain the views of staff who have positive relationships with the CYP and staff where there have been difficulties.

Key information to gather from staff includes:

- The young person’s strengths?
- What is going well?
- Any difficulties they have noticed?
- Peer relationships?
- Relationships with adults?
- Response to academic tasks?
- If they have witnessed emotional distress, what did this look like and what caused it?



- What support or differentiation is put in place and how the young person responds to this?
- Any ideas for further support?

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

Guidance was introduced by the DfE, as of September 2016, to ensure Local Authorities and schools make procedures even more robust to prevent children becoming 'missing'.

All children of compulsory school age, regardless of their circumstances, are entitled to an efficient, full-time education which is suitable to their age, ability, aptitude and any special educational needs they may have. Knowing where children are during school hours is an extremely important aspect of Safeguarding. Missing school can be an indicator of abuse and neglect and may also raise concerns about other safeguarding issues, including the criminal exploitation of children.

'Children Missing Education' (CME) are:

- Those children who become missing from education and their whereabouts are unknown,
- Those not registered at a school and are not receiving a suitable education otherwise (i.e. Elective Home Education or alternative provision)
- Children on part-time timetables or those who cease to attend the school where they are a registered student.

These children can be at significant risk of underachieving, being victims of harm, exploitation or radicalisation and in later life becoming NEET (not in education, employment or training).

Where a student has 10 consecutive school days of unexplained absence and all reasonable steps\* have been taken by the school to establish their whereabouts without success, the school will make an immediate referral to London Borough Sutton Council's Children Missing Education Service.

The Children Missing Education Service can be contacted on 02083230461 or by email to [attendance@cognus.org.uk](mailto:attendance@cognus.org.uk)

\*Reasonable steps include:

- Telephone calls to all known contacts.
- Letters home (including recorded delivery).

- Contact with other schools where siblings may be registered.
- Possible home visits where safe to do so.
- Enquiries to friends, neighbours etc. through school contacts.
- Enquiries with any other service known to be involved with the student/family.
- All contacts and outcomes to be recorded on the student's file.

Schools, the Local Authority (and other agencies where necessary) need to act as soon as possible to make reasonable enquiries. Action must be taken to establish the whereabouts of children who cease attending school and their whereabouts or destination school is not known.

## **9. Legal action to enforce school attendance**

If a student incurs 'unauthorised leave of absence' in term time, and the school makes a referral to the Local Authority, parent/carers may be eligible to receive a Fixed Penalty Notice (see Appendix B). A fixed penalty notice may be issued for unauthorised 'leave of absence' over and above 5 consecutive days. Furthermore, a fixed penalty notice will be considered when a student has incurred 7 or more unauthorised sessions in the previous 6 school weeks, which may include a student persistently arriving late after close of registration.

### **9.1 Why have Penalty Notices been introduced?**

Reducing absence from school is a key priority nationally and locally. Missing school lowers a student's achievement levels and disrupts school routines and affects the learning of others. It can also cause a student to be vulnerable to anti-social behaviour and youth crime. Above all, missing school seriously affects children's longer-term life opportunities.

In consultation with The Local Authority, schools are authorised to issue Penalty Notices, for unauthorised leave of absence, in accordance with the provisions of the Education Act 1996, and the Education and Inspection Act 2006.

### **9.2 What is a Fixed Penalty Notice?**

Under existing legislation, parent/carers commit an offence if their child fails to attend school regularly, and the absences are classed as unauthorised (those for which the school cannot, or has not given permission i.e. family holiday during term time – code G). Depending on circumstances, such cases may result in prosecution under Section 444 of the Education Act 1996.

The fine is £60 if paid within 21 days of issue of the Fixed Penalty Notice, increasing to £120 if paid within 28 days. Fixed Penalty Notices are issued to each parent/carer in respect of each child not attending school. There is no statutory right of appeal once a Fixed Penalty Notice has been issued. If the Fixed Penalty Notice remains unpaid after 28 days the matter will be taken before the Magistrate's court.

## 10. Monitoring arrangements

Policy:	Attendance
Date of latest revision:	July 2024
Version:	1
Changes made during latest revision:	Not applicable
Governors' Committee responsible:	TLS Committee
Date Approved by governors:	
Date of next review:	July 2025

## **11. APPENDIX I: Recording absence**

### **11.1 Registration**

Registers are legal documents. For this reason and because of the important function they fulfil in the daily life of the school the information recorded in them must be accurate. All classes must be registered in Sims or Edulink during morning registration and at the beginning of each lesson, not forgetting to do the register twice for double lessons. Please see the appropriate Key Stage Administrators for any manual registers that may be required (Mrs H Maynard KS3, Mrs M Cody KS4, Mrs K Cooney KS5).

### **11.2 Marking of the register**

If a student is present at registration a 'forward slash' should be entered in the appropriate morning slot and a 'back slash' entered for the afternoon slot. This will have the effect of creating a herring-bone pattern across the page. Students who are not present at registration must be entered as 'N'.

A letter "L" should be entered, to indicate that a student has arrived late to school or to your lesson. (Students who are late to school must go to the main reception and sign in).

Teaching staff should only enter ' / ' or ' N ' or ' L '

All other codes are only to be entered by Key Stage Administrators.

In the case of "Absence" the following symbols should be inserted by Key Stage Administrators, indicating absence for that session. There are times that a student may be registered as being absent for a school session when such an absence should not be included in his attendance record or, indeed, the overall school statistics for absence. These are also shown in the following table.



CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	'Attending any other approved educational activity	Approved Education Activity
C	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised absence
C1	Taking part in a regulated performance or regulated employment abroad.	Authorised absence
C2	Leave of absence due to a part-time timetable (so not being educated elsewhere).	Authorised absence
D	Dual registration (i.e. student attending other establishment)	Approved Education Activity
E	Excluded (no alternative provision made)	Authorised absence
F	Extended family holiday (agreed)	Authorised absence
G	Family holiday (NOT agreed or days in excess of agreement)	<b>Unauthorised absence</b>
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J1	Interview	Approved Education Activity
K	Attending alternative provision arranged by the LA	Approved Education Activity
L	Late (before registers closed)	Present
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence	<b>Unauthorised absence</b>
O	Unauthorised absence (not covered by any other code/description)	<b>Unauthorised absence</b>



<b>P</b>	Approved sporting activity	Approved Education Activity
<b>R</b>	Religious observance	Authorised absence
<b>S</b>	Study leave	Authorised absence
<b>T</b>	Traveller absence	Authorised absence
<b>U</b>	Late (after registers closed)	<b>Unauthorised absence</b>
<b>V</b>	Educational visit or trip	Approved Education Activity
<b>W</b>	Work experience	Approved Education Activity
<b>X</b>	Untimetabled sessions for non-compulsory school-age students	Not counted in possible attendances
<b>Y</b>	unable to attend due to exception circumstances (see below for sub categories)	Not counted in possible attendances
<b>Z</b>	Student not yet on roll	Not counted in possible attendances
<b>#</b>	School closed to students	Not counted in possible attendances

Y1 - 'Unable to attend due to transport normally provided being unavailable' eg. Local Authority provided transport

Y2 - 'Unable to attend due to widespread disruption to travel' eg. Strike or weather disrupting travel for a large number of students

Y3 - 'Unable to attend due to part of the school premises being closed'

Y4 - 'Unable to attend due to the whole school site being unexpectedly closed'

Y5 - 'Unable to attend as pupil is in criminal justice detention'

Y6 - 'Unable to attend due to public health guidance' - If the student is too unwell to attend then an I code should be used as usual.

Y7 - 'Unable to attend due to any other unavoidable cause'

**12. APPENDIX 2: Fixed penalty Notices**

# **CODE OF CONDUCT**



## **Penalty Notices**

### **For Parent/carers/Carers of Students Absent from School**

Education Act 1996 and Education and Inspections Act 2006

#### **1. INTRODUCTION**

- 1.1 The purpose of this Local Code of Conduct is to ensure that statutory powers are applied consistently and fairly across the Local Authority area and that suitable arrangements are in place for the administration of the issuing of Penalty Notices.
- 1.2 The Government requires Local Authorities to issue a Code of Conduct to all schools.
- 1.3 This Code of Conduct has been written in light of 'Guidance on Education-Related Parent/carersing Contracts, Parent/carersing Orders and Penalty Notices' - Revised Edition 2015; and Education (Student Registration) (England) Regulations 2006.(Amendment 2016), Education (Student Registration) (England)(Coronavirus)(Amendment) Regulations 2021.
- 1.4 The London Borough of Sutton Code has been agreed following consultation with:
- Sutton Local Authority – School Attendance Service;

- Representatives from Governing Bodies and Headteachers of Sutton Schools;
- The Sutton division of the Metropolitan Police Service;
- South London Legal Partnership (SLLP) Legal Services.

This is in accordance with the The Education (Penalty Notices) (England) Regulations 2004(Amendment) Regulations 2013 and Anti-Social Behaviour Act 2003 Section 23 Subsection (1).

1.5 Anyone issuing a Penalty Notice to a parent/carers<sup>1</sup> of a child of statutory school age on roll at a Sutton school, must do so within the terms of this Code.

1.6 The key consideration in deciding whether to issue a Penalty Notice will be whether it can be effective in helping to improve the student's attendance. The School Attendance Service will also consider whether the Local Authority is likely to be willing and able to prosecute, should the parent/carers fail to pay the penalty.

## 2. LEGISLATION

2.1 The Anti-Social Behaviour Act 2003 inserts into the Education Act 1996 Section 444A and Section 444B enabling authorised personnel to issue Penalty Notices as an alternative to prosecution under Section 444, and enable Parent/carers/Carers to discharge potential liability for conviction for that offence by paying a penalty.

### 2.2 What is a Penalty Notice?

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<sup>1</sup> All those defined as a parent/carers under Section 576 Education Act 1996 are Parent/carers/Carers for the purpose of these provisions. This means that all natural Parent/carers/Carers, whether they are married or not; any person who, although not a natural parent/carers, has parent/carersal responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent/carers, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent/carers in education law. 'Parent/carers' means each and every parent/carers coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to 'parent/carers' in the singular.

As with prosecutions under Section 444 Education Act 1996 a Penalty Notice may be issued to each parent/carers liable for the offence.



Penalty Notices are fines that can be issued by a Local Authority or a school to Parent/carers/Carers for their child's unauthorised absence from school.

### 2.3 **When is a Penalty Notice appropriate?**

- Parent/carers/Carers of a registered student whose child fails to attend school regularly, without reasonable justification, are committing an offence under Section 444 of the Education Act 1996. A Penalty Notice for irregular attendance can be issued where the parent/carers is capable of, but unwilling to secure an improvement in their child's school attendance.
- Where a parent/carers fails, without a reasonable excuse, to ensure that their excluded child is not present in a public place during school hours in the first five days of any exclusion, then she or he is committing an offence under Section 103 of the Education and Inspections Act 2006.

### 2.4 The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all Parent/carers/Carers who fall within the definition set out in Section 576 of the Education 1996. This defines 'parent/carers' as:

- (i) all natural Parent/carers/Carers, whether they are married or not;
- (ii) any person who, although they are not a natural parent/carers, has parent/carersal responsibility (as defined in the Children Act 1989) for a child or young person;
- (iii) any person who, although not a natural parent/carers, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent/carers in education law.

### 2.5 **Specific Conditions**

**Children Looked After:** The London Borough of Sutton does not include Children Looked After in the Penalty Notice process. Where there are concerns over attendance with a child within the London Borough of Sutton or other Local Authority care, a review

should be held to determine that appropriate provision is in place and whether changes need to be made to better engage the young person with their education.

**Special Educational Needs (SEN):** For students with an Education Health & Care Plan, an early review should be held before considering a Penalty Notice or other legal action. This is to determine that appropriate provision is in place and whether changes need to be made to better engage the young person with their education.

### **3. RATIONALE**

- 3.1 Regular and punctual attendance at school is both a legal requirement and essential for students to maximise their educational opportunities. In law an offence occurs if a parent/carers fails to secure a child's attendance at school at which they are a registered student and that absence is not authorised by the school. Parent/carers/Carers are supported at school and Local Authority level to overcome barriers to regular attendance.

### **4. AUTHORISATION TO ISSUE PENALTY NOTICES**

- 4.1 Primary responsibility for issuing Penalty Notices rests with the Local Authority through the School Attendance Service.
- 4.2 In Sutton it has been agreed that the Police will not issue Penalty Notices to Parent/carers/Carers of truants, and neither will schools. If Headteachers feel it appropriate that a Penalty Notice is served, they therefore must consult with and refer to the School Attendance Service.
- 4.3 This will avoid a Penalty Notice being issued when the Attendance Service may already be instigating legal proceedings for unauthorised absence from school.
- 4.4 It has been agreed that the School Attendance Service, on behalf of Sutton Local Authority, will therefore issue Penalty Notices. The

Service will administer the scheme from any funds obtained as a result of issuing Penalty Notices.

- 4.5 The Local Authority is required to set out the maximum number of Penalty Notices which may be issued to each parent/carers in any 12-month period. For these purposes the Local Authority has set the maximum at **two** Penalty Notices for each parent/carers for each individual child (with no restriction on the number of Warnings issued), although more than one Penalty Notice can be issued in a 12-month period in circumstances relating to multiple leave of absence (i.e., unauthorised holidays during term time).

Should the issue of a Penalty Notice fail to improve attendance, consideration will be given to a prosecution.

**NB** It is not a defence for the parent/carers to say that she/he was unaware of the absences or the student being out unsupervised during an exclusion from school. Parent/carers/Carers are expected to know where their children are on a daily basis and there is no duty, in law, on the school or the Local Authority to advise them of their child's absence.

## **5. CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED**

- 5.1 Penalty Notices apply to students of statutory school age, which finishes on the last Friday in June of Year 11.

Within Sutton it has been agreed to use Penalty Notices in the following circumstances:

### **5.2 Penalty Notices for Unauthorised Absence from School**

London Borough of Sutton uses Penalty Notices to safeguard the education of children, and to influence the improvement of identified cases of poor attendance patterns at school.

The School Attendance Service will consider the issue of Penalty Notices to Parent/carers/Carers. This will be where:

- there has been a Referral to School Attendance Service from the school as part of the school's processes to address poor attendance patterns;
- evidence of intervention has been supplied by the student's school and / or the Local Authority;
- the Local Authority is satisfied that an offence has been committed under Section 444 Education Act 1996;
- where overall absence, within the previous six months, has fallen to 85% or below (15% or more absence);
- at least 50% of that absence remaining unauthorised;
- or, where there have been at least 10 sessions of unauthorised absence within the previous six weeks.

### 5.3 **Required Documentation for Each Child**

#### **If a Penalty Notice is in relation to Unauthorised Absence:**

- A fully completed Penalty Notice Referral form.
- A Registration Certificate – to include previous 12 months.
- A Certificate of Attendance.
- A copy of the school's Warning letter to the Parent/carers/Carers, warning that a referral may be made to the Local Authority to issue a Penalty Notice.

### 5.4 **Excluded students identified in a public place during specified days of exclusion:**

When a student is excluded from school, either for a fixed period exclusion or a permanent exclusion, the parent/carers is responsible for ensuring that their child is not found in a public place during normal school hours on the specified days of the exclusion. Truancy Patrols take place regularly in Sutton, carried out by Attendance Officers in partnership with the Police.

If an excluded student is stopped in a public place by the Truancy Patrol during the specified days of their exclusion, the School Attendance Officer on patrol can refer for a Penalty Notice to be issued under Section 103 of the Education and Inspections Act 2006.

Students on roll at a school outside Sutton will be referred to the attendance service in the Local Authority where they are on roll.

- 5.6 It is for each school, with their Governing Body, to decide whether they wish to issue Penalty Notices for unauthorised leave of absence in term time. Where Penalty Notices will be issued, schools must ensure that all relevant literature is provided to Parent/carers/Carers, such as the school Prospectus, Attendance and Behaviour Policies, Home School Agreements, Newsletters; and website information includes the warning that Parent/carers/Carers may be issued with a Penalty Notice if leave of absence is taken without permission.
- 5.7 If a Headteacher does not authorise a request for leave of absence, s/he will send a letter to the parent/carers confirming this decision, which includes a warning that a Penalty Notice may be issued.
- 5.8 If leave of absence is then taken without authorisation, school may choose to complete a Penalty Notice Referral. Penalty Notice Referrals must be agreed and signed by the Headteacher.
- Referral forms should be sent to the Penalty Notice Officer at the School Attendance Service, for receipt within 2 weeks of the holiday being completed. All Referrals will be considered for Penalty Notice issue.
- 5.9 Penalty Notices for any unauthorised leave of absence in term-time can be requested by the Headteacher. The Headteacher should act in accordance with the school's Policy and must take

Into account all considerations recommended in the National Guidance<sup>2</sup>. The School Attendance Service Court Officer / Penalty Notice Officer may decline to issue a Notice where such considerations have not been made.

The Local Authority will consider the following case disposals :

- Penalty Notice
- Warning
- Formal Caution
- Court Proceedings
- NFA

## **6. ISSUING OF PENALTY NOTICES**

6.1 The issue of a Penalty Notice for unauthorised absence must be preceded by a formal letter to the parent/carers. This letter will:

- Raise concerns regarding the level of unauthorised absence, and giving advice regarding contact with the school / School Attendance Officer.
- Remind the parent/carers of their responsibility for ensuring their child maintains full and regular attendance at school, in accordance with Section 444 of The Education Act 1996, and that failure to do so could result in legal action being taken.
- Advise the parent/carers of the powers of the Local Authority to issue Penalty Notices.
- State the specific absences which will give rise to the formal warning.
- Notify the parent/carers that continued unauthorised absence may lead to the issue of a Penalty Notice or other legal action.

6.2 It for Headteachers to determine if the request is Exceptional. Legislation requires that each request is judged on a case by case basis.

6.3 Before a Penalty Notice is issued it must be evident that the matter is capable of proof in the Magistrates' Court so that in the event of

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<sup>2</sup> 'Guidance on Education-Related Parent/carersing Contracts, Parent/carersing Orders and Penalty Notices' DfES 2007, p39



non-payment of the charge, the parent/carers / carer can be prosecuted.

## **7. NUMBER OF PENALTY NOTICES TO BE ISSUED FOR TRUANCY OR UNAUTHORISED ABSENCE**

- 7.1 Sutton will issue no more than **two** penalty notices per student with high levels of unauthorised absences in a 12-month period.

If the law continues to be broken around school attendance, the School Attendance Service legal intervention process will be considered.



## **8. PAYMENT OF PENALTY NOTICES**

- 8.1 The penalty for each parent/carers is £60 for each child if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice. (Service by post is deemed to have been effected, on the second working day after posting the Notice by first class post, unless the contrary is proved.)
- 8.2 All penalties are paid to the Local Authority to cover the administration costs of issuing and enforcing penalties and the prosecution of recipients who do not pay their penalty.
- 8.3 The arrangements for the paying of penalties will be detailed on the Penalty Notices.
- 8.4 If the penalty is not paid in full by the end of the 28-day period the School Attendance Service will consider prosecution for the offence to which the Notice applies. The prosecution is not for non-payment of the Notice but is a prosecution for irregular school attendance – Education Act 1996 Section 444.
- 8.5 There is no statutory right of appeal against the issuing of a Penalty Notice.
- 8.6 A Penalty Notice need not be served before any prosecution can take place.

## **9. WITHDRAWAL OF PENALTY NOTICES**

- 9.1 A Penalty Notice can only be withdrawn in the following circumstances:
- where it ought not to have been issued, i.e. where it has been issued outside the terms of the local Code of Conduct or where no offence has been committed;
  - where it has been issued to the wrong person;



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- where it contains factual errors;
- where new evidence or information has come to light after the initial application, that warrants the withdrawal of the Penalty Notice.

### 13. **APPENDIX 3: Independent review panel training**

The LA must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act