



# **St Matthew's Primary School**

## **Pupil Attendance Policy**

### **Luton Borough Council Policy**

Date Policy Written: August 2024

Review Cycle: Annual basis or sooner if required.

Ratified by Governing Board on: December 2024

Next review date: December 2026

This Policy must be read in conjunction with:

# PUPIL ATTENDANCE POLICY

**The name and contact details of the Senior Attendance Champion – the senior leader responsible for the strategic approach to attendance in our school is:**

Name: Mr Adam Bell, Senior Attendance Champion, Assistant Headteacher  
Contact details: [admin@smps.uk](mailto:admin@smps.uk) 01582 723970

Name: Ms Jane Thomas, Headteacher  
Contact details: [admin@smps.uk](mailto:admin@smps.uk) 01582 723970

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

Name: Miss Kelly Farmer, Attendance Officer  
Contact details: [admin@smps.uk](mailto:admin@smps.uk) 01582 723970

**The name and contact details of the school staff members, pupils and parents should contact for individualised support with attendance:**

Name: Miss Kelly Farmer, Attendance Officer  
Contact details: [admin.stmatthews@smps.uk](mailto:admin.stmatthews@smps.uk) 01582 723970

Name: Mrs Shaheen Hanif, Senior Family Worker  
Contact details: [shaheenhanif@smps.uk](mailto:shaheenhanif@smps.uk) 01582 723970

Name: Miss Sandie Golsalves, Safeguarding Manager  
Contact details: [sgolsalves@smps.uk](mailto:sgolsalves@smps.uk) 01582 723970

Name: Ms Heena Parkar, Consultant Education Welfare Officer  
Contact details: [ewo@smps.uk](mailto:ewo@smps.uk) 01582 723970

**The name of our linked Governor with responsibility for monitoring attendance is:**

Name: Mrs Tina Edwards, Chairperson of Governing Body  
Contact details: [tina.gov@smps.uk](mailto:tina.gov@smps.uk) 01582 723970

Ratified by the Governing Body: December 2024  
Review Date: December 2025  
Next Review Date: December 2026

# **St Matthew's Primary School**

## **Attendance Policy**

### **Introduction and Background**

St Matthew's Primary School recognises that positive behaviour and good attendance are essential in order for pupils to get the most of their school experience, including their attainment, wellbeing and wider life chances.

The law entitles every child of compulsory school age (term after fifth birthday and last Friday in June for Year 11) 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 other 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 and on time. 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 Department for Education (DfE) has produced statutory guidance for maintained schools, academies, independent schools, and local authorities. It is called "[Working together to improve school attendance](#)" and it includes a National Framework in relation to absence and the use of legal sanctions. Our School Attendance Policy reflects the requirements and 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 school governors, teachers, local Headteacher Associations, 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 school's commitment to attendance protocols. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

In addition, all schools follow the DfE's statutory safeguarding guidance, Keeping Children Safe in Education, which emphasises the importance of understanding the potential vulnerabilities of children who are missing or absent from education.

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

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 and maintaining a whole school 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 headteacher, not the parent, who can authorise the absence.

### **Promoting Regular Attendance**

At St Matthew's 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 strong connections between attendance, attainment, social and emotional development, safeguarding and overall well being.

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:

- Submit a daily attendance return to the Department of Education, in line with the legal expectations placed on all schools
- Build strong relationships and work jointly with families
- Give parents/carers details on attendance in our newsletters
- Promote the benefits of high attendance
- Accurately complete admission and attendance registers with effective day to day processes in place to follow-up absence as required by law
- Acknowledge excellent, good or improving attendance
- Report to parents/carers regularly on their child's attendance and the impact on their progress
- Contact parents/carers should their child's attendance decline and be on a falling trajectory toward 90%< and being classed as a Persistent Absentee
- Work with parents/carers of children with 50%< attendance, classed as a Severe Absentee

- Contact parents/carers should their child's attendance fall below the school's target for attendance of 96% for 2025/26.

## **Understanding Types of Absence**

Any absence affects the routine of a child's schooling and regular absence will seriously affect their learning journey and ability to progress. 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, medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable causes.

**Unauthorised absences** are those which the school does not consider reasonable and for which no 'leave' has been granted. Unauthorised absence can lead to the school referring to the Local Authority to issue a Penalty Notice and/or legal proceedings.

**Unauthorised absence includes** (this list 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 child's 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 unauthorised absence for the session because they were late
- 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, not deemed 'for exceptional purposes' by the headteacher, including any arranged by other family members or friends
- day trips
- other leave of absence in term time which has not been agreed by the headteacher

## **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 cooperation of parents to resolve this. All pupils who have attendance levels of 90% or below are considered to be a Persistent Absentee.

### **Severe Absenteeism (SA)**

A pupil who has missed 50% or more schooling is defined by the Government as '**severely absent**'. Pupils within this cohort may find it more difficult to be in school or face bigger barriers to their regular attendance and, as such, are likely to need more intensive support.

### **Absence Procedures**

We thoroughly monitor and review all pupils' absence and the reasons that are given.

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

- Contact the school on the first day of absence before 8.30am.
- The school has an answer phone available to leave a message if nobody is available to take your call, you can email [admin.stmatthews@smpls.uk](mailto:admin.stmatthews@smpls.uk) or you may call into school personally and speak to the office staff. Please be aware that however you inform us of your child's absence you may receive a call from the school so that we may discuss the reason for their absence before making a decision as to whether the absence is to be recorded as authorised or unauthorised.
- Contact the school on every day of absence, again before 8.30 am.
- Ensure that your child returns to school as soon as possible and you provide any medical evidence, if requested, to support the absence. Medical evidence may be requested where your child is having multiple periods of absence which are reported as being due to medical reasons. When determining whether a child is too ill to attend school, both parents and school staff can consider the advice contained within the NHS and Luton Borough Council Guidance on School Absence and Childhood Illness (**Appendix D**).

#### **If your child is absent we will:**

- Telephone or text you on the first day, and every subsequent day of absence, if we have not heard from you. However, it is your responsibility to contact us on a daily basis.
- If we are unable to make contact with parents by telephone, email or text, we will telephone emergency contact numbers 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 10<sup>th</sup> day of absence (or sooner if deemed appropriate) at which point your child will be considered to be a "Child Missing in Education" (CME)

#### **If absence continues we will:**

- Write to you if your child's attendance is causing concern, and/or where punctuality is a concern

- Arrange a meeting so that you may discuss the situation with our Senior Attendance Champion, Year Group Leader and/or our Education Welfare Officer.
- Create a personalised action/support plan, such as an attendance contract, to address any barriers to attendance and make clear each person's role in improving the attendance patterns of your child.
- Offer signposting support to other agencies or services, if appropriate.
- Refer the matter to the Local Authority for relevant legal sanctions, if attendance deteriorates following the above actions.

## Lateness

Poor punctuality is not acceptable and can sometimes lead to irregular school attendance patterns. 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 and risk missing vital work and important messages from their class teacher.

## **The times of the start and close of the school day for pupils at St Matthew's Primary School are:**

	Reception Year (YR)	Key Stage 1 (Years 1 and 2)	Key Stage 2 (Years 3,4,5 and 6)
Class doors open	8.40am	8.40am	8.45am
Registration Starts	8.50am	8.50am	8.55am
Registration Closes	9.00am	9.00am	9.05am
End of the school day	3.20pm	3.20pm	3.25pm

## **How we manage lateness:**

- The school day starts at **8.40am YR and KS1, 8.45am KS2** when children can begin to come into school
- Registers are taken at **8.50am YR and KS1, 8.55am KS2**
- Children arriving after **8.50am YR and KS1, 8.55am KS2** are required to come into school via the central courtyard gates with their parent/carer where they will be met by a member of school staff. They must then be signed in via our 'Late Book' with the reason for their lateness recorded
- At **9.00 YR and KS1, 9.05am KS2** 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 that they have an unauthorised absence

- The school may contact parents/carers regarding punctuality concerns

Unauthorised lateness could result in the school referring to the Local Authority for sanctions and/or legal proceedings. If your child has a persistent lateness record, you may be asked to meet with a member of the school’s Attendance Team, 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.

### **Understanding barriers to attendance**

Children may occasionally have time off school because they are too unwell to attend, consequently this may result in their reluctance to return to 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 individual support 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 in place for these pupils, 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.

Under the DfE’s statutory guidance, schools are required to submit a sickness return to the Local Authority for all pupils who have missed/are likely to miss 15 or more school days (consecutive or cumulative) due to medical reasons/illness.

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

### **Local Authority Attendance Support Services**

Local Authority Attendance Specialists work strategically by offering support to schools, 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 Luton Code of Conduct or prosecution in the Magistrates Court.

### **School Attendance and the Law**

New legislation was passed in Spring Term 2024. The School Attendance (Pupil Registration) (England) Regulations 2024 which introduced a National Framework in England. 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. 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.

### **National Framework for Penalty Notices**

There is now a single consistent national threshold for when a penalty notice must be considered by all schools in England, of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. The 10 sessions of absence do not have to be consecutive and can be made up of a combination of any type of unauthorised absence (G, O and/or U coded within the school's registers). The 10 school week period can span different terms, school years or education settings.

Sanctions may include issuing each parent (for each child) with a Penalty Notice for £160, reduced to £80 if paid within 21 days (for the first offence). A second Penalty Notice issued within a three year period will result in a fine of £160 per parent, per child. If a third offence is committed the matter may be referred to the local authority for consideration of prosecution via the Magistrates Court. If prosecution is instigated for irregular school attendance, each parent may receive a fine of up to £2500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

**(See Annex B)** for the Luton Code of Conduct.

**There is no entitlement in law for pupils to take time off during the term to go on holiday or other absence for the purpose of leisure or recreation, or to take part in protest activity in school hours.** 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 set out the statutory requirements for schools. All references to family holidays and extended leave have been removed. The amendments specify that headteachers **may not** grant any leave of absence during term time unless there are "exceptional circumstances" and they **do not** have any discretion to authorise up to ten days of absence each academic year.

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 their designate (not the local authority) may

authorise such a request and all applications for a leave of absence must be made in writing, in advance, on the prescribed form provided by the school. The school will usually consider that the parent who has made the application is therefore allowing the leave of absence, and also that all parents who are on the holiday are allowing the leave. Where a parent removes a child after their application for leave was refused or where no application was made to the school, the absence will be recorded as unauthorised. It is likely that Penalty Notices will be requested, in line with the National Framework and Luton Code of Conduct, in respect of each parent believed to have allowed the absence.

The headteacher/school may discuss the leave of absence request with other education settings and/or the Local Authority to determine any exceptional circumstances.

If leave of absence is authorised, the school will not provide any work for children to do during their absence.

### **Deletion from Roll**

For any pupil leaving St Matthew's Primary School, other than at the end of Year 6 to leave for secondary school, parents/carers are required to complete a '**Pupils moving from school**' form which can be obtained from the school office. This provides the 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 may 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 the pupil and key family members, in case of emergency.

Under Pupil Regulations 2006, all schools are now **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 grounds for deletion have 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, and we are required to submit pupil attendance data to the Department for Education on a daily basis Education Regulations 2024 (Information about Individual Pupils) (England) (Amendment). Persistently and severely absent pupils are tracked, monitored and actions planned 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.



**Annex A: DfE guidance Summary table of responsibilities for school attendance. From 19<sup>th</sup> August 2024**

[https://assets.publishing.service.gov.uk/media/65e8ae343649a2001aed63aa/Summary\\_table\\_of\\_responsibilities\\_for\\_school\\_attendance\\_applies\\_from\\_19\\_August\\_2024\\_.pdf](https://assets.publishing.service.gov.uk/media/65e8ae343649a2001aed63aa/Summary_table_of_responsibilities_for_school_attendance_applies_from_19_August_2024_.pdf)

**All pupils**

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

**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:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered to prevent the need for more formal support.</p>	<p>Proactively use data to identify pupils at risk of persistent absence.</p> <p>Work with each identified pupil and their parents to understand and address the reasons for absence, including any in-school barriers to attendance.</p> <p>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.</p> <p>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.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>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.</p> <p>Where there are out of school barriers, provide each identified pupil and their family with access to services they need in the first instance.</p> <p>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.</p>

## Persistently absent pupils

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

## Severely absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continue support as for persistently absent pupils and:</p> <p>Agree a joint approach for all severely absent pupils with the local authority.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continue support as for persistently absent pupils and:</p> <p>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.</p> <p>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.</p>

## 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.	<p>Proactively use data to identify cohorts with, or at risk of, low attendance and develop strategies to support them.</p> <p>Work with other schools in the local area and the local authority to share effective practice where there are common barriers to attendance.</p>	Regularly review attendance data and help school leaders focus support on the pupils who need it.	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:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Maintain the same ambition for attendance and work with pupils and parents to maximise attendance.</p> <p>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.</p> <p>Consider additional support from wider services and external partners, making timely referrals.</p> <p>Regularly monitor data for such groups, including at board and governing body meetings and with local authorities.</p>	Regularly review attendance data and help school leaders focus support on the pupils who need it.	<p>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.</p> <p>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.</p>

## 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:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Know who the pupils who have, or who have had, a social worker are.</p> <p>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.</p> <p>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.</p> <p>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.</p>	Regularly review attendance data and help school leaders focus support on the pupils who need it.	<p>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.</p> <p>Through the work of Virtual School Heads, they should:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Provide advice, challenge and training to schools on how to promote and secure good attendance for children with a social worker.</li> <li>Develop whole system approaches, with social care, to support the attendance of children in need.</li> </ul>

## 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:
<p>Work with the school and local authority to help them understand the child's barriers to attendance – including the development of Personal Education Plans.</p> <p>Proactively engage with the support offered.</p>	<p>Have high expectations for the cohort – with expert support and leadership provided by the designated teacher for looked-after and previously looked-after pupils.</p> <p>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.</p> <p>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.</p>	<p>Designate a member of staff to have responsibility for the promotion of the educational achievement of looked-after and previously looked-after pupils.</p> <p>Monitor and review attendance of the cohort and consider how school policies, including behaviour policies, are sensitive to their needs and support good attendance.</p>	<p>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.</p> <p>(LA that looks after the child:) Appoint an expert Virtual School Head (VSH) – will:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Provide expert advice and information on the education of previously looked-after pupils to schools and parents – including their attendance.</li> </ul>

## Monitoring

Parents:	Schools:	Academy trustees and governing bodies:	Local authorities:
<p>Schools regularly update parents on their child's attendance.</p> <p>(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.)</p>	<p>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.</p> <p>The governing board or academy trust will hold the headteacher 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 leaders focus improvement efforts on the individual pupils or cohorts who need it most and ensure that school staff receive adequate training on attendance.</p> <p>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.</p> <p>Ultimately, in cases where a school has not met expectations or statutory duties the Secretary of State can consider a complaint.</p>	<p>DfE Regions Group considers multi academy trusts' efforts on attendance as part of decision making.</p> <p>Ofsted considers governing bodies' efforts as part of inspections.</p>	<p>DfE Regions Group monitors local authority efforts as part of regular interaction.</p> <p>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 social worker through inspecting local authority children's services.</p> <p>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.</p>

## Annex B

### LUTON CODE OF CONDUCT: PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23

# Penalty Notice Code of Conduct

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# 1. Introduction

'Each local authority must draw up a code of conduct which sets out measures to ensure consistency in the issuing of Penalty Notices' The Education (Penalty Notices) Regulations 2007 Section 14.

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In law an offence occurs if a parent/carer fails to secure a child's attendance at school at which they are a registered pupil, and that absence is not authorised by the school.

A parent/carer is supported at school and local authority (LA) level to overcome barriers to regular attendance. The Attendance Support Team (AST) will continue to investigate cases of non-attendance at school and use legal sanctions against a parent/carer wherever appropriate. All those recognised as a parent under section 576 of the Education Act are parents for the purposes of this code.

A child reaches compulsory school age at the start of the term on or after their fifth birthday and continues to be of compulsory school age until the last Friday of June in the school year that they reach 16 years of age. Notices cannot therefore be issued to children in Reception who have not yet reached compulsory school age.

## 2. The Law

Section 23 of the Anti-Social Behaviour Act 2003 empowers designated LA officers, head teachers and the Police to issue penalty notices. The Education Penalty Notice Regulations 2007 section 10 also states a head teacher may authorise a deputy or assistant head teacher to issue Penalty Notices, but no other member of staff can issue Penalty Notices, in cases of unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2007 came into force on 1 September 2007. Penalty Notices (Sections 444A & 444B) supplement the existing sanctions to enforce attendance at school currently available under Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989.

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.

It is a legal requirement under section 7 of the Education Act 1996 that parents of children of compulsory school age ensure that their children receive full-time education that is suitable to their age, ability and aptitude and to any special educational needs that they may have.

Penalty Notices are issued to parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or, in certain cases, at a place where alternative provision is provided. Penalty Notices can be used by all schools (with the exception of independent schools) where the pupil's absence has been recorded with one or more of the

unauthorised codes and that absence(s) constitutes an offence. A Penalty Notice can be issued to each parent liable for the offence or offences. They should usually only be issued to the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

### **3. Rationale and overview of penalty notices**

3.1 The purpose of this code of conduct is to ensure that Penalty Notices are applied consistently and fairly across the local authority area and that arrangements for their issue and administration are suitable.

3.2 From 19 August 2024, a new National Framework for Penalty Notices has been introduced following changes to secondary legislation. The aim of this is to improve consistency in the use of penalty notices across England by introducing a new national threshold.

3.3 This code has been issued pursuant to The Education (Penalty Notices) (England) Regulations 2007/1867 (as amended) and applies to all schools and academies in Luton (except for independent schools). All references to the Local Authority mean Luton Borough Council.

3.4 Penalty Notices are an alternative to prosecution. They give parents the opportunity to discharge their liability in respect of the following two offences by paying a penalty:

- Education Act 1996, section 444(1): failure by a parent to secure regular attendance at school of a registered pupil.
- Education and Inspections Act 2006, section 103: duty of a parent of an excluded pupil to ensure the pupil is not present in a public place at any time during school hours on a school day.

3.5 Penalty Notices are not the only means of disposal for these offences. Depending on the circumstances of each case, the local authority (LA) may alternatively decide to issue a caution, or to prosecute the offence in a magistrates' court, or to take no further action.

3.6 It is important that decisions about these offences are made in accordance with the Human Rights Act 1998 and the Equality Act 2010 as well as specific relevant legislation, regulations and statutory guidance. Therefore, in Luton the agreed practice is that all penalty notices will be issued by the local authority.

### **4. Who is a parent?**

The local authority and the school will need to decide who falls within the definition of parent in respect of a particular pupil when using the legal measures. A Penalty Notice may be issued to each parent for each child. The definition of a parent in education law is broader than the definition in other legislation.

4.1 For the purposes of education law, section 576 of the Education Act 1996 defines a 'parent' as:

- all natural (biological) parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility for a child or young person (this could be a stepparent, guardian or other relative)
- any person who, although not a natural parent, has care of a child or young person (a person has care of a child or young person if they are the person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child)

## 5. Circumstances where a penalty notice may be issued

### 5.1 Irregular school attendance

5.1.1 If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence. (Section 444 Education Act 1996). The Supreme Court Judgement from 2017 (Isle of Wight Council v Platt [2017] UKSC 28) has determined that 'regular' means 'in accordance with the rules prescribed by the school'.

5.1.2 Regular and punctual attendance of pupils at school is both a legal requirement and essential for students to maximise the opportunities available to them.

5.1.3 When a pupil's attendance meets the criteria for a Penalty Notice, the expectation is that schools will make a referral to the local authority, unless there are reasonable grounds for not doing so.

5.1.4 Upon receipt of a referral from the school, Luton Borough Council will check to confirm that it meets the national threshold for a Penalty Notice to be issued and to whom. Each referral must contain evidence of a written warning and a registration certificate showing unauthorised absence. In cases of persistent absence, all support offered must be evidenced detailing if this support was taken up or rejected by parent or child, any if any support had any improvement at all to attendance.

5.1.5 A Penalty Notice may be issued as an alternative to prosecution, where a pupil has accrued a minimum of 10 unauthorised absence sessions in any 10-week period. The unauthorised sessions can be made up of one or a combination of the following codes:

- Code G (the pupil is absence without leave for the purpose of a holiday)
- Code O (where no reason for absence is established or the school is not satisfied that the reason given is one that would be recorded using one of the codes statistically classified as authorised)
- Code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

These unauthorised sessions can either be consecutive or non-consecutive.

A rolling period of 10 school weeks. A school week means any week in which there is at least one school session. The period of 10 school weeks can also span different terms or school years.

5.1.6 A Penalty Notice should be used as a sanction where there is a reasonable expectation that its use will secure an improvement or change in a pattern of absence.

5.1.7 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:

- repeated offences indicating that Penalty Notices are not bringing about a change in behaviour for example repeated unauthorised term time leave
- the high level of unauthorised absence, including extended unauthorised term time leave cases
- the complex or long-standing nature of the particular case. In such cases the local authority may decide not to issue a Penalty Notice and instead consider instigating a prosecution under Section 444(1) or 444(1A) of the Education Act 1996

5.1.8 Where a school has concerns about the attendance of a pupil, there is an expectation that the school will have made the parent/s aware of the concerns about their child's attendance and the parent/s have had the opportunity to address this.

Parents should be aware that if they do not make use of the support offered and improve their child's attendance to an acceptable level, this may result in a Penalty Notice.

The local authority will check that the school has warned the parent/s that they are at risk of receiving a Penalty Notice or other legal sanction. This should at least be evidenced via the sending of a Notice to Improve.

5.1.9 Penalty Notices should not normally be requested where poor attendance is symptomatic of complex family circumstances; in these circumstances the school should take a holistic approach to the issues and involve other agencies as necessary.

The exception to this would be where parents fail to engage with the support offered by the school or other agencies or where the support has been unsuccessful. The local authority will need to check that the school has warned the parent/s that they are at risk of receiving a Penalty Notice or other legal sanction.

5.1.10 Each parent may be issued with a separate Penalty Notice for each child taken out of school. Where a parent or carer chooses to take their child out of school for a period of leave which has not been authorised by school, for example, taking a holiday in term time, the school should ensure that it has made the parent/s aware of the following:

- term time leave of absence is not an automatic right

- school's expectations around parents making leave of absence requests, the school granting the leave
- that unauthorised term time leave may result in a Penalty Notice
- Where parents are deliberately avoiding the national threshold by taking several term time holidays below threshold, for example returning to school on the fourth day (before the five-day minimum) or using the days before and after school holiday dates during the academic year, or repeated absence for birthdays or other family events. The local authority will exercise discretion and consider issuing a Penalty Notice if appropriate.

School should provide evidence that each parent has been warned in writing in the form of a letter, email or by "school parent mail".

## 5.2 If an excluded pupil is found in a public place during school hours

5.2.1 If a pupil is excluded, their parent must ensure the child is not present in a public place in school hours, without reasonable justification, during the first five days of every fixed period of suspension or a permanent exclusion.

Where the suspension is for five days or less, the duty applies to any of the days to which the suspension relates. (Section 103 Education and Inspections Act 2006.) A school is not deemed to be a public place for the purposes of this legislation.

Reasonable justification may include medical emergencies and hospital or other medical appointments. Shopping for clothes or food would not generally be considered reasonable. It is the parent's responsibility to prove reasonable justification.

5.2.2 The school must have followed the Department for Education's statutory guidance for exclusions, which will include warning parents of this provision and the days to which it applies.

5.2.3 If a pupil receives a number of fixed term exclusions and the parent allows the pupil to be in a public place more than twice, the parent may be prosecuted for any third and subsequent occasion that occurs within any 12-month period.

## 6. Early intervention

6.1 An attendance support early intervention letter can be issued by the school after a minimum of four sessions of unauthorised absence (or two days), including unauthorised late absence. If there are six further sessions of unauthorised absence within the total 10 weeks, a notice to improve should be issued by the school.

## 7. Notice to Improve

7.1 Schools should consider if support is more appropriate in each case of absence. If support is more appropriate, this should be arranged or continued if already in place without a penalty notice being requested. Where appropriate school could consider issuing a notice to improve if the support arrangement stops working or is not being engaged with.

7.2 Luton Attendance Support Team has produced a template letter for schools to use. This letter ensures a consistent approach across the local authority and includes all legal references as included in this code of conduct. Schools must not change the template letter but should add specific detail where indicated to ensure it is appropriate to the child and parent. Schools must keep a record of all Notice to Improve letters and share the data with the Attendance Support Team.

7.3A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is requested by the school.

7.4 There will be a six week time frame for attendance to improve, this will be known as the improvement period. The notice to improve will detail what sufficient improvement will look like on a case by case basis.

7.5 The notice will also include grounds on which a penalty notice may be issued before the end of the improvement period. Parents should be informed of this prior to a penalty notice being issued.

7.6 The notice to improve letter will inform the parents of the pupil's attendance, support that has been offered or provided so far and give opportunities for further support. It will contain a clear warning that a penalty notice may be issued or prosecution considered if attendance improvement is not secured within the improvement period.

7.7 The Notice to Improve letter will contain a warning that should there be further unauthorised absence after the improvement period has ended, a penalty notice may be issued without further warning. This will be for the headteacher to notify the Local Authority requesting the appropriate course of action after considering how much time has passed since the improvement period has ended.

7.8 Requests for penalty notices for unauthorised holidays will be processed without a notice to improve. The school's letter or refused absence request will have acted as a warning to consequences of unauthorised absences and risk of receiving a penalty notice or prosecution.

7.9 Schools may issue the Notice to Improve letter without the authorisation from the local authority. However, only the Luton Borough Council Notice to Improve letter may be used. Schools must keep a record of all Notice to Improve letters and share the data with the local authority each half term.

7.10 Luton Borough Council does not include Children Looked After in the Penalty Notice process. Where there are concerns over attendance with a child in the council or another council's care, a review should be held to determine that appropriate provision is in place and whether changes are required to help engage the young person more in their education.

## **8. Maximum number of notices**

8.1 A Penalty Notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. From the Autumn term 2024, only two Penalty Notices can be issued to the same parent in respect of the same child within a three year rolling period and any second offence within that period is charged at a higher rate.

8.2 The local authority will keep accurate records of the number of Penalty Notices issued to individual parents for individual pupils to prevent duplication and will check prosecution is not ongoing or being considered prior to issuing further Penalty Notices.

## **9. Payment of penalty notices**

9.1 The arrangements for payment are detailed on the Penalty Notice.

9.2 The first Penalty Notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.

9.3 The second Penalty Notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days.

9.4 Payment cannot be made in installments.

9.5 A third Penalty Notice cannot be issued to the same parent in respect of the same pupil within three years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those three years, alternative action may be taken. This will often include considering prosecution, but may include other tools such as one of the other attendance legal interventions.

9.6 Payment of a Penalty Notice discharges the parent or carer from liability for the period of the offence to which the Penalty Notice relates.

9.7 There is no right of appeal by parents against a Penalty Notice.

9.8 Where a Penalty Notice is issued, it will be sent via first class post to the parent's address registered with the school.

## **10. Non-payment of Penalty Notices**

10.1 If the Penalty Notice remains unpaid after 28 days and, providing the Penalty Notice has not been withdrawn, the local authority will look to proceed to prosecute the original offence in the magistrates' court.

10.2 In order to prosecute, Luton Borough Council has six months from the date of the last recorded absence to instigate legal proceedings.

## **11. Circumstances when a penalty notice can be withdrawn**

11.1 A Penalty Notice, once issued, may be withdrawn by the local authority if the local authority determines that it meets at least one of the following criteria:

- Penalty Notice has been issued outside of the terms of the local code of conduct
- It ought not to have been issued to the person named as the recipient
- It appears that the notice contains material errors

- It is unpaid and the Local Authority decides to take no further action. The circumstances when a Penalty Notice will be withdrawn are detailed on the Penalty Notice.

## 12. Sums received by local authorities

12.1 Any revenues collected through the system will be used for the administration of Penalty Notices and prosecutions.

12.2 Any surplus revenue will be used to support the regular attendance at school of registered pupils.

12.3 Any remaining surplus must be paid to the Secretary of State.

## 13. Cross-border assistance

13.1 In cases where a pupil has moved school or local authority area in the previous three years an additional check will be made to try and ascertain whether previous Penalty Notices have been issued to the parent in respect of the pupil.

13.2 If the local authority area is known the new local authority will make contact to check whether any Penalty Notices have been issued to that parent for that pupil in the previous three years.

13.3 In cases where the previous local authority is unknown or the information cannot be, or is not, provided by the previous local authority, it will be assumed that the parent has not previously received a Penalty Notice and the escalation process started as a new case.

13.4 The new local authority can contact Luton Borough Council on [crossborder.penaltynotice@luton.gov.uk](mailto:crossborder.penaltynotice@luton.gov.uk) to check whether a Penalty Notice has been issued in the previous three years.

## 14. Outcomes from penalty notices

14.1 Schools can make contact with the Local Authority if they wish to know the outcome of a Penalty Notice at [AttendanceSupport.Team@luton.gov.uk](mailto:AttendanceSupport.Team@luton.gov.uk)

## 15. Relevant underpinning legislation

- The Education Act 1996
- The Children Act 1989
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016
- The Education Act 2002
- The Anti-Social Behaviour Act 2003
- The Education Act 2005

- The Equality Act 2010
- Human Rights Act 1998
- The Education and Inspections Act 2006
- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) Regulations 2012 • The Education (Penalty Notices) (England) (Amendment) Regulations 2013 • Education (Penalty Notices) (England) (Amendment) Regulations 2024



## Helping parents to understand the changes to fines for term time leave

With the introduction of the new National Framework for Penalty Notices, the following changes will come into force for Penalty Notice Fines issued for unauthorised holidays recorded by schools after 19th August 2024.

### Who may be fined?

Penalty Notice Fines are issued to each parent who allows their child to be absent from school. For example: 3 siblings absent for term time leave, would result in each parent who allowed the holiday receiving 3 separate fines.

### National Threshold

There will be a single consistent national threshold for when a penalty notice must be considered by all schools in England of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period.  
For example: a 5 day holiday would meet the national threshold.  
The 10-school week period can span different terms or school years.

### First Offence

The first time a Penalty Notice is issued for an unauthorised leave of absence (ULA) the fine amount will be: £80 per parent, per child if paid within 21 days. Increasing to £160 if paid between days 22-28.

### Second Offence

The second offence (within 3 years)  
The second time a Penalty Notice is issued for unauthorised absence the amount will be: £160 per parent (who allowed the term time leave) per child, payable within 28 days.

### Third Offence and Any Further Offences (within 3 years)

The third time an offence is committed a Penalty Notice will not be issued and local authorities will need to consider other available measures to address the absence concerns. This may mean that cases are presented before a Magistrate's Court.  
Prosecution can result in criminal records and fines of up to £2,500.  
Cases found guilty in the Magistrates' Court can show on the parent's future DBS certificate due to 'failure to safeguard a child's education'.

## **Annex D – Illness Absence Guidance**

**[DfE external document template \(childrenscommissioner.gov.uk\)](https://childrenscommissioner.gov.uk)**