



Attendance Policy

(To be used alongside MCC School Attendance Policy – Dec 2015)

Adopted by The Dell Governing Body on 26th January 2016

Policy to be reviewed annually or following a review of Local Code of Conduct ~ Education Fixed Penalty Notices (FPN) by S.E. Wales Consortium –Monmouthshire & the MCC School Attendance Policy

Attendance

The Dell Primary School is committed to securing excellent attendance for its pupils in order that they receive an excellent education and do not jeopardise their future life chances to succeed. As such, The Dell Primary School is committed to upholding the legal requirements for compulsory school attendance for all pupils of statutory age. The Dell Primary School also recognises punctuality as a positive and commendable aspect of pupil behaviour and will insist upon it all times.

Working in partnership with parents

Every parent of every child of compulsory school age has a duty to ensure that he or she receives full time education suitable to his or her age, ability and aptitude either by regular attendance at school or otherwise. Parents should ensure that their children arrive on time, properly attired and in a condition to learn. Parents are informed of the school policy at new intake meetings, through the school prospectus and in newsletters or reminders.

Responsibilities

In order to promote regular attendance, all parties have responsibilities. The responsibilities of parents/carers, pupils, schools and Educational Welfare Officers are outlined below.

Parents:

Parents/carers responsible in law for ensuring that their child(ren) attend regularly and arrive on time at the school at which they are registered.

Parents/carers should: -

- take an active interest in their child's school life and work;
- attend parents' evenings and other school events;
- ensure that their child completes his/her homework
- be aware of letters from school which their child may bring home;
- ensure that their child arrives at school on time and remains in school each day;
- ensure that their child only misses school for reasons which are unavoidable or justified, such as illness or days of religious observance;
- always notify the school on the first morning of any absence, giving a reason for the absence and confirm this in writing when their child returns to school;
- avoid booking family holidays during term-time and where the family feel that there are exceptional circumstances then they should consult with the Head teacher prior to booking;
- talk to the school if they are concerned that their child may be reluctant to attend for any reason; especially if they feel there is an issue either of bullying or safeguarding.
- provide the school with a current contact number where the school can make contact with the parent/carer at any time during the school day;

Pupils:

Pupils should: -

- attend school regularly and be on time
- attend all lessons punctually
- turn up prepared to learn, and be dressed appropriately

- be aware of the appropriate member of staff they can contact/speak with if there are issues which may impact upon attendance

Schools

We are responsible for supporting the attendance of our pupils and for responding to difficulties and issues, which might lead to their non-attendance. At The Dell we adopt a positive and proactive approach towards attendance.

We will: -

- normally be open to all pupils for 380 sessions each school year (we will avoid closure unless hazards are risk assessed otherwise)
- create an ethos and culture via the development and maintenance of positive relationships which encourages good attendance, addressing school-based causes of poor attendance such as bullying, racism, and any curriculum based issues
- involve governors by reporting attendance data and setting attendance targets
- identify a key senior member of staff; **in the case of The Dell it is the Headteacher**, with overall responsibility for attendance who ensures that good practice is identified and disseminated
- provide clear guidance to staff on the practice of **registration** to enable them to maintain accurate attendance registers in accordance with the legal requirements to take an attendance register twice a day: at the start of the morning session and again during the afternoon session. **See Section 3 MCC School Attendance Policy**
- provide clear guidance to staff on the categorisation of **absence** and accurately record and monitor all absenteeism and lateness in line with the Welsh Government's guidance. **It should be noted that it is an offence not to maintain accurate registers** See **Section 3 MCC School Attendance Policy**
- ensure that first-day of absence contact procedures are in place and followed, particularly in relation to pupils who may be considered to be at risk
- recognise the crucial importance of early intervention identifying clear procedures to follow up all absence and lateness by **identifying an Attendance Leader** with specific roles and responsibilities
- identify a range of both proactive and reactive strategies to promote attendance and address absenteeism, especially persistent absenteeism. This could include, development of pro-active pastoral support approaches, use of Emotional Literacy strategies such as SEAL, restorative approaches and use of attendance audits as part of school's self-evaluation processes
- distinguish clearly between **absence** which is authorised and absence which is unauthorised according to criteria as identified in the **MCC Attendance Policy Section 5**
- remind parents/carers that it is the sole decision of the Headteacher to determine whether or not an absence will be authorised and stress to parents the importance of continuity of learning, particularly in relation to written requests for family holidays during term-time. We follow Monmouthshire County Council's guidance that holiday requests during term time will not be authorised by the Head unless there is agreement in writing, between the school and the parent/carer that exceptional circumstances apply. **See Section 5 & 6 MCC Attendance Policy & Appendix C of this policy**
- make effective use of attendance data to monitor progress/trends and set targets for improvement – for individuals, classes, year groups and the whole school paying particular attention to critical times (e.g. Key Stage 2/3 transfer) and vulnerable groups. **See Section 9 MCC Attendance Policy**
- establish regular structured meetings between identified school staff and the Education Welfare Officer to ensure that the school has taken all reasonable steps in line with the **MCC Attendance Policy Section 7**

- establish effective multidisciplinary networks for liaising with other involved agencies and services including Education Welfare Officers, Social Services, Youth Service, the Police, Health, etc.; See **Section 8 MCC School Attendance Policy**
- submit regular absence returns to the Welsh Government and Local Authority returns as are required or requested
- publish information relating to our own levels of attendance and absence as well as including details in the school's usual methods of communicating to parents and governors.
- set annual targets in liaison with the Local Authority/EAS to reduce absence and submit these targets in accordance with the relevant regulations. See **Section 9 MCC Attendance Policy**

Education Welfare Officers

The Education Welfare Service provides professional, quality support to children, young people, families and schools so that children and young people living in Wales benefit from the educational opportunities provided to them. In supporting attendance, Education Welfare Officers may

- investigate the reasons behind school absence
- offer information and guidance
- undertake planned interventions
- advise families about specialist support services
- make referrals to appropriate services when required

The Dell School Procedures

Registration

The school keeps the following documents:

- computerised admission register
- computerised year group registers
- manual class registers

1. All pupils are registered by their classteacher each morning and afternoon.
2. Staff will complete the registers with the correct mark ('/' = present, 'O'=absent). Office staff will enter the relevant code.
3. Registers will be marked in ink: black for present, red for absent.
4. Both staff and pupils should see registration as an integral part of the school day. Office staff will complete the reason for absence using the information from their records.
5. Children enter the school from 8.50am and should be in class by 9am. The register is taken at 9am and pupils arriving after this time are marked as absent. All registers must be returned to the office as soon as possible after completion. This ensures access during emergencies as well as secure storage at the end of the day.
6. All registers are made available for the Education Welfare Officer (EWO) to examine.
7. The registers will be examined regularly by the Attendance Leader and entered into the computerised attendance system.

Reporting absences

- Parents/carers are expected to inform the school on the first day of the child's absence. This can be by telephone, letter or personal contact before 9am. If there has been no contact by this time, a member of admin staff will contact parents as soon as possible.
- All parents/carers must contact school the following morning after a child has been sent home from school, regardless of the reason they were sent home. This ensures the school is aware of all absences and that the child is safe.
- All messages are noted on the white slips, recording name, date, time, reason and the expected date the child will return to school by. These are kept in files in the office, along with the request for absence forms, to enable office staff to follow up any contacts as may be necessary.
- All letters received by class teachers are placed in the register.

- All notes and letters will be kept for the remainder of the current academic year plus a further two years.

Absence

There are two different types of absence, **authorised** and **unauthorised**.

Authorised absence

In accordance with Monmouthshire County Council guidance, parents should be aware that only the head teacher may decide whether an absence is authorised or unauthorised. Examples of authorised absence include:

- Sickness
- Unavoidable medical/dental appointments
- Days of religious observance
- Exceptional family circumstances, such as bereavement

Parents should also be aware that a letter explaining an absence does not in itself authorise an absence, only the school's acceptance of the explanation offered by the letter authorises the absence.

Holidays during term time

There is no statutory right to take children out of school other than those outlined above. Parents have no right to demand that absences are authorised. Parents must, in law, apply for permission in advance to withdraw a pupil from school for a holiday. Parents should be aware that only the head teacher has the right to agree to a pupil's absence for family holidays in term time. Monmouthshire County Council advises all Governing Bodies to delegate any holiday requests during term time to the Headteacher who will consider each request taking account of existing individual pupil attendance records. The maximum that can be authorised is 10 school days except where there are exceptional and extenuating circumstances.

Exceptional and extenuating circumstances include and would normally be limited to:

- i. family holiday request from parents who are employed by the Ministry of Defence;
- ii. family requests for holiday due to religious beliefs.

Such considerations, in exceptional circumstances and holiday requests below the 10 day maximum, may result in the school agreeing with the request and authorising the absence accordingly. This means that holiday requests during term time beyond the 10 day maximum **will not be authorised** by the school unless there is agreement between the school and the parent/carer that exceptional and extenuating circumstances apply, as aforementioned.

However, where parents fail to abide by the agreement reached with the school and keep a child away from school or where parents fail to seek permission, the time taken will be treated as an **unauthorised absence** in accordance with the application of this policy.

All requests for holiday in exceptional circumstances during term time should be made in writing, using the 'Request for Absence During Term Time' form (available from the school office or '247 Office' section of the school website) giving at least two weeks' notice, to the Headteacher. Requests should be made by a parent / carer of the child even if they are not going on holiday with them. If the parent with whom the child lives does not give consent to the holiday, leave cannot be given lawfully by the school except by a court order.

Unauthorised Absence

An explanation is required for every absence. If one is not forthcoming the absence will be treated as unauthorised. Unauthorised absence is absence without approval from the Head teacher and includes all unexplained absences. A pupil's punctuality is also a legal requirement and the law treats persistent lateness (after the close of the Register) in the same way as irregular attendance. Schools are directed to record lateness after the close of the register, without a satisfactory explanation, as an unauthorised absence.

Unauthorised absence is perceived as truancy which could ultimately result in the Education Welfare Service (EWS) having to prosecute parents for the non-school attendance of their child/ren.

In line with Welsh Government guidance, and under the Anti-Social Behaviour Act 2003 Monmouthshire County Council has adopted Fixed Penalty Notices and Fines for parents who have children with more than 10 sessions of unauthorised absences in any one term. A session is a morning or an afternoon session. Fixed Penalty Notices and Fines can be issued for any absences not authorised by the school, including holidays. Monmouthshire County Council will issue these notices when concerns are raised by the school or the police.

A Fixed Penalty Notice is an early deterrent intended to prevent more extended periods of unauthorised absence developing and incurs a fine of £120, reduced to £60 if paid within 28 days of the notice being served. Failure to pay a penalty notice will result in prosecution under the Education Act 1996.

Where a pupil's unauthorised absence exceeds 10 sessions (5 days) in any academic year, the Local Authority may issue a fixed Penalty Notice to their parents/carers following a request from the Headteacher. This will not take place before the Attendance Leader at The Dell and the Headteacher have exchanged written letters with parents /carers to investigate the unauthorised absence.

See Appendix C 'Fixed Penalty Notices – A Guide for Parents and Carers'.

See Section 6 MCC School Attendance Policy

Monitoring absence

Each half term the Attendance Leader will review the electronic register of pupils' attendance on a class-by-class basis. As a school we categorise attendance using a traffic light approach.

Green = 96%+

Amber = 92-95.9%

Red = less than 92%

As a result of each of these monitoring sessions the Attendance Leader will send a letter to parents/carers of pupils in Amber and Red categories (**Appendix A – Amber & Appendix A - Red**). The Attendance Leader will schedule an attendance meeting for parents of all pupils in the red category.

Lateness

- Children can enter the school from 8.50am. The morning session begins at 9.00am, and the afternoon session begins at 1.00pm in Key Stage 2 and 1.15pm in Foundation Phase.
- The registers will be marked at 9.00am. Any child arriving after 9.00am will be marked as 'late'. Any pupil arriving after 9.30am will be marked as 'late after registration'. This is classed as an absence and will need a legitimate reason for the absence to be authorised.
- Pupils arriving after 9.00am must enter through the Reception and complete the Late Sheet on arrival. This sheet becomes part of our records and would form a register during an evacuation for that day etc.
- Parents/carers of pupils who arrive late more than once per half term will be requested to discuss the issue with the Attendance Leader. The Attendance Leader will send a letter. **See Appendix B - Lateness** If the problem persists, the Head teacher will raise the issue with the EWO.
- If a child is named on the local authority's 'At Risk Register', the school will advise the child's case worker at Social Services department immediately if they are absent.
- The EWO will be given percentages of attendance for the school when necessary.

Persistent lateness and unauthorised absence not resolved by the school

In the first instance we will always seek to work with and support parents to resolve issues of persistent lateness and unauthorised absence.

We recognise that targeted intervention plays a vital role in resolving issues of poor school attendance. Where school intervention fails to have the desired effect there are a number of sanctions available to Local Authorities (LAs) to try and secure improvements.

Fixed Penalty Notices are one of the sanctions available for this offence and offer a means of suitable and effective intervention for improving levels of unauthorised absences, before they become entrenched and persistence absences, whilst reducing the need for lengthy and costly prosecutions.

Fixed Penalty Notices and other sanctions will **only be used where parental co-operation with our school's process is either absent or deemed to be insufficient to resolve the problem.** They will be used as a means to support parents to meet their legal responsibilities and only where there is a reasonable expectation that their use will secure improved school attendance."

See Appendix D The 'Local Code of Conduct Education Fixed Penalty Notices'.

The Attendance Leader at The Dell is Mrs LESA DAVIES

APPENDIX A - Amber

'Amber' Letter to Parents

____/____/____

Dear Parent,

Child's Name _____

Class _____

We are required to analyse our registers regularly and note children whose attendance is below our school attendance target which is **96.2 %** this year. As a school we work with colleagues at Monmouthshire County Council's Education Welfare Service and use coloured bands to identify potential concerns with attendance. These bands are as follows:

Green Attendance over 96%
Amber Attendance 92-95.9%
Red Attendance less than 92%

We are sending you this letter because, in our most recent register check, your child's attendance over the last 12 months was _____% and thus s/he is currently in the **AMBER** band.

Every single day a child is absent from school equates to a day of lost learning. Attendance percentages can be misleading. The table below is based on national guidelines and expectations for attendance at primary school.

100% attendance	0 days missed	Excellent
95% attendance	9 days of absence (1 week and 4 days of learning missed)	Satisfactory
90% attendance	19 days of absence (3 weeks and 4 days of learning missed)	Poor
85% attendance	28 days of absence (5 weeks and 3 days of learning missed)	Very Poor
80% attendance	38 days of absence (7 Weeks and 3 days of learning missed)	Unacceptable

For some parents, 90% may seem like an acceptable level of attendance, but the reality is that 90% attendance means that your child will miss the equivalent of half a school day every week or 19 days of school during the school year.

We understand that your child might have been unwell for a few days or may have been on an authorised activity. However, we are required to monitor attendance and notify parents where attendance falls below 96%.

You do not need to reply to this letter; it is just intended to advise you of our concern. However please feel free to contact me if I can support you in ensuring your child attends school every day.

Yours faithfully

Attendance Leader

'Red' Letter to Parents

Dear Parent,

____/____/____

Child's Name _____

Class _____

We are required to analyse our registers regularly and note children whose attendance is below our school attendance target which is **96.2 %** this year. As a school we work with colleagues at Monmouthshire County Council's Education Welfare Service and use coloured bands to identify potential concerns with attendance. These bands are as follows:

Green Attendance over 96%
Amber Attendance 92-95.9%
Red Attendance less than 92%

We are sending you this letter because, in our most recent register check, your child's attendance over the last 12 months was _____% and thus s/he is currently in the **RED** band.

Every single day a child is absent from school equates to a day of lost learning. Attendance percentages can be misleading. The table below is based on national guidelines and expectations for attendance at primary school.

100% attendance	0 days missed	Excellent
95% attendance	9 days of absence (1 week and 4 days of learning missed)	Satisfactory
90% attendance	19 days of absence (3 weeks and 4 days of learning missed)	Poor
85% attendance	28 days of absence (5 weeks and 3 days of learning missed)	Very Poor
80% attendance	38 days of absence (7 Weeks and 3 days of learning missed)	Unacceptable

For some parents, 90% may seem like an acceptable level of attendance, but the reality is that 90% attendance means that your child will miss the equivalent of half a school day every week or 19 days of school during the school year.

We understand that your child might have been unwell for a few days or may have been on an authorised activity. However, we are required to monitor attendance and notify parents where attendance falls below 96%.

Because your child is currently in the red band I would be grateful if you would contact the office and make an appointment to meet with me so that I can share our concerns and support you in ensuring your child improves his or her attendance.

Yours faithfully

Attendance Leader

____/____/____

Dear Parent,

Child's Name _____
Class _____

We are required to analyse our registers regularly and we monitor attendance and lateness very closely because of the detrimental effect it can have on children's learning and academic progress. As a school we work with colleagues at Monmouthshire County Council's Education Welfare Service to identify potential concerns with attendance and lateness.

We are sending you this letter because, in our most recent register check, your child has been late on more than one occasion this half term.

When a pupil arrives late to school, there are many consequences:

- Time when a child is absent from school equates to time lost in learning.
- He or she misses out on essential instructions given at the beginning of lessons – in fact, arriving 5 minutes late each day adds up to missing 3 entire days of school by the end of the year
- Pupils might feel awkward and embarrassed going into the classroom when everyone else is already settled
- When one person arrives late everyone loses out – the class is disrupted and the teacher must take time away from the other pupils to explain what is going on for the lesson

Our school gates open from 8.50a.m., and all children should be in school at 9.00 a.m. Please make every effort to get to school before the gates re-close at 9.00a.m. It is the parent/guardians responsibility to ensure their child is in school on time.

You do not need to reply to this letter on this occasion; it is just intended to advise you of our concern. We appreciate that there are occasions when your child may have been late due to an unavoidable situation at the start of the day. However please feel free to contact me if I can support you in ensuring your child attends school on time every day.

Give your child the best possible chance to succeed – please ensure they arrive on time each day.

Yours faithfully

Mrs L Davies
Attendance Leader

Fixed Penalty Notices - A Simple Guide for Parents and Carers

Improving regular attendance at school is a key priority, both locally and nationally.

The Welsh Government has introduced important amendments to legislation surrounding school attendance. The Education Act 1996 makes it a criminal offence for a parent to “fail to secure their child’s regular attendance at the school”

The new amendments include a penalty notice scheme. This means that a Head teacher can request the issue of a Fixed Penalty Notice for irregular attendance of a child or young person registered in their school. This includes pupils who attend an alternative education provision arranged by the Local Authority.

The South East Wales Consortium of local authorities, of which Monmouthshire is a member, has issued a local Code of Conduct which states that “Fixed Penalty Notices and other sanctions will only be used where parental co-operation with (the school’s targeted intervention) process is either absent or deemed to be insufficient to resolve the problem. They will only be used as a means to support parents to meet their legal responsibilities and only where there is a reasonable expectation that their use will secure improved school attendance.”

Some examples of when a Fixed Penalty Notice can be issued:

- **Unauthorised absences** - Where at least 10 sessions (5 schools days) are lost to unauthorised absences; these do not need to be consecutive. You will receive a formal notification from the Head teacher explaining the actions that may be taken.
- **Holidays in term time** - A Fixed Penalty Notice can be issued for an unauthorised leave of absence for at least 10 sessions (five school days) during term time; these have to be consecutive school days.

Should a parent/carer wish to take a holiday during term time they must apply in writing to the school explaining the circumstances for the leave of absence. To authorise the absence the Head Teacher must agree that the exceptional circumstances warrant the granting of leave and that the child’s attendance is not below the school’s attendance target for that year.

If the holiday goes ahead after the application has been declined the absence will be recorded as unauthorised. The school may inform the Local Authority who may then issue the Fixed Penalty.

To Clarify:

This means that holiday requests during term time will not be authorised by the school unless there is agreement between the school and the parent/carer that exceptional and extenuating circumstances apply, as aforementioned

Other examples of when a Fixed Penalty Notice or other sanction may be considered according to the Local Code of Conduct (Appendix D)

- **Persistent Late arrivals** – at least 10 sessions of late arrival at school after the register has closed in the current term. (there are two sessions in a school day, morning and afternoon)
- **Truancy** – where a child or young person comes to the attention of the Police during school hours for being absent from their registered school without an acceptable reason.

Where both parents have responsibility for their child, each parent will receive a fixed penalty notice.

The definition of “parent” includes all natural parents, whether they are married or not; and includes any person who, although not a natural parent, has parental responsibility and/or care for a child or young person.

Payment of Fixed Penalty Notices

Arrangements for payment will be detailed on the Penalty Notice. Payment of a Fixed Penalty Notice discharges the parent’s liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Fixed Penalty Notice.

If the Fixed Penalty Notice is paid within 28 days, the penalty payable is £60, or £120 if within 42 days. Payments will not be accepted from parents after 42 days has elapsed and cannot be paid either by instalments.

Non-Payment of Fixed Penalty Notices

Non-payment of a Fixed Penalty Notice will result in prosecution for the period covered by the Fixed Penalty Notice under Section 444 of the Education Act 1996.

Penalties:

Timeline	One child	Two children
Paid within 28 days	£60 per parent	£60 per child = £120 per parent
After 28 days and before 42 days	£120 per parent	£120 per child = £240 per parent
After 42 days	You will receive a summons to appear before the Magistrates’ Court on the grounds you have failed to secure your child’s regular attendance	You will receive a summons to appear before the Magistrates’ Court on the grounds you have failed to secure your children’s regular attendance

Section 444 of the Education Act 1996, makes it a criminal offence for a parent to fail to secure their child’s attendance at the school at which they are registered and where that absence is not authorised by the school. **Therefore if the penalty notice is paid within the time limits above, no further action will be taken in connection with the offence.** If the fixed penalty notice remains unpaid the parent/carers will be prosecuted in magistrate’s court for the offence.

APPENDIX D

Local Code of Conduct Education Fixed Penalty Notices

1. Legal Framework

- 1.1. The law empowers designated Local Authority (LA) Officers, head teachers, including their nominated deputies and the Police to issue Fixed Penalty Notices to the parents of children who have unauthorised absence from schools that fall within the South East Wales Consortium (SEWC) area. In Monmouthshire if Head Teachers wish to issue a Fixed Penalty Notices they will discuss this with an Education Welfare Officer who will liaise with the Principal Officer Inclusion.

The rules governing the implementation of these powers and the factors that should be taken into account when issuing a Fixed Penalty Notice are outlined In:

- The Education Act 1996;
- The Education & Inspections Act 2006;
- The Education (Penalty Notices) (Wales) Regulations 2013

The South East Wales Consortium is responsible for developing a protocol with which all the partner agencies named in legislation will work.

2. Rationale

- 2.1. Section 7 of the Education Act 1996 states that:
- “The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise”
- 2.1.1. Regular and punctual attendance at school or alternative provision is a legal requirement and is essential to enable children to maximise their educational attainments and opportunities available to them.
- 2.1.2. Evidence shows that children with poor attendance are unlikely to succeed academically and they are more likely not to be in education, employment or training (NEET) when they leave school. NEET young people are likely to have a history of non- attendance and persistence absences in years 10 and 11.
- 2.1.3. Section 444 of the Education Act 1996, makes it a criminal offence for a parent’s failure to secure their child’s attendance at the school at which they are registered and where absences are not authorised.

- 2.1.4. The definition of “parent” includes all biological parents, whether they are married or not and includes any person who, although not a biological parent, has the parental responsibility and/or care for a child or young person.
- 2.1.5. Targeted intervention plays a vital role in resolving issues of poor school attendance, however where this fails to have the desired effect there are a number of sanctions available to Local Authorities (LAs) to try and secure improvements.
- 2.2. Fixed Penalty Notices are one of the sanctions available for this offence and offer a means of suitable and effective intervention for improving levels of unauthorised absences, before they become entrenched and persistence absences, whilst reducing the need for lengthy and costly prosecutions.
- 2.3. Fixed Penalty Notices and other sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will be used as a means to support parents to meet their legal responsibilities and only where there is a reasonable expectation that their use will secure improved school attendance.

3. Policy and Publicity.

- 3.1. School Attendance Policies will include information on the issuing of Fixed Penalty Notices and this will be brought to the attention of parents.

4. Monitoring and review.

SEWC and LAs will monitor and evaluate the effectiveness of Fixed Penalty Notices annually and amend its general enforcement strategy as appropriate. Reports will be made available to Consortium Directors, Local Authority Heads of Service and Strategy Committee and the Welsh Government as required.

Appendices

Appendix 1	Protocols and procedures in relation to Fixed Penalty Notices
Appendix 2	Advisory letter for issue by schools
Appendix 3	Fixed Penalty Notice request check list (to be submitted with Request)
Appendix 4	Penalty Notice request - Unauthorised Holiday
Appendix 5	Penalty Notice request - Unauthorised Absence
Appendix 6	Penalty Notice pro-forma
Appendix 7	Relevant legislation

Protocols and procedures in relation to Fixed Penalty Notices

Issue of a Fixed Penalty Notice

- A Fixed Penalty Notice can only be issued in cases of unauthorised absence;
- Fixed Penalty Notices will be restricted to one notice per parent of a pupil in an academic year;
- In cases where there is more than one poorly-attending pupil in a family, notices may be issued for more than one child;
- There will be no restriction on the number of times a parent may receive a formal warning of a possible Fixed Penalty Notice

Fixed Penalty Notices may be considered appropriate when:

- At least 10 sessions (5 school days) are lost due to unauthorised absence during the current term. These do not need to be consecutive;
- Unauthorised absences of at least 10 sessions (5 school days) due to holidays in term time or delayed return from extended holidays; or
- Persistent late arrival at school, i.e. after the register has closed, in the current term. "Persistent" means at least 10 sessions of late arrival;
- Truancy, where the child has come to the attention of the Police or public during school hours for being absent from school, without an acceptable reason.

With regard to a request from a school for a Fixed Penalty Notice linked to a holiday related unauthorised absence, Monmouthshire Local Authority will only issue a Notice where the school has provided the necessary paperwork and evidence. This paperwork should comprise:

- A copy of newsletter or letter sent to all parents during the current Academic year, which clearly states that parents may receive a Fixed Penalty Notice for an unauthorised holiday in term time. (The LA will not need a hard copy of this newsletter/letter each time a school applies for an unauthorised holiday Fixed Penalty Notice, just on the first occasion each academic year);
- A copy of the holiday request form submitted by a parent, and a copy of the response sent to the parent by school. In the event of the holiday request is being denied the school's response should state the reason why the holiday is unauthorised and should again advise the parent that they may receive a Fixed Penalty Notice if they take their child out of school;
- A copy of the letter sent by school to the parent advising that the school has referred the matter to the Local Authority and that a Fixed Penalty Notice may be issued;
- Signed registration certificate from the Head Teacher or their nominated deputy confirming that non-attendance during the period was unauthorised;

Considerations and Assessment as to whether a Fixed Penalty Notice should be issued.

Head Teachers, their nominated deputies and the Education Welfare Service (EWS) will take into account the following when determining whether a Fixed Penalty Notice should be issued:

- Level of absence;
- Any Equalities considerations relating to the child or family (as listed in the Council's Strategic Equality Plan);

- Any Special Educational Needs and or Additional Learning Needs (ALN). LAs should consider whether attendance problems may be related to a pupil's ALN. Schools should be able to demonstrate that they have made appropriate provision for the pupil's needs, which may include consideration to support through School Action, School Action Plus or in collaboration with the LA, carry out a statutory assessment.
- History of the attendance issues and action taken;
- Welsh Government (WG) Guidance;
- Likely effectiveness of Fixed Penalty Notice as a tool for obtaining compliance;
- Level of parent engagement/cooperation;

Procedure for Issuing Fixed Penalty Notices

The designated officer within the Local Authority will be the only individual permitted to issue Fixed Penalty Notices, which will ensure consistent and equitable delivery and allow schools to maintain good relationships with parents and ensure that they reinforce any other enforcement sanctions.

Fixed Penalty Notices will never be issued as an instant action, e.g. during a Truancy Sweep. This will enable officers to ensure that all evidential requirements are in place and limit the health and safety risks to individuals.

Requests for issue of a Fixed Penalty Notice

Where schools, Police or neighbouring LAs request the issue of a Fixed Penalty Notice, their request will be investigated and actioned by the EWS, provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct;
- The pupil is registered within a school within the SEWC area;
- All necessary evidence is provided to the EWS to establish whether an offence under Section 444(1) or 444(1A) of the Education Act 1996 or Section 108 of the Education and Inspections Act 2006 has been committed;
- Issuing a Fixed Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed and there is a reasonable expectation that the use of a Fixed Penalty Notice would improve the child's school attendance.

Responding to requests for the issuing of a fixed penalty notices

Following the warning notice issued by the school or Police, parents have a period of 15 school days within which to respond. During this time, the pupil must have no unauthorised absence. This information can be included in the formal written warning letter, where one has been issued.

The Education Welfare Service will respond to all requests from schools or Police within 10 school days of receipt of a request. When satisfied that all of the relevant criteria have been met the Local Authority will then issue a fixed penalty notice.

Fixed Penalty Notices for unauthorised holidays.

Where the requested Fixed Penalty Notice is in response to a holiday related unauthorised absence, or is in relation to an offence under section 108 of the Education and Inspections Act 2006, the formal warning letter and 15 day improvement period will not apply.

Monitoring and Review

All Fixed Penalty Notices will be entered onto a database maintained by individual Local Authorities to ensure that no duplicate Fixed Penalty Notices are issued and to evaluate the effectiveness of the process.

Excluded Pupils

The basis of the fixed penalty notice powers, do not extend to excluded pupils. Section 108 of the Education and Inspections Act 2006 came into force in October 2010 and amends section 16 of the Crime and Disorder Act 1998 to extend Police powers for the removal of excluded pupils to designated premises, if a child or young person excluded from school is found in a public place in a specified area during a specific period and during school hours.

Procedure for the Withdrawal of Fixed Penalty Notices

Once issued, a Fixed Penalty Notice can only be withdrawn if the EWS is satisfied that:

- The Fixed Penalty Notice was issued to the wrong person;
- The use of the Fixed Penalty Notice did not conform to this Code of Conduct;
- The Fixed Penalty Notice was delivered to the wrong address;
- The circumstances of the case warrant its withdrawal (reasonable justification).

Right of appeal

There is no statutory right of appeal, but where a parent contests the issuing of a Fixed Penalty Notice, they can submit any complaints to the EWS and/or opt to face proceedings in the Magistrates' Court under section 444 of the Education Act 1996, where all of the issues relating to their Fixed Penalty Notice can be fully debated heard.

Payment of Fixed Penalty Notices

Arrangements for payment will be detailed on the Penalty Notice. Payment of a Fixed Penalty Notice discharges the parent's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Fixed Penalty Notice.

If the Fixed Penalty Notice is paid within 28 days, the penalty payable is £60, or £120 if within 42 days. Payments will not be accepted from parents after 42 days has elapsed and cannot be paid either by instalments.

Individual Local Authorities will only be able to retain enough revenue from the Fixed Penalty Notices, to cover administration costs for the process of issuing Fixed Penalty Notice, the surplus is to be surrendered to the Welsh consolidated fund.

Non-Payment of Fixed Penalty Notices

Non-payment of a Fixed Penalty Notice will result in prosecution for the period covered by the Fixed Penalty Notice under Section 444 of the Education Act 1996.

Equalities and Welsh Language

The issuing of Fixed Penalty Notices must comply with other related legislation and regulations, in order to ensure that they are used in a fair and consistent manner and have paid due regard to the circumstances of the child/children and families involved. These include, but are not limited to the following: -

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Welsh Language (Wales) Measure 2011
- Human Rights Act 1998

Councils' Strategic Equalities Plan covers the full range of issues that may need to be considered, depending on the individual case.

ADVISORY LETTER FOR SCHOOLS

Dear (Parent name)

Name of pupil:

Date of birth:

Date:

I have reviewed your child's attendance record and am concerned to note that he/she has incurred at least 5 sessions (2.5 school days) of unauthorised absence in the current term.

I enclose a copy of your child's attendance record and remind you that as a parent/carer of a child who is a registered pupil at this school, you have the legal responsibility for ensuring your child attends regularly.

All schools share the Welsh Government's determination to raise levels of pupil attendance and achievement in order to ensure the best possible start in life for our children.

Under the Antisocial Behaviour Act 2003, the Local Authority has the power to issue parents/carers with a Fixed Penalty Notice for each of their children, who fail to attend school regularly.

A Fixed Penalty Notice is an early deterrent intended to prevent more extended periods of unauthorised absence developing and incur a fine of £120, reduced to £60 if paid within 28 days of the notice being served. Failure to pay a penalty notice will result in prosecution under the Education Act 1996.

I can therefore advise you that the school will be closely monitoring your child's attendance from the date of this letter and should the level of unauthorised absence reach 10 sessions this term, then consideration will be given to the issue of a Fixed Penalty Notice.

Support and guidance regarding attendance is available from school or the Local Authority, however should you have any specific queries in relation to this letter, please contact me on the above telephone number.

Yours sincerely,

Head Teacher

**FIXED PENALTY NOTICE
UNAUTHORISED HOLIDAY PROCESS**

1. Who has parental responsibility over the pupil? Please name the person who has day to day care if different

Parental Responsibility.....

Day to Day care.....

2. Has the period of absence meant the pupil has missed at least 10 school sessions?

Yes/ No

3. Has the parent named in response to question 1 previously received a Fixed Penalty Notice?

Yes/No

If yes please give details:

.....
.....
.....

4. Was a request made to the school by the parent for holiday leave during the period you wish to issue a Fixed Penalty Notice for?

If 'yes' what was the reason for refusal? Please attach copies of the correspondence exchanged.

If 'no' please explain why an unauthorised holiday is suspected.

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5. What is the pupil's attendance history?

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6. Does the pupil have any Additional Educational Needs (ALN) and is s/he maintained on a Statement of ALN?

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.....

7. Does the pupil have a Disability under the Equality Act 2010?

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.....

8. What is known of the pupil's personal circumstances?

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.....

9. Are there any exceptional circumstances that the Council should be aware of?

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10. Has the pupil had a previous holiday or long period of absence in the academic year the unauthorised holiday was taken in?

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11. Has parent been in contact with the school in relation to the absence?

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.....

12. Has SEWC's Code of Conduct been considered?

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.....

Education Welfare Officer

Date

Principal Officer Inclusion

Date

**FIXED PENALTY NOTICE REQUEST
UNAUTHORISED HOLIDAY ABSENCE**

Registered pupil at:School

Pupil Details:

Name:MALE/FEMALE

D.O.B.

Address:

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.....
.....

Postcode:

Telephone No:

Mobile No:

Parent/Carer

Name:

Address (if different from above):

.....
.....

Postcode:

Telephone No:

Mobile No:

Name:

.....

Address (if different from above):

.....

.....

Postcode:

Telephone No:

Mobile No:

Dates of Absence:

The above named pupil was absent from school on the following dates and are recorded in the school register as unauthorised. (Please attach a registration certificate showing the period)

Declaration

I am the Head teacher/Acting Head Teacher of the School named. I certify that this holiday request has been considered in line with the School Attendance Policy. To the best of my knowledge there are no exceptional circumstances to consider.

Did parents request authorisation prior to holiday: Yes / No.

School response in writing to decline authorisation of holiday: Yes / No.

If no authorisation, the school will be referring the case to the Education Welfare Service/Legal Team for consideration of a fixed penalty notice

PLEASE ATTACH COPIES OF ALL CORRESPONDENCE.

Name:

Signature:Date:

Designation.....

FIXED PENALTY NOTICE REQUEST
UNAUTHORISED ABSENCE - Section 444, Education Act 1996

Information contained in the form will be used in legal action under the above Act relating to non-attendance at school in the event that an Education Penalty Notice is issued and remains unpaid. I request that the Local Authority consider issuing a Penalty Notice to the parent(s)* of the following pupil:

Pupil Details

Registered School.....

Name of Pupil DOB Year

Address.....

.....

Parent 1

Full name DOB.....

Address.....

Parent 2

Full name..... DOB.....

Address.....

The expression “parent”, in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for him or her, or who has care of the child.

In making this request, I confirm that such action would not conflict with other intervention strategies already in place or other enforcement measures already being processed. I can also confirm that the governing body of this school has reviewed its attendance policy and agreed that this school will request the Local Authority to issue a Fixed Penalty Notices in appropriate cases.

How has the parent been contacted regarding the unauthorised absences?

School Meeting ☐ Letter ☐ Telephone Call ☐

Is the family known to other Services, eg: Children’s Services, YOS, CAMHS?

Yes / No

Are there any notable circumstances to consider, eg: mental health, bereavement, family dynamics/domestic violence? Yes / No If yes, please give full details:

Signed Designation Date:.....

Please enclose an up to date registration certificate.

FIXED Penalty Notice [S.444A EDUCATION ACT 1996]

Please read the notes below carefully.

Part 1

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, or fails to attend regularly at alternative provision, the child's parent/guardian is guilty of an offence under s.444 Education Act 1996.

To: (Title)

(Forenames)

(Surname)

Of: (address)

(Postcode)

You are a parent/guardian of (name and address of child) (called in this notice "the pupil") who is a registered pupil at (name of school) and has been directed to attend alternative provision/ is not registered at a school but for whom the local authority has made arrangements to attend alternative educational provision.

On (date/dates)/ between (date) and (date) the pupil (name) failed to attend regularly at the (Name of) school. This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £60. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 28 days. If paid after 28 days but within 42 days the penalty is doubled to £120. Payment should be made to **Monmouthshire County Council**, for payment and can be made in person during office opening hours between **9 and 5 in Magor @Innovation House, Wales 1, Magor NP263DG** or by posting this notice with a cheque or postal order to **Mrs D Mountfield, @Innovation House, Wales 1, Magor NP263DG**.

Late or part payments will not be accepted and no reminders will be sent. If payment is not received by (insert date 42 days from date of issue), you will be prosecuted for the offence and could be subject to a fine of up to £2,500.

This notice is issued by **Richard Austin, Principal Officer Inclusion** within **Monmouthshire**.

Date of issue:

Part 2

Please complete the following and return this notice with your payment to:

Mrs D Mountfield, Head of Achievement and Learning Infrastructure, @Innovation House, Wales 1, Magor, NP26 3DG

Name:

Address:

I attach payment in the sum of £.....

Signed:

Date:

NOTES

Contact details

If you have any queries about this notice, please contact Mr R Austin, Principal Officer Inclusion, Directorate of Children and Young People, @Innovation House, Wales 1, Magor, NP26 3DG via email Richardaustin@monmouthshire.gov.uk or by telephone 01633 644559 or 07799034670.

Amount of penalty

The amount of the penalty is as follows:

If paid within 28 days £60 If paid within 42 days £120.

Code of conduct

This notice is issued in accordance with a local code of conduct (we should include the full title together with its date or Edition) drawn up by The South East Wales Consortium and **Monmouthshire** Any questions or correspondence about the code should be addressed to Richard Austin, Principal Officer Inclusion, Directorate of Children and Young People 01633 64459..

Withdrawal

This notice may be withdrawn by **Monmouthshire** if it is shown that it should not have been issued to you or has not been issued to you in accordance with the SEWC code of conduct. If you believe that the notice was wrongly issued you must contact the issuing Local Authority as soon as possible to ask for it to be withdrawn, stating why you believe the notice to have been incorrectly issued.

The issuing Local Authority will consider your request and contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence.

Payment

You should complete the notice above and send or deliver it to the address given a.

Prosecution

If you do not pay the penalty, and the notice is not withdrawn, you will be prosecuted for the offence of failing to ensure your child's regular attendance at school.

You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be able to defend yourself and you would be advised to seek legal representation;.

Relevant legislation that relates to Fixed Penalty Notices includes:

The Children Act 1989

The definition of “parent” means all biological parents, whether they are married or not; and includes any person who, although not a biological parent, has parental responsibility and/or care for a child or young person.

The Education Act 1996

Section 7	Duty of parents to secure education of children of compulsory school age;
Section 8	Definition of compulsory school age;
Section 444(1)	Offence: Failure to secure regular attendance at school of registered pupil;
Section 444A	Penalty notice in respect of failure to secure regular attendance at school of registered pupil;
Section 444B	Penalty notices: supplemental;
Section 444ZA	Application of section 444 to alternative educational provision
Section 576	Meaning of “parent”

Education & Inspections Act 2006

Section 108	Duty of parent in relation to excluded pupil.
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