



Blue Gate Fields Junior School

Policy Name

Policy details:

Date of policy: September 2024

Last updated: September 2024

Date of next review: September 2025

Person (s) responsible for implementation and monitoring:

Sian Acreman (Head Teacher)

Signature (Chair of governors)

A handwritten signature in black ink that reads "Robert Oakley".

Signature (Head teacher)

A handwritten signature in black ink that reads "S E Acreman".

Date:

September 2024

The name and contact details of the senior leaders responsible for the strategic approach to attendance in our school are:

Patricia Lowe

Sian Acreman

The name and contact details of the school staff members pupils and parents should contact about attendance on a day-to-day basis are:

Margaret Conteh

Afruza Hussain

Sheema Begum

Patricia Lowe [Wednesday, Thursday and Friday pm]

Pupil Attendance Policy

Introduction and Background

Tower Hamlets Primary School recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child 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 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/working-together-to-improve-school-attendance) which becomes statutory on 19th August 2024. Our Attendance Policy reflects the key principles of that guidance.

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

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 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 school's 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.
- Working closely with families and our partner agencies, including community organisations, to overcome any barriers to good attendance and provide support where required.
- Raising awareness of the importance of good attendance and punctuality and the relationship that poor attendance may have to safeguarding concerns.
- 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 *headteacher*, not the parent, who can authorise the absence.

Promoting Regular Attendance

At Tower Hamlets Primary School, 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. 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 on our website, in person and in written communication
- 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 of **96%** for attendance in any one term or year or if any concerns emerge.

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 has to be classified by the school (not by the parent), as either **authorised** or **unauthorised**. This is why 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 L This indicates that they are in school for safeguarding purposes and time of arrival is noted and reason for lateness.
- 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 headteacher
- Day trips
- Travelling to the airport to greet or say farewell to a family member/friend
- Other leave of absence in term time which has not been agreed

Persistent and Severe Absenteeism (PA and SA)

A pupil is defined by the Government as a '**persistently absent**' when their attendance is 90% or below and '**severely absent**' when attendance is 50% or below, this can be authorised or unauthorised absence.

Absence at these levels will cause considerable damage to any pupil's education and we need the full support and co-operation of parents to resolve this. For children who are **severely absent** we are likely to involve outside agencies to support the school and family to overcome barriers to attendance and each child will have an individual support plan.

Absence Procedures

If a child is absent from school the parent/carer must follow the following procedures:

- Contact the school on the first day of absence before the beginning of the school day, or as soon as possible thereafter.
- Contact the school on every further day of absence.
- 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 day of absence if we have not heard from you however it is your responsibility to contact us
- Inform you if your child's attendance is below 95% in any one term or year
- Invite you in to school to discuss the situation with our Attendance Officer or Headteacher if absences persist
- Refer the matter to the Local Authority if attendance does not improve.

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

If absence continues we will:

- Contact you if your child's attendance is below 95% in any one term or year or where punctuality is a concern
- Invite you into school to discuss the situation with Headteacher if absences persist
- 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 if attendance does not improve.

Lateness

Poor punctuality is not acceptable and can contribute to further absence. Good time-keeping 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.

Tower Hamlets Primary School

The school gates open at 8.50 and the school day begins at 9am

Your child will receive a late mark 'L' if they are not in by that time. Children arriving after this time [9am] the parent/carer should either explain the absence to the adult at the school gate or inform the office staff.

Lateness is monitored closely and reasons for absence are recorded.

If your child has a persistent late record, the school will contact you and make arrangements for you to meet with the Headteacher to discuss how the school can support you in improving your child's punctuality. Additionally, you can approach us at any time if you are having problems 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.

Unauthorised lateness could result in the school referring to the Local Authority for sanctions and/or legal proceedings. This may mean that you could face the possibility of being issued with a Penalty Notice if the problem persists.

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) to consider what is working well and what needs to improve. An individualised attendance 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 specific special educational needs and disabilities (SEND), or other vulnerabilities which may impact attendance. 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.

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

Tower Hamlets Behaviour & Attendance Support Service

Local Authority Attendance Welfare Advisors (AWAs) work strategically by offering support to schools, families, and other professionals to reduce persistent and severe absence and improve overall attendance for all pupils.

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 Tower Hamlets Code of Conduct for Penalty Notice Scheme) or prosecution in the Magistrates Court. Legal proceedings are 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 for £160, reduced to £80 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £1000. Repeated or 'aggravated offences' could result in a fine of £2500 or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

Holidays in Term time

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". In LBTH the LA considers 96% attendance or above as regular school attendance.

Headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" .

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 headteacher, irrespective of the child's overall attendance.

Only the headteacher or his/her designate (**not the local authority**) may authorise such a request. All applications for a leave of absence must be made in writing on the prescribed form provided by the school and available in reception or from the school office.

Where a parent removes a child when the application for leave was refused or where no application was made to the school, a penalty notice may be requested by this school to the Local Authority.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday.

At Tower Hamlets Infant School and Tower Hamlets Junior School '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 headteacher). 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. The headteacher will take into account the child's overall attendance figure when making a decision regarding the application for leave of absence.
- 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

Parents of pupils leaving Tower Hamlets Primary School other than at the end of Year 6 are required to complete a 'In-year Admission/School transfer' form which can be obtained from the school office or Pupil Services. This provides school and the LA with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. The school will need to complete a 'School History' section and sign the form before this can be submitted to Local Authority. This information is essential to ensure that we know the whereabouts and appropriately safeguard all of 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.

Every removal from the school register must be notified to the Local Authority, as soon as the ground for removal has been met in relation to that pupil, and in any event no later than the time at which the pupil's name is removed from the register.

Absence data

We use data to monitor, identify and support individual pupils or groups of pupils when their attendance needs to improve. Persistently and severely absent pupils are tracked and monitored carefully. We combine this with attainment data as good attendance leads to achieving well.

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 Governing Body are committed to working with parents and pupils to promote good attendance as this is the best way to ensure the best outcomes for all our pupils.

Annex A: DfE guidance Summary table of responsibilities

All pupils

Parents 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.

Schools are expected to:

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.

Academy trustees and governing bodies are expected to:

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.

Local authorities are expected to:

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:

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.

Schools are expected to:

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.

Academy trustees and governing bodies are expected to:

Regularly review attendance data and help school leaders focus support on the pupils who need it.

Local authorities are expected to:

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 multi-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.

Severely absent pupils

Parents 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.

Schools are expected to:

Continue support as for persistently absent pupils and:

Agree a joint approach for all severely absent pupils with the local authority.

Academy trustees and governing bodies are expected to:

Regularly review attendance data and help school leaders focus support on the pupils who need it.

Local authorities are expected to:

Continue 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:

Not applicable.

Schools are expected to:

Proactively use data to identify cohorts with, or at risk of, low attendance and develop strategies to support them.

Work with other schools in the local area and the local authority to share effective practice where there are common barriers to attendance.

Academy trustees and governing bodies are expected to:

Regularly review attendance data and help school leaders focus support on the pupils who need it.

Local authorities are expected to:

Track local attendance data to prioritise support and unblock area wide attendance barriers where they impact numerous schools.

Support for pupils with medical conditions or SEND with poor attendance

Parents 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.

Schools are expected to:

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 governing body meetings and with local authorities.

Academy trustees and governing bodies are expected to:

Regularly review attendance data and help school leaders focus support on the pupils who need it.

Local authorities are expected to:

Work closely with relevant services and partners, for example special educational needs, 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:

Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the support offered.

Schools are expected to:

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 have an 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.

Academy trustees and governing bodies are expected to:

Regularly review attendance data and help school leaders focus support on the pupils who need it.

Local authorities are expected to:

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 the attendance 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:

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.

Schools are expected to:

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.

Academy trustees and governing bodies are expected to:

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.

Local authorities are expected to:

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- whenever they live 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 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

Schools:

The school's Headteacher and home/school liaison manager will ensure all school based staff complete their attendance responsibilities in line with the school's policies and procedures.

The governing will hold the headteacher 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 leaders focus improvement efforts on the individual pupils or cohorts who need it most and ensure that school staff receive adequate training on attendance.

Academy trustees and governing bodies:

DfE Regions Group considers multi academy trusts' efforts on attendance as part of decision making.

Ofsted considers governing bodies' efforts as part of inspections.

Local authorities:

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's approach to improving attendance for children with a

authority's
attendance support
team.)

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 takes 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.

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.

Annex B Fixed Penalty Notice Scheme Protocol – Code of Conduct

Children Services Directorate



BEHAVIOUR & ATTENDANCE SUPPORT SERVICE

Penalty Notice Scheme Protocol

May 2024 (will be implemented from 19.8.24 as required by the DfE)

1. Introduction:

- 1.1 The Education (Penalty Notices) (England) Regulations 2007 came into force on 1st September 2007. The DfE updated its Guidance Working Together to improve attendance which will become statutory on 19th August 2024.
- 1.2 This legislation is governed by Section 23 of the Anti Social Behaviour Act 2003 and Section 105 of the Education and Inspections Act 2006.
- 1.3 These pieces of legislation empower designated Local Authority Officers, Head Teachers (& Deputy and Assistant Headteachers, authorised by their Headteacher) and the Police to issue Penalty Notices in cases of unauthorised absence from school.
- 1.4 In addition, Section 103 of the Education and Inspections Act 2006 placed a duty on parents from 1st September 2007 to ensure that their child is not present during school hours in a public place when they are excluded.

- 1.5 Section 105 of the Act enables a Penalty Notice to be issued where an offence is committed under section 103. Parents are allowed a defence of reasonable justification under section 103(4).
- 1.6 Statutory Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices in relation to the use of these measures is contained in 'School attendance: Guidance for maintained schools, academies, independent schools and local authorities' (DfE, February 2024) and in 'School attendance parental responsibility measures - Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police' (DfE, January 2017) which outlines the Government's approach to school attendance and the use of parental responsibility measures.
- 1.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Equalities.
- 1.8 The LA has the prime responsibility for developing the protocol within which all partners named in the Acts will operate.
- 1.9 The purpose of this protocol is to ensure that powers are applied consistently and fairly in accordance with Tower Hamlets Inclusion and Equalities policies to support children and young people in mainstream education and ensure that no individuals/groups within the community are either treated more favourably or unfairly discriminated against compared to any other individual/groups.
- 1.10 LBTH considers 96% or above as regular attendance. Hence will only consider administering the issuing of Penalty Notice if the overall attendance below 96%.

2. The Legal Requirements related to School Attendance:

- 2.1 It is required that the Penalty Notice Scheme Protocol is detailed to the School Governing Body so that they are fully aware of it. The use of Penalty Notices must also be detailed in the school prospectus or notification sent to all parents/carers so that they are fully informed and aware of it.
- 2.2 Regular and punctual attendance at school is both a legal requirement and essential for pupils to obtain the maximum benefit from their educational opportunities.

- 2.3 In law an offence occurs under section 444 (1) of the 1996 Education Act, if a parent/carer fails to secure a child's attendance at a school at which the child is a registered pupil and that absence is not authorised by the school.
- 2.4 When prosecution is undertaken in the Magistrates Court the sentencing options available to Magistrates upon conviction of a parent, are a fine, conditional discharge, absolute discharge, a parenting order, or in some cases a combination of the options listed.
- 2.5 Penalty Notices supplement the existing sanctions currently available under Section 444 (1) of the 1996 Education Act.
- 2.6 Penalty Notices are not meant to replace current practice but to add another option to Schools and the LA to secure regular and punctual attendance. The LA will only administer the issuing of FPN if the overall attendance is below 96%.
- 2.7 In Tower Hamlets, the Behaviour & Attendance & Support Service (THBASS) undertakes this responsibility on behalf of the LA.

3. Possible Benefits offered by Penalty Notices

There are a number of possible advantages and benefits offered by the use of Penalty Notices:

- 3.1 Speed and efficiency in dealing with emergent patterns of poor attendance and punctuality and lack of cooperation and engagement from the parent/carer(s);
- 3.2 Sending a very clear message to parents/carers regarding the importance of regular school attendance and punctuality and the immediacy with which action can be taken to address it.
- 3.3 Emphasising the need for schools to address (i) poor attendance and punctuality, and (ii) lack of cooperation and engagement from parents/carers.
- 3.4 Offering another stage of intervention as part of the tiered 'levels of intervention' approach to addressing school non-attendance and punctuality

and leading to more effective use of the resources and powers available to schools and the THBASS;

- 3.5 Establishing greater parity and equality in terms of responses to challenging casework where parents/carers fail to cooperate and work in partnership to re-engage children with the education system.

4. Criteria where a Penalty Notice may be considered:

A Penalty Notice may only be issued in cases of unauthorised absence or lateness or where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school.

The issue of a Penalty Notice may be considered appropriate in any of the following circumstances:

- 4.1 In instances of the deliberate taking of unauthorised leave/holidays in term time, where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given and where this has created a period of unauthorised absence of 10 sessions or more.
- 4.2 Where parents/carers fail to attend without reasonable cause LA led In-School Attendance Panels, to which they have been invited to discuss their child's unauthorised absences and/or lateness.
- 4.3 In cases of pupils identified as having Persistent Absence i.e., attendance of 90% or less (as defined by DfE from 1.9.15 onwards) over a period of a school term with 10 or more unauthorised sessions (half-days) of absence and with substantial evidence of failure on the part of the parent/carer to work in cooperation and partnership to address and improve the situation.
- 4.4 In cases of persistent late arrival at school (10 minutes after the attendance register has closed) with 10 avoidable late marks or more over the period of 10 school week period and after normal school procedures and sanctions have been followed and applied. The journey involved and particular issues such as adverse weather conditions and disruptions to transport should be taken account of as necessary.
- 4.5 Where there is a combination of unauthorised absence and avoidable lateness (10 minutes after the attendance register has closed) amounting to 10 sessions or more over the period of 10 school week period.
- 4.6 Where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification.

5. Circumstances for issuing Penalty Notices:

To ensure consistent and fair delivery of Penalty Notices, the following criteria for their use shall apply:

- 5.1 Penalty Notices are issued on an individual child per parent/carer basis. Where families have more than 1 child who fits the criteria, multiple issuing of Penalty Notices may occur – 2 parents/carers who have 3 children who fit the criteria will therefore be liable to receiving 3 Penalty Notices each. In these circumstances issuing should be subject to careful consideration and co-ordination.
- 5.2 Other than in those specific circumstances, detailed in point 4.1 related to (i) the taking of unauthorised leave/holidays in term time, and in point 4.6 (ii) where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, each liable parent/carer shall receive a formal Notice To Improve Letter of the possibility of a Penalty Notice being issued.
- 5.3 Schools and their Attendance & Welfare Advisor / Attendance Support Provider must scrutinise every aspect of a pupil's case in preparation for consideration for the issue of a Penalty Notice. This must include discussions with and any other agencies and professionals who have knowledge of or involvement with the family.
- 5.4 There shall be no restriction on the number of times a parent/carer may be issued with formal Notice to Improve letter of a possible Penalty Notice.
- 5.5 Reasonable justification for a pupil to be present during school hours in a public place during the first five days of exclusion includes: the pupil having a pre-arranged medical appointment or a medical emergency requiring immediate attention; and, there being a pressing need for the parent/carer to seek medical help and it being inappropriate to leave the pupil alone in the home unattended and it not being possible to make alternative arrangements for the pupil such as leaving him/her with a relative or friend .

6. Consideration of circumstances in which a Penalty Notice may be issued

- 6.1 When considering whether to issue a Penalty Notice attention should be given to the issues of whether it is likely to be effective in helping to re-engage and improve the attendance and punctuality of the child/young person at school, and whether there is substantive evidence of non-cooperation and/or collusion on the part of the parents/carers that justify its use.
- 6.2 Full consideration must be given to the circumstances affecting the child/young person and their family and the reasons given for the non- attendance and poor punctuality.

- 6.3 Recognition of the family's financial/material living conditions and whether serving a Penalty Notice would affect their safety and wellbeing and put them at risk of severe adversity and hardship.
- 6.4 Direct liaison must also be undertaken with the key worker where the child/young person is designated as vulnerable i.e., the subject of a Child Protection Plan, is a Child in Need, is a Child in Public Care, has a Statement of Special Educational Need, is a Young Carer, has been affected by Domestic Violence or is Privately Fostered.

7. Administration of the Penalty Notice Scheme:

The LA will administer the Penalty Notice Scheme and will issue all Penalty Notices to ensure:

- 7.1 Consistent and equitable delivery of the Penalty Notices.
- 7.2 Ensure consistent administration and monitoring of the system.
- 7.3 Avoid duplication.
- 7.4 Schools will not be burdened with excessive administration.
- 7.5 It will prevent relationships between schools and families being unnecessarily strained.
- 7.6 Penalty Notices will only be issued by post/email and never as an on-the-spot action.

8. Requirement on schools to notify parents/carers of the LBTH Children and Culture Directorate Penalty Notice Scheme Protocol

The Statutory Guidance related to Penalty Notices requires that a school's Governing Body formally notify all parents/carers of pupils at the school about the Penalty Notice Scheme.

- 8.1 A letter (**Appendix 2**) is sent to all parents/carers by the school signed by the Headteacher.
- 8.2 The Information Leaflet for Parents on the Penalty Notice Scheme (**Appendix 3**) should also be sent to all parents/carers together with the letter from the Headteacher.

9. Procedure

When a school is concerned about the unauthorised absence or lateness of a pupil then the normal procedures within school that would usually be followed should be initiated. If the concern continues, then the school can initiate the Penalty Notice procedures.

- 9.1 The school formally refers the pupil to Tower Hamlets Behaviour & Attendance Support Service (THBASS) and all relevant information must be supplied on the THAWS 1 Attendance Referral Form in the specified manner (**Appendix 4**)
- 9.2 The referral of a pupil with a view to a Penalty Notice being issued must not adversely affect any other ongoing strategies already in place to improve school attendance and punctuality.
- 9.3 In those specific circumstances related to (i) the taking of 10 sessions or more of unauthorised leave/holidays in term time where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given, and (ii) where parents fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, the pupil should be referred immediately to the Attendance & Welfare Service for issue of the Penalty Notice.

10. The Role of the LA/BASS in issuing Penalty Notices:

Upon receipt of an appropriately completed THAWS 1 Attendance Referral Form:

- 10.1 The THBASS will act upon all referrals within 10 school days of receipt of the referral and where all criteria are met.
- 10.2 Penalty Notices will be issued and sent by 1st class post/email where the criteria for doing so are met (**Appendix 6**).
- 10.3 Where a Penalty Notice is issued and attendance improves, the LA is still expected to prosecute the parent/carer if the Penalty Notice remains unpaid (**Appendix 7**).
- 10.4 When a Penalty Notice is issued and paid within the timescales identified earlier but attendance levels do not improve, the Penalty Notice cannot be used as evidence in any subsequent prosecution of parents/carers under S.444 of the Education Act 1996.

11. Criteria for withdrawing Penalty Notices:

- 11.1 The Penalty Notice was issued to the wrong person.
- 11.2 The Penalty Notice was issued outside the agreed criteria.

- 11.3 If parent/s provide evidence to the LA which confirms the unauthorised holiday was taken under emergency circumstances, for example a close relative has died, and tickets were booked thereafter, and relevant evidence provided. Or if the family is visiting a seriously ill and close relative who later died before the family return back to the UK and evidence is provided then the Local Authority will not proceed.

12. Payment of Penalty Notices:

- 12.1 Arrangements for payment will be included on the Penalty Notice.
- 12.2 Payment of a Penalty Notice within the established time period discharges the parent/carer of liability for the period of absence/lateness for which the Penalty Notice was issued.
- 12.3 Once the Penalty Notice has been paid the parent/carer cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.
- 12.4 The cost of the Penalty Notice is £80 payable within 21 days.
- 12.5 If the Penalty Notice is not paid within 21 days, then the cost increases to £160 which must be paid within a further 7 days i.e., by 28 days after the original date of issue.
- 12.6 Where it is deemed appropriate to issue a second penalty notice to the same parent for the same pupil within 3 years of the first notice, the second notice is charged at a flat rate of £160 if paid within 28 days.
- 12.7 A third penalty notice must not be issued within a 3-year period. Therefore, in cases where the threshold is met for a third (or subsequent) times within those 3 years, a penalty notice cannot be issued, and alternative action should be taken instead. This will often include considering prosecution but may include other tools such as one of the other attendance legal interventions. In these cases, once 3 years has elapsed since the first penalty notice was issued to the parent a further penalty notice can be issued if appropriate, but in most cases, it will not be the most effective tool for changing what may have now become an entrenched pattern of behaviour.
- 12.8 Local authorities must ensure their existing processes record where a penalty notice has been issued to an individual parent in respect of an individual pupils. They will also need to retain records for at least 3 years from the date of issuing any penalty notice in order for the escalation procedures to be followed.

12.9 If the Penalty Notice is not paid then the parent/carer will be summoned to appear before the Thames Magistrates Court, under section 444(1) of the Education Act 1996, 'failure of a child to attend school regularly'.

12.10 The THBASS retains any revenue from Penalty Notices to cover administration and enforcement costs (collection and prosecution in the event of non-payment).

13. Non-payment of Penalty Notices:

13.1 Non-payment of a Penalty Notice will result in the withdrawal of the Notice and will trigger the prosecution process under the provisions of Section 444(1) of the 1996 Education Act.

14. Policy and Publicity:

14.1 The LA will include information on the use of Penalty Notices and other initiatives to improve school attendance and punctuality in promotional/public information material.

14.2 When the Tower Hamlets Penalty Notice Scheme is adopted by school, the school should include details of the Scheme in their Attendance Policy, and this should be brought to the attention of all parents/carers.

15. Reporting and Reviewing:

15.1 Monitoring of the operation of the Penalty Notice Scheme will be reported to the Director for Education in the LA on a regular basis and an annual report produced at the end of each academic year detailing the development and progress of the scheme.

16. Appeals

16.1 There is no right of appeal identified within the guidance pertaining to 'School Attendance parental responsibility measures – statutory guidance for local authorities, school leaders, school staff, governing bodies and the police' (DfE, January 2017).

16.2 In those specific circumstances related to (i) the taking of 10 sessions or more of unauthorised leave/holidays in term time where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given, and (ii) where parents fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, the pupil should be referred immediately to the Tower Hamlets Behaviour & Attendance Support Service (THBASS) for issue of the Penalty Notice.

- 16.3 In relation to the other criteria no Penalty Notices can be issued until parents/carers have received a warning letter (Notice to Improve) from the school/allocated Attendance & Welfare Adviser (AWA) for the school warning of the possibility of such a Notice being issued unless parents/carers show improvements in their child's attendance levels and punctuality. If a parent/carer disagrees with the school over this matter, they should put their concerns and objections in writing to the school within 10 school days of the date of issue of the warning letter (Notice to Improve).
- 16.4 Similarly, if a parent/carer receives the Penalty Notice and does not agree with the conditions under which it has been issued, they may write to identify their concerns, and this must be received within 14 days of the issue of the Penalty Notice. No correspondence after this point will be entered into and the parent/carer must pay the Penalty Notice or face the possibility of proceedings for non-payment in the Magistrates Court for failure to ensure regular and punctual attendance at school.
- 16.5 All such correspondence should be addressed to the:

Attendance Legal Manager
Tower Hamlets Behaviour & Attendance Support Service
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ