SPARKEN HILL
ACADEMY

Attendance Policy

Adopted: February 2015
Last Reviewed: 08 October 2026
Next Review date: September 2027

Introduction and Background

Sparken Hill Academy recognizes that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school.

Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

The DfE has produced guidance for maintained schools, academies, independent schools, and local authorities: Working together to improve school attendance. Our Attendance Policy reflects the key principles of that guidance.

This policy is written with the above guidance in mind and underpins our school ethos to:

- promote children's welfare and safeguarding
- ensure every pupil has access to the full-time education to which they are entitled
- ensure that pupils succeed whilst at school
- ensure that pupils have access to the widest possible range of opportunities at school, and when they leave school

It has been developed in consultation with Trustees, teachers, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the schools commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued
- Raising awareness of the importance of good attendance and punctuality
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable.
It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the *principal*, not the parent, who can authorise the absence.

Promoting Regular Attendance

At Sparken Hill Academy, we believe in developing good patterns of attendance and set high expectations for the attendance and punctuality for all our pupils from the outset. It is a central part of our school's vision, values, ethos, and day to day life. We recognise the connections between attendance, attainment, safeguarding and wellbeing.

The name and contact details of the senior leader responsible for the strategic approach to attendance in our school is:
Mr Richard Lilley (Principal)
principal@sparkenhill.com

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we will:
- Give parents/carers details on attendance in our newsletters
- Celebrate excellent attendance by displaying and reporting individual and class achievements
- Reward good or improving attendance
- Report to parents/carers regularly on their child's attendance
- Contact parents/carers should their child's attendance fall below the school's target for attendance

Understanding Types of Absence

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and allowing absence from school

without a good reason creates an offence in law and may result in prosecution.

Every half-day absence from school must be classified by the school (not by the parent), as either **authorised** or **unauthorised**. Therefore, information about the cause of any absence is always required. Each half-day is known as a 'session'.

Authorised absences are morning or afternoon sessions away from school for a genuine reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies, or other unavoidable cause.

Unauthorised absences are those which the school does not consider reasonable and for which no 'leave' has been granted. This type of absence can lead to the school referring to the Local Authority for penalty notices and/or legal proceedings.

Unauthorised absence includes, however is not exhaustive:

- parents/carers keeping children off school unnecessarily e.g., because they had a late night or for non-infectious illness or injury that would not affect their ability to learn
- absences which have never been properly explained
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes, however, is counted as an absence for the session
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the Principal - may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority
- day trips
- other leave of absence in term time which has not been agreed

Authorised Absence Requests for Special Reasons

Requests for authorised absence for 'special reasons' will be considered on an individual basis by the Principal. However, any request for absence relating to sporting participation, hobbies, dance

examinations/tests, or similar activities will NOT be authorised in any circumstances where the child's attendance is below 90%.

This restriction applies regardless of the perceived importance or significance of the activity. When a child's attendance falls below 90%, they are classified as persistently absent, and every school day becomes critical to their educational progress and attainment. In these circumstances, all absence (except unavoidable illness and genuine emergency) must be minimised to support improvement in attendance.

Persistent Absenteeism (PA)

A pupil is defined by the Government as a **'persistent absentee'** when they miss 10% or more schooling across the school year for any reason; this can be authorised or unauthorised absence. Absence at this level will cause considerable damage to any pupil's education and we need the full support and co-operation of parents to resolve this.

Absence Procedures

The name and contact details of the school staff member pupils and parents should contact about attendance on a day-to-day basis is:
Mrs Helen Traczykowski (Attendance Officer)
htraczykowski@sparkenhill.com

We monitor all absence, and the reasons that are given, thoroughly.

If a child is absent from school the parent must follow these procedures:

- Contact the school on the first day of absence before *9.10 am*. The school has an answer phone available to leave a message if nobody is available to take your call, or you may call into school personally and speak to the office staff
- Contact the school on every further day of absence, again before *9.10 am*
- Ensure that your child returns to school as soon as possible and you provide any medical evidence, if requested, to support the absence

If your child is absent, we will:

- Telephone or text you on the first, and every subsequent day of absence, if we have not heard from you however it is your responsibility to contact us

- If we are unable to contact parents by telephone, we will telephone emergency contact numbers, send letters home and a home visit may be made in the interests of safeguarding
- A referral will be made to Local Authority if no contact has been made with parents by the 10th day of absence (or sooner if deemed appropriate), at which point your child will be "missing from education."

If absence continues, we will:

- Write to you if your child's attendance is below 95%, or where punctuality is a concern
- Invite you into school to discuss the situation with our Attendance Officer, Senior Family Worker or Principal
- Create a personalised action/support plan to address any barriers to attendance
- Offer signposting support to other agencies or services if appropriate
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions

Lateness

Poor punctuality is not acceptable and can contribute to further absence. Good timekeeping is a vital life skill which will help children as they progress through their school life and out into the wider world.

Pupils who arrive late disrupt lessons and, if a child misses the start of the day, they can feel unsettled and embarrassed, miss vital work and important messages from their class teacher.

The times of the start and close of the school day for all pupils at Sparken Hill Academy are:

Gates open: 8.30 am
Classroom Doors open: 08.45
Registration closes: 09.00 am
End of the school day: 3.15 pm (FS and KS1) or 3.30 (KS2)

How we manage lateness:

- The school day starts at ***08.45am*** when children can begin to come into school
- The school gates are locked at **09.00** am which is when the registers are taken your child will receive a late mark 'L' if they are not in by that time
- Children arriving after ***09.00am*** are required to come into school via the school office. If accompanied by a parent/carer they must sign them via our 'Late Book' and provide a reason for their lateness which is recorded

- At ***09.30am*** the registers will be closed. In accordance with the Regulations, if your child arrives after that time, they will receive a mark that shows them to be on site - 'U', but this will **not** count as a present mark, and it will mean they have an unauthorised absence
- The school may contact parents/carers regarding lateness
- From time to time a member of school staff will undertake a 'Late Gate' check, greeting late arrivals at the main entrance to the school

Unauthorised lateness could result in the school referring to the Local Authority for sanctions and/or legal proceedings. If your child has a persistent late record, you will be asked to meet with our Attendance Officer, but you can approach us at any time if you are having difficulties getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

Children Missing Education - Unexplained and or/Persistent absence

We make every effort to make contact with parents when a pupil is absent from school or where there are unexplained absences. Telephone calls are made to parent/carers to ascertain all reasons for absence. Where pupils are absent without given reasons for 2 or more days, home visits are carried out in accordance with our Safeguarding procedures.
In cases where we cannot make contact with parents and home visits are not successful we will make contact with other emergency contacts noted on the pupil profile and/or external agencies (eg: Police) depending on our level of concern.

Where a pupil leaves the school and moves to another school, county or country the parent/carers are required to complete a leavers form. The parent/carers are informed as part of this process that we will keep in telephone/email contact with them until we receive confirmation from the new school that the pupil has joined the new school and is on the school registers.
In cases where pupils move to another country/return to homeland, the details of the new school and home address are verified via the internet. If the parents do not keep up contact with us and we do not have any contact from a new school the case is referred to the Local Authority CME Officer.

Understanding barriers to attendance

Whilst any child may occasionally have time off school because they are too unwell to attend, sometimes they can be reluctant to attend school. Any barriers preventing regular attendance are best resolved between the school, the parents, and the child. If a parent thinks their child is reluctant to attend school, then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this, such as the School Nurse, Mental Health and Emotional Wellbeing support services, a Child and Family Support Worker or the relevant Local Authority team/s. Where outside agencies are supporting the family, you may be invited to attend a Team Around the Family meeting (TAF) or Team Around the Child (TAC) meetings to consider what is working well and what needs to improve. An individualized early help plan will be agreed and subsequently reviewed.

Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long-term medical conditions or who have special educational needs and disabilities, or other vulnerabilities. High expectations of attendance remain however, we will work with families and pupils to support improved attendance whilst being mindful of the additional barriers faced. We can discuss reasonable adjustments and additional support from external partners where appropriate. Cases that fit these criteria are considered on a case by case basis.

See Annex A for summary tables of responsibilities for school attendance.

The name and contact details of the school staff member pupils and parents should contact for more individual support with attendance (Attendance Officer):
Mrs Helen Traczykowski (Attendance Officer)
htraczykowski@sparkenhill.com

Local Authority attendance support services

Local Authority Attendance Specialists work strategically by offering support to schools, families, and other professionals to reduce persistent absence and improve overall attendance.

Parents are expected to work with the school and local authority to address any attendance concerns. Parents should proactively engage with the support offered, aiming to resolve any problems together. This is nearly always successful. If difficulties cannot be resolved in this way, the school may consider more formal support and/or refer the child to the Local Authority. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex B for the Nottinghamshire Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

School Attendance and the Law

By law all children of compulsory school age must receive an appropriate full-time education (Education Act 1996). Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered.

Parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

Unauthorised absence may result in the school referring to the Local Authority for sanctions and/or legal proceedings. This may include

issuing each parent with a Penalty Notice (See Annex B for the Nottinghamshire Code of Conduct).

There is no entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The School Attendance (Pupil Registration) (England) Regulations 2024 specify that the Principal may not grant any leave of absence during term time unless there are "exceptional circumstances". There is no discretion to authorise a set number of days of absence each academic year, and there is no entitlement to leave for a family holiday.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Principal, irrespective of the child's overall attendance. Only the Principal or his/her designate (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school in accordance with the Nottinghamshire Code of Conduct.

A Penalty Notice may be considered where the national threshold has been met: 10 sessions (usually equivalent to five school days) of unauthorised absence, including absence for a term-time holiday, within a rolling period of 10 school weeks. Penalty Notices are issued in line with the national framework in 'Working together to improve school attendance' and the Nottinghamshire Code of Conduct (Annex B). The penalty is £160 per parent, per child, reduced to £80 if paid within 21 days. A second Penalty Notice issued to the same parent for the same child within three years is charged at £160 with no reduction, and a maximum of two may be issued within a rolling three-year period, after which the Local Authority will consider prosecution.

At *Sparken Hill Academy*, 'exceptional circumstances' will be interpreted as:
"... being of unique and significant emotional, educational, or spiritual value to the child which outweighs the loss of teaching time (as determined by the Principal). The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short".
By 'unavoidable' we mean an event that could not reasonably be scheduled at another time, outside of school term time.

We will not consider applications for leave during term time:

- at **any time** in September. This is very important as your child needs to settle into their new class at the start of the academic year as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

Deletion from Roll

For any pupil leaving Sparken Hill Academy, other than at the end of year 6 carers are required to complete a Sparken Hill Academy 'Leavers Form' which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know the whereabouts and appropriately safeguard all our pupils, even those who leave us.

It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

Under the School Attendance (Pupil Registration) (England) Regulations 2024, all schools are **legally required** to notify their Local Authority of **every new entry** to the admission register **within five days** of the pupil being enrolled. In addition to this, **every deletion** from the school register must also be notified to the Local Authority, as soon as the ground for deletion has been met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register. This duty does not apply when a pupil's name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school.

Absence data

We use data to monitor, identify and support individual pupils or groups of pupils when their attendance needs to improve. Persistently absent pupils are tracked and monitored carefully. We also combine this with academic tracking as increased absence affects attainment.

We share information and work collaboratively with other schools in the area, local authorities, and other partners when absence is at risk of becoming persistent or severe.

Summary

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

All school staff and the Trust Board are committed to working with parents and pupils as this is the best way to ensure as high a level of attendance at our school as possible.

This policy will be reviewed annually.

Annex A: DFE guidance Summary table of responsibilities for school attendance. August 2024

All Pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Ensure their child attends every day the school is open except when a statutory reason applies. Notify the school as soon as possible when their child has to be unexpectedly absent (e.g. sickness). Only request leave of absence in exceptional circumstances and do so in advance. Book any medical appointments around the school day where possible.	Have a clear school attendance policy on the school website which all staff, pupils and parents understand. Develop and maintain a whole school culture that promotes the benefits of good attendance. Accurately complete admission and attendance registers. Have robust daily processes to follow up absence. Regularly monitor data to identify patterns and trends and understand which pupils and pupil cohorts to focus on. Have a dedicated senior leader with overall responsibility for championing and improving attendance.	Take an active role in attendance improvement, support their school(s) to prioritise attendance, and work together with leaders to set whole school cultures Ensure school leaders fulfil expectations and statutory duties. Use data to understand patterns of attendance, compare with other local schools, identify areas of progress and where greater focus is needed. Ensure school staff receive training on attendance.	Have a strategic approach to improving attendance for the whole area and make it a key focus of all frontline council services. Have a School Attendance Support Team that works with all schools in their area to remove area-wide barriers to attendance. Provide each school with a named point of contact in the School Attendance Support Team who can support with queries and advice. Offer opportunities for all schools in the area to share effective practice.

Pupils at risk of becoming persistently absent

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the support offered to prevent the need for more formal support.	Proactively use data to identify pupils at risk of persistent absence. Work with each identified pupil and their parents to understand and address the reasons for absence, including any in-school barriers to attendance. Where out of school barriers are identified, signpost and support access to any required services in the first instance and act as lead practitioner if attendance is the only issue and/or the local threshold for formal early help is not met. If the issue persists, take an active part in the multi-agency effort with the local authority and other partners. If a case meets the local threshold for formal early help/family support, this includes conducting the early help assessment and acting as the lead practitioner where all partners agree that the school is the best placed lead service. Where the lead practitioner is outside of the school, continue to work with the local authority and partners.	Regularly review attendance data and help school leaders focus support on the pupils who need it.	Hold a regular conversation with every school to identify, discuss and signpost or provide access to services for pupils who are persistently or severely absent or at risk of becoming so. Where there are out of school barriers, provide each identified pupil and their family with access to services they need in the first instance. If the issue persists, and there are multiple needs, consider whether the threshold for early help is met and facilitate access where it is. Regardless, take an active part in the mulit-agency effort with the school and other partners. Provide the lead practitioner in cases where threshold is met and all partners agree that a local authority service is best placed to lead. Where the lead practitioner is outside of the local authority, continue to work with the school and partners.

Persistently absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.	Continued support as for pupils at risk of becoming persistently absence and: Where absence becomes persistent, put additional targeted support in place to remove any barriers. Where necessary this includes working with partners. Where there is a lack of engagement, hold more formal conversations with parents and be clear about the potential need for legal intervention in future. Where support is not working, being engaged with or appropriate, work with the local authority on legal intervention. Where there are safeguarding concerns, intensify support through a referral to statutory children's' social care. Work with other schools in the local area, such as schools previously attended and the school of any siblings.	Regularly review attendance data and help school leaders focus support on the pupils who need it.	Continued support as for pupils at risk of becoming persistently absent and: Work jointly with the school to provide formal support options including attendance contracts and education supervision orders. Where there are safeguarding concerns, ensure joint working between the school, children's social care services and other statutory safeguarding partners. Where support is not working, being engaged with or appropriate, enforce attendance through legal intervention (including prosecution as a last resort).

Severely absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.	Continued support as for persistently absent pupils and: Agree a joint approach for all severely absent pupils with the local authority.	Regularly review attendance data and help school leaders focus support on the pupils who need it.	Continued support as for persistently absent pupils and: All services should make this group the top priority for support. This may include a whole family plan, consideration for an education, health and care plan, or alternative form of educational provision. Be especially conscious of any potential safeguarding issues, ensuring joint working between the school, children's social care services and other statutory safeguarding partners. Where appropriate, this could include conducting a full children's social care assessment and building attendance into children in need and child protection plans.

Support for cohorts of pupils with lower attendance than their peers

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Not applicable.	Proactively use date to identify cohorts with, or at risk, of low attendance and develop strategies to support them. Work with other school in the local area and the local	Regularly review attendance data and help school leaders focus support on the pupils	Track local attendance data to prioritise support and unblock area wide attendance barriers where they impact numerous schools.

	authority to share effective practice where there are common barriers of attendance.	who need it.	

Support for pupils with medical conditions or SEND with poor attendance

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the support offered.	Maintain the same ambition for attendance and work with pupils and parents to maximise attendance. Ensure join up with pastoral support and where required, put in place additional support and adjustments, such as an individual healthcare plan and if applicable, ensuring the provision outlined in the pupil's EHCP is accessed. Consider additional support from wider services and external partners, making timely referrals. Regularly monitor data for such groups, including at board and governing body meetings and with local authorities.	Regularly review attendance data and help school leaders focus support on the pupils who need it.	Work closely with relevant services and partners, for example special education need, educational psychologists and mental health services to ensure joined up support for families. Ensure suitable education, such as alternative provision, is arranged for children of compulsory school age who because of health reasons would not otherwise receive a suitable education.

Support for pupils with a social worker

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the support offered.	Know who the pupils who have, or who have had, a social worker are. Understand how the welfare, safeguarding, and child protection issues that they are experiencing, or have experienced, can impact on attendance – whilst maintaining a culture of high aspiration for the cohort. Provide additional academic support and make reasonable adjustments to help them, recognising that even when statutory social care intervention has ended, there can be a lasting impact on children's' educational outcomes. Work in partnership with the local authority at a strategic and individual level, sharing data on attendance including, at an individual level, informing the pupil's social worker if there are any unexplained absences and if their name is to be deleted from the register.	Regularly review attendance data and help school leaders focus support on the pupils who need it.	Ensure that all Children's Social Care practitioners understand the importance of good attendance for pupil's educational progress, for their welfare and their wider development – and understand their role in improving it. Through the work of Virtual School Heads, they should: • Undertake systemic monitoring and data sharing of children with a social worker in their area : developing and implementing targeted cohort level interventions to improve attendance. • Provide advice, challenge and training to schools on how to promote and secure good attendance for children with a social worker. • Develop whole system approaches, with social care, to support the attendance of children in need.

Looked after and previously looked after children

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Work with the school and local authority to help them understand the child's barriers to attendance – including the development of Personal Education Plans. Proactively engage with the support offered.	Have high expectations for the cohort – with expert support and leadership provided by the designated teacher for looked-after and previously looked-after pupils. Work in partnership with the local authority Virtual School Head to develop and deliver high quality Personal Education Plans for looked-after children that support good attendance. Work directly with parents to develop good home-school links that support good attendance. For previously looked-after pupils this could include discussion on use of the Pupil Premium Plus funding managed by the school.	Designate a member of staff to have responsibility for the promotion of the educational achievement of looked-after and previously looked-after pupils. Monitor and review attendance of the cohort and consider how school policies, including behaviour policies, are sensitive to their needs and support good attendance.	Promote the educational achievement of looked-after and previously looked-after children – doing everything possible to minimise disruption to education when a pupil enters care. (LA that looks after the child:) Appoint an expert Virtual School Head (VSH) – will; • Monitor, report on, and evaluate the education outcomes of looked after children, including their attendance, as if they attended a single school – wherever they love or are educated. • Ensure schools know when they have a pupil looked after by the authority on their role and that information is shared with the school on issues that may impact on their attendance. • Ensure that all looked-after pupils have high quality, up to date, effective Personal Education Plans developed in partnership with schools, social

			workers and carers – including, where necessary, clear interventions and use of pupil premium plus funding to support good attendance. • Provide expert advice and information on the education of previously looked-after pupils to schools and parents – including their attendance.

Monitoring

Parents :	Schools :	Academy trustees and governing bodies :	Local authorities :
Schools regularly update parents on their child's attendance. (If parents feel the school and/or local authority have not delivered what they are expected to they should discuss the case with the school and/or local authority's attendance support team.)	The school's Senior Attendance Champion will ensure all school based staff complete their attendance responsibilities in line with the school's policies and procedures. The governing board or academy trust will hold the head teacher or executive leadership to account for their delegated responsibilities and for compliance with regulatory and statutory requirements. They will review progress and provide challenge when required. The board will help school	DfE Regions Group considers multi academy trusts' efforts on attendance as part of decision making. Ofsted considers governing bodies efforts as part of inspections.	DfE Regions Group monitors local authority efforts as part of regular interaction. Ofsted may consider the local area partnership's approach to improving attendance of children and young people with SEND as part of the SEND Area Inspection, and the local authority approach to improving attendance for children with a social worker through inspecting local authority children's services. Ultimately, in cases where a local authority has not met expectations or statutory duties the Local Government and Social Care Ombudsman or the Secretary of State can consider a complaint.

	leaders focus improvement efforts on the individual pupils or cohorts who need it most and ensure that school staff receive adequate training on attendance. Ofsted will expect schools to do all they reasonably can to achieve the highest possible attendance as part of the behaviour and attitudes judgement. This includes, where attendance is not consistently at or above what could reasonably be expected, that schools have a strong understanding of the causes of absence (particularly for persistent and severe absence) and a clear strategy in place that account of those causes to improve attendance for all pupils. Ultimately, in cases where a school has not met expectations or statutory duties the Secretary of State can consider a complaint.		

Annex B

NOTTINGHAMSHIRE LOCAL CODE OF CONDUCT FOR PENALTY NOTICES ISSUED IN RESPECT OF UNAUTHORISED ABSENCE AND EXCLUDED PUPILS

Purpose of the Code of Conduct:

1. The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across Nottinghamshire. The code sets out the arrangements for administering penalty notices in Nottinghamshire and must be adhered to by anyone issuing a penalty notice for school absence in this area. The code complies with relevant regulations and the Department for Education's national framework for penalty notices as set out in the 'Working together to improve school attendance' guidance.

Consultation

2. This code has been drawn up in consultation with the headteachers and governing bodies of state-funded schools and the local police force.

Legal basis

3. Penalty notices may be issued to a parent as an alternative to prosecution for irregular school attendance under s444 of the Education Act 1996. They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, AP academies, and certain off-site places as set out in section 444A(1)(b).

4. The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.

5. A penalty notice can only be issued by an authorised officer: that is, a headteacher or a deputy or assistant head authorised by them, an authorised local authority officer or a police constable.

6. The national framework for penalty notices is published in statutory guidance 'Working together to improve school attendance'. It provides further national guidance on the operation of penalty notice schemes for school absence in England.

7. A parent 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. Penalty notices will usually be issued to the parent or parents with day-to-day responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

Rationale

8. Research published by the Department for Education in May 2022 found pupils with higher attainment at KS2 and KS4 had lower levels of absence over the key stage compared to those with lower attainment.

- ➔ Pupils who did not achieve the expected standard in reading, writing and maths in 2019 had an overall absence rate of 4.7% over the key stage, compared with 3.5% among pupils who achieved the expected standard and 2.7% among those who achieved the higher standard.
- ➔ Pupils who did not achieve grade 9 to 4 in English and maths GCSEs in 2019 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and maths.

9. For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.

10. Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the DfE's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

11. The national framework for penalty notices is based on the principles that penalty notices should only be used in cases where:

- ➔ support is not appropriate (e.g. a term time holiday) or
- ➔ where support has been provided and not engaged with or not worked, and
- ➔ they are the most appropriate tool to change parental behaviour and improve attendance for that particular family.

When may a penalty notice for absence be appropriate?

12. When the national threshold has been met. When a school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not. The national threshold has been met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks1, with one of, or a combination of the following codes:

(a) code G (the pupil is absent without leave for the purpose of a holiday)

(b) code N (the circumstances of the pupil's absence have not yet been established)

(c) code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies) and

(d) code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

13. If in an individual case the local authority (or other authorised officer) believes a penalty notice would be appropriate, the local authority retains the discretion to issue one before the absence threshold is met.

14. If repeated penalty notices are being issued and they are not working to change behaviour, they are unlikely to be most appropriate tool. The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, Nottinghamshire County Council will escalate to prosecution through the Magistrates Court.

15. For the purpose of the escalation process, previous penalty notices include those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) but not those which were withdrawn.

16. There is no legal requirement for a penalty notice to be issued before proceeding to prosecution through the Magistrates Court. There will be circumstances where it is considered that a Penalty Notice is not appropriate. This may be due to a variety of reasons, including, but not limited to:

a) repeated offences indicating that Penalty Notices are not bringing about a change in behaviour, for example, repeated unauthorised term time leave,

(b) the high level of unauthorised absence, including extended unauthorised term time leave cases, and

(c) the complex or long-standing nature of the particular case. In such cases, the Local Authority may consider instigating a prosecution under Section 444(1) or 444(1A) of the Education Act 1996 as an alternative to a Penalty Notice.

17. The threshold in Nottinghamshire for prosecution under s441 of the Education Act is aligned with the national framework for issuing penalty notices to ensure a graduated approach to legal intervention is followed.

Key considerations prior to the issue of a Penalty Notice for school absence

18. The following considerations will be made before issuing (or requesting that another authorised officer issues) a penalty notice to ensure consistency of approach:

a) In cases where support is not appropriate (for example, for holidays in term time), consider on a case-by-case basis:

- ➔ Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- ➔ Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010
- ➔ For local authorities only) Is it in the public interest to issue a penalty notice in this case given the local authority would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment?

b) In cases where support is appropriate, consideration of a penalty notice fine will be on a case-by-case basis to determine if that fine is suitable and whether sufficient support has already been offered and/or provided. Examples of evidence that sufficient support has been offered and/or provided will usually include:

- ➔ Home Visits
- ➔ Referrals for support
- ➔ Letters to parents

- ➔ Meetings with parents
- ➔ Offer of adjusted timetable
- ➔ Attendance panel
- ➔ Chronology of contact
- ➔ Parenting contract or Action plan
- ➔ Notes of meetings with pupils and parents.

c) Is a penalty notice the best available tool to improve attendance and change parental behaviour for a particular family, or would one of the other legal interventions be more appropriate?

d) Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010

e) Is it in the public interest to issue a penalty notice in this case given the local authority would be responsible for any resulting prosecution for the original offence in cases of non-payment?

If the answer to the above questions is 'yes', then a penalty notice (or a notice to improve in cases where support is appropriate) will usually be issued.

Where a pupil is in Year 11, Education Penalty Notices will only be issued in circumstances where there would be a prospect of prosecution before the school leaving date should the penalty notice remains unpaid.

Notice to improve Attendance:

19. A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a notice to improve could be sent by the School/Academy/Trust to give parents a final chance to engage in support before a penalty notice is issued.

20. Nottinghamshire County Council reserves the right to issue a Notice to Improve instead of or before issuing a penalty notice where the authority believes this will result in an improvement in attendance.

21. The recommended maximum review period for a Notice to Improve is 6 weeks. However, depending on individual circumstances, the review period could vary between 3- 6 weeks.

22. Where a pupil continues to be regularly absent during the review period and the threshold for issuing a penalty notice as set out in the Code of Conduct is met, a fine can be issued or requested.

23. It will be the responsibility of the organisation that issues to Notice to Improve to monitor and review attendance during the review period. This will be done through oversight of the attendance register.

Parental responsibility for the whereabouts of excluded pupils

24. Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion.

Issuing Penalty Notices for Exclusion:

25. For notices issued by the Local Authority, The LA Officer for each area will receive requests for penalty notices to be issued from those persons authorised to issue such notices and will oversee the process.

26. Where penalty notices are issued by the school, the designated person authorised by the Head Teacher will oversee the process of issuing the notice in line with the Code of Conduct.

27. A penalty notice may only be issued when there is no reasonable justification for the child being in public at the times set out in the next paragraph. Reasonable justification may include pre-arranged medical and dental appointments or emergency appointments. It might also be necessary for a child to accompany a parent with similar appointments if the parent considers it inappropriate to leave the child unsupervised. Attendance at a court hearing or an interview at a police station or with the Youth Offending Service may also provide reasonable justification.

28. Where a penalty notice is requested by a school, it will be necessary for the Local Authority to receive from the school evidence that a notice under section 104 of the Education and Inspections Act 2006 has been given to a parent of the pupil.

Where the school is issuing the Penalty Notice, the designated person in school is responsible for checking that a notice under section 104 of the Education and Inspections Act 2006 has been given to a parent of the pupil.

In addition to the above, the person issuing the notice must have evidence that the excluded pupil was present in a public place during school opening hours without reasonable justification. The time and date must be provided to ensure that this falls within the time the school at which the pupil is on roll is open and that the incident occurred within the period set out in the notice issued under section 104 of the Education and Inspections Act 2006.

Before requesting or issuing a Penalty Notice the school will need to evidence that they have checked that there was no reasonable justification for the child or young person being in a public place and that the parent had been told verbally or by letter that an excluded child cannot be seen in a public place.

Where a penalty has not been paid, it will be necessary for the person who requested the issue of a penalty notice to provide evidence for the court case by way of a Section 9 Statement (a witness statement admissible in court under the Criminal Justice Act and the Magistrates' Courts Act and Rules).

The Local Authority Officer will consult with the person providing the Section 9 Statement and offer guidance as required and arrange for the Section 9 Statement to be completed in the appropriate format.

If the defendant requests the author of a Section 9 Statement to be present at the court hearing the LA will notify the person concerned as soon as such requests are made.

29. A fine for a pupil being in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion is £120. Reducing to £60 is paid within 21 days of the date the fine was issued.

How authorised officers will work together

30. The following may issue penalty notices, although there is no requirement for them to do so:

- ➔ authorised local authority staff;
- ➔ head teachers and school staff authorised by them (limited by regulations to deputy and assistant heads); and
- ➔ the police, community support officers and accredited persons.

31. Head teachers wishing to issue, or authorise their staff to issue, penalty notices should first discuss this with their school's governing body.

32. Schools/Academies/Trusts deciding to issue penalty Notices themselves should ensure that this is made clear to parents/carers and is formally reflected in their Attendance and Behaviour Policy.

33. All Penalty Notices issued or requests to the Local Authority for a Penalty Notice to be issued, must comply with the Local code of conduct.

34. As outlined in the regulations the payment of all monies for Penalty Notices must be made to the Local Authority.

35. The issuing of a penalty notice must not conflict with other intervention strategies or legal proceedings that are already in process.

36. Where a school or the police a considering whether to issue a penalty notice themselves, they must first check with Nottinghamshire County Council whether:

- ➔ A fine has already been issued which covers any or all of the same 10-week period of evidence,
- ➔ Whether issuing a fine would interfere with any other legal interventions that are already underway,
- ➔ Nottinghamshire County Council, as the independent prosecutor, agrees with the reasoning and evidence base on which a penalty notice would be issued or not, including whether sufficient support has been provided.
- ➔ Whether the Local Authority could provide additional support through Early Help.

37. Whichever organisation issues the penalty notice must determine based on the available evidence 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 Nottinghamshire County Council who will make a judgement about whether sufficient support has been provided before issuing a penalty notice.

38. Nottinghamshire County Council will inform the School/Academy/Trust by email where a penalty notice could not be issued and/or where a penalty notice has not been paid and is being escalated to prosecution at the Magistrates Court.

39. Nottinghamshire County Council will not notify schools when fines have been paid.

40. Where pupils move between local authority areas, Nottinghamshire County Council can be contacted on

crossborder.penaltynotice@nottscc.gov.uk to find out if penalty notices have been issued previously.

41. Where a pupil attends school in Nottinghamshire but lives in a different local authority area, Nottinghamshire County Council will issue a penalty notice where an offence has occurred at a Nottinghamshire school. Fines will always be issued in line with the Nottinghamshire Code of Conduct.

42. Where support is more appropriate and has the consent of the family, the School/Academy/Trust should make a referral to the relevant Early Help support services in the authority where the pupil resides. Nottinghamshire County Council can work alongside the local authority providing support to deliver any necessary legal interventions to improve attendance.

43. The Attendance Register is a Legal Document and must be treated as such at all times. The register must be maintained as a wholly accurate and current record of an individual student's education provision and their attendance at that provision.

WITHDRAWING A PENALTY NOTICE

44. The Education (Penalty Notices)(England) Regulations 2007 limit the circumstances in which local authorities can withdraw penalty notices and the normal response to non-payment of a penalty notice will be prosecution for the offence to which the notice relates.

45. A penalty notice may only be withdrawn by the local authority named in the notice as the authority to which payment is to be made. The only circumstances in which a Penalty Notice will be withdrawn include cases in which:

- ➔ it ought not to have been issued; or
- ➔ it ought not to have been issued to the person named as the recipient; or
- ➔ it appears to the authority that the notice contains material errors,
- ➔ it interferes with existing intervention strategies or legal proceedings.

46. Where a penalty notice has been withdrawn:

- ➔ notice of the withdrawal must be given to the recipient; and
- ➔ any amount paid by way of penalty in pursuance

Annex C

DfE "The link between absence and attainment at KS2 - 2013/14 academic year"

The analysis of the link between overall absence ….and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.

