



Policy status	Statutory
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Safeguarding Statement

At Beatrice Tate School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our students so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Beatrice Tate School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our learners by protecting them from physical, sexual and emotional abuse, neglect and bullying.

Version	Date	Author	Description of change
May 2022	09.05.22	WH	New Policy
December 2024	09.12.24	WH	Reviewed and updated to reflect new DfE Guidance – Working Together to Improve School Attendance Deleted: New Sections 1-9 Section 11. Attendance Policy Addendum during COVID-19 Pandemic Added: Section 11. Appendix 1 - Attendance codes; Section 12. Appendix 2 - Tower Hamlets Penalty Notice Scheme (May 2024)

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1. Aims

This policy aims to show our commitment to meeting our obligations with regards to school attendance, including those laid out in the Department for Education’s (DfE’s) statutory guidance on [working together to improve school attendance \(applies from 19 August 2024\)](#), through our whole-school culture and ethos that values good attendance, including:

- Setting high expectations for the attendance and punctuality of all pupils
- Promoting good attendance and the benefits of good attendance
- Reducing absence, including persistent and severe absence
- Ensuring every pupil has access to the full-time education to which they are entitled
- Acting early to address patterns of absence
- Building strong relationships with families to make sure pupils have the support in place to attend school

We will also promote and support punctuality in attending lessons.

2. Legislation and guidance

This policy is based on the Department for Education’s (DfE’s) statutory guidance on working together to improve school attendance (applies from 19 August 2024) and school attendance parental responsibility measures. The guidance is based on the following pieces of legislation, which set out the legal powers and duties that govern school attendance:

- Part 6 of the [Education Act 1996](#)

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- Part 3 of the [Education Act 2002](#)
- Part 7 of the [Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, and 2016 amendments\)](#)
- [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013 and the 2024 amendment](#)

It also refers to:

- [School census guidance](#)
- [Keeping Children Safe in Education](#)
- [Mental health issues affecting a pupil's attendance: guidance for schools](#)

It also reflects the principles and recommendations detailed in:

- House of Commons Education Committee (Seventh Report of Session 2022–23) [Persistent absence and support for disadvantaged pupils](#)

3. Roles and responsibilities

3.1. The Governing Body

The governing body is responsible for:

- Setting high expectations of all school leaders, staff, students and parents/carers
- Making sure school leaders fulfil expectations and statutory duties, including:
 - Making sure the school records attendance accurately in the register, and shares the required information with the DfE and local authority
 - Making sure the school works effectively with local partners to help remove barriers to attendance, and keeps them informed regarding specific students, where appropriate
- Recognising and promoting the importance of school attendance across the school's policies and ethos
- Making sure the school's attendance management processes are delivered effectively, and that consistent support is provided for students who need it most by prioritising staff and resources
- Making sure the school has high aspirations for all students, but adapts processes and support to students' individual needs
- Regularly reviewing and challenging attendance data and helping school leaders focus improvement efforts on individual students or cohorts who need it most
- Working with school leaders to set goals or areas of focus for attendance and providing support and challenge
- Monitoring attendance figures for the whole school and repeatedly evaluating the effectiveness of the school's processes and improvement efforts to make sure they are meeting students' needs

- Where the school is struggling with attendance, working with school leaders to develop a comprehensive action plan to improve attendance
- Making sure all staff receive adequate training on attendance as part of the regular continued professional development offer, so that staff understand:
 - The importance of good attendance
 - That absence is almost always a symptom of wider issues
 - The school's legal requirements for keeping registers
 - The school's strategies and procedures for tracking, following up on and improving attendance, including working with partners and keeping them informed regarding specific students, where appropriate
- Making sure dedicated training is provided to staff with a specific attendance function in their role, including in interpreting and analysing attendance data
- Holding the headteacher to account for the implementation of this policy

3.2. The Headteacher

The headteacher is responsible for:

- The implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors
- Supporting staff with monitoring the attendance of individual students
- Monitoring the impact of any implemented attendance strategies
- Issuing fixed-penalty notices, where necessary
- Working with the parents/carers of students with special educational needs and/or disabilities (SEND) to develop specific support approaches for attendance for students with SEND, including where school transport is regularly being missed, and where students with SEND face in-school barriers
- Communicating with the local authority when a student with an education, health and care (EHC) plan has falling attendance, or where there are barriers to attendance that relate to the student's needs
- Communicating the school's high expectations for attendance and punctuality regularly to students and parents/carers through all available channels
- Sharing information from the school register with the local authority, including:
 - Notifying the local authority when a student's name is added to or deleted from the school admission register outside of standard transition times
 - Providing the local authority with the details of students who fail to attend school regularly, or who have been marked with an unauthorised absence for a continuous period of 10 school days
 - Providing the local authority with the details of students who the school believes will miss 15 days consecutively or cumulatively because of sickness

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4. The designated senior leader responsible for attendance

The designated senior leader is responsible for:

- Leading, championing and improving attendance across the school
- Setting a clear vision for improving and maintaining good attendance
- Evaluating and monitoring expectations and processes
- Having a strong grasp of absence data and oversight of absence data analysis
- Regularly monitoring and evaluating progress in attendance
- Establishing and maintaining effective systems for tackling absence, and making sure they are followed by all staff
- Liaising with students, parents/carers and external agencies, where needed
- Building close and productive relationships with parents/carers to discuss and tackle attendance issues
- Creating intervention or reintegration plans in partnership with students and their parents/carers
- Delivering targeted intervention and support to students and families

The designated senior leader responsible for attendance is the Deputy Headteacher.

5. The attendance officer

The school attendance officer is responsible for:

- Monitoring and analysing attendance data (see section 7)
- Benchmarking attendance data to identify areas of focus for improvement
- Providing regular attendance reports to school staff and reporting concerns about attendance to the designated senior leader responsible for attendance, and the headteacher
- Working with education welfare officers to tackle persistent absence
- Advising the headteacher when to issue fixed-penalty notices

The attendance officer can be contacted via the school's main telephone number.

6. Class teachers

Class teachers are responsible for recording attendance for both morning and afternoon sessions on a daily basis, using the correct codes (see Appendix 1), and submitting this information onto the School's designated system

7. School admin staff

School admin staff will:

- Take calls from parents/guardians about absence on a day-to-day basis and record it on the school system
- Transfer calls from parents/guardians to the Deputy Headteacher or Phase Assistant Headteacher where appropriate, in order to provide them with more detailed support on attendance

8. Parents

Where this policy refers to a parent, it refers to the adult the school and/or local authority decides is most appropriate to work with, including:

- All parents, whether they are married or not
- All those who have parental responsibility for a child or young person
- Those who have day-to-day responsibility for the child (i.e. lives with and looks after them)

Parents are expected to:

- Make sure their child attends every day on time
- Call the school to report their child's absence on the day of the absence and each subsequent day of absence, and advise when they are expected to return
- Provide the school with more than 1 emergency contact number for their child
- Ensure that, where possible, appointments for their child are made outside of the school day

9. Students

- We expect all students on roll to attend every day that the school is in session, as long as they are fit and healthy enough to do so. We do all we can to encourage students to attend and put in place appropriate procedures.
- We believe that the most important factor in promoting good attendance is the development of positive attitudes towards school. To this end we strive to make our school a happy and rewarding experience for all students.
- We will also make the best provision we can for those students who, for whatever reason, are prevented from coming to school. We will also work with parents and guardians to remind them of their statutory duty regarding attendance.

10. Definitions

Authorised absence

- An absence is classified as authorised when a student person has been away from school for a legitimate reason and the school has received notification from a parent or guardian, for example, if a student has been unwell and the parent writes a note or telephones the school to explain the absence. Evidence may be requested to support prolonged absence from school.
- Only the school can make an absence authorised. Parents do not have this authority. Consequently, not all absences supported by parents will be classified as authorised. For example, if a parent takes their child/young person out of school to go shopping during school hours, day trips or holidays in term time that have not been agreed then absence will not be authorised.

Unauthorised absence

- An absence is classified as unauthorised when a student is away from school without the permission of both the school and a parent.

- There are unexplained absences or no evidence provided to support absence if requested.
- The absence is unauthorised if a student is away from school without good reason, even with the support of a parent.

11. If a student is absent

- When a student is absent unexpectedly, the class teacher will record the absence in the register, when the register is submitted, admin staff will endeavour to contact a parent or guardian.
- Parents must inform the school on the 1st day of each absence and provide evidence where appropriate to explain the absence.
- Each subsequent day of absence must also be reported by parents.
- Communication may be sent to the school prior to the day of absence. For example, if a student has a medical appointment, a letter from the hospital or appointment card should be produced.
- If there is any doubt about the whereabouts of a student, admin staff or the class tutor will notify the Designated Safeguarding Lead and Attendance Officer (the Home School Liaison). The Designated Safeguarding Lead and Attendance Officer will then continue to attempt to contact the parent or guardian, in order to check on the safety of the student. If unsuccessful LA protocols for CME are followed.

12. Categories of absence and procedure for reporting absences

- Absences will be treated as unauthorised unless a satisfactory explanation for the student's absence is given to the school. Parents/guardians cannot authorise absences.
- Designated staff should make it clear on the school register when taking attendance whether a student's absence is authorised or unauthorised.

Illness

- Most cases of absence due to illness are short term, but parents/guardians will need to make a phone call to alert the school on the first day/each day of absence.
- The reason for absence will be recorded in the register and form part of school records. We work closely with families regarding planned absence due to illness or operations.
- With the support of therapists and families we aim to get the student back in to school as soon as possible.

Medical or dental appointments

- Parents/guardians should make every effort to ensure these appointments are made outside of school hours.
- Where it cannot be avoided, students should attend school for as much of that day as possible. Therefore, appointments should be made first thing in the morning or last thing in the day.

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Authorised absences

- There may be some instances where the school will authorise absence such as for a family bereavement.

Exclusion

- Exclusion is treated as an authorised absence. The class teacher will arrange for activities to be sent home.

Family holidays and extended leave

- Parents/guardians should ensure that family holidays and special leave are arranged outside of school term time.
- Parents/guardians do not have the automatic right to remove their child from school during term time for this reason.
- Requests for leave from school must be made in writing to the Headteacher three weeks in advance of the leave being taken. In the case of unforeseen circumstances, such as a family bereavement that requires the child to travel to another country, this will be taken into consideration.
- The Headteacher will consider all applications for Special Leave according to the **Holidays and Leave during Term-time Policy**.
- When deciding whether to authorise absence. The Headteacher will take any special circumstances into account.
- Examples of these may include:
 - Medical care, including treatment abroad
 - Overseas respite
- All requests for authorised absence will be responded to in writing, and will, if appropriate, outline the details of when the student is expected to return to school.
- Parents/guardians should contact the school immediately if there will be a cause for delay from the stated date of return.
- If permission is not granted, but the student is still absent, the absence is classed as unauthorised and parents/guardians may be issued with a penalty notice.

Religious observance

- Beatrice Tate School recognises that there may be times where children and young people of different faiths observe religious festivals that fall outside of school holidays and weekends, and will allow authorised absence for these times.
- Parents/guardians will be aware of these dates and should give the school written notification in advance.

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13. School action: following up absences

Daily procedure:

- Class registers are completed by the Tutor via RM Integris by 9:40am.
- Where there are unexplained or unauthorised absence the Attendance Officer (Home-School Liaison HSL or other nominated Admin Officer), will contact parents to request the reason for absence.
- By 11:00am the Attendance Officer will provide the Headteacher and Deputy Headteacher and/or Designated Safeguarding Lead a list of daily confirmed absentees.
- If any absentee (either authorised or unauthorised) is currently on a Child Protection Plan the Designated Safeguarding Lead will notify Social Services and/or the allocated Social Worker
- The Attendance Officer will inform Tutors and/or the Assistant Headteacher if the absent child will be brought into school by parents.

Lateness:

- We expect all children to be in school at that time.
- Registers are marked between 9.00am and 9:40am and any child not present then will be marked (N) no reason yet provided.
- The Attendance Officer will then confirm the absence with the Tutor, and if not present, will contact parents to request the reason for absence.
- At 10.00am the registers will be closed. If a child arrives after that time, they will be marked (L) late.
- If a child has a persistent late recorded and unauthorised absences as a result of it, the Parent/Guardian will be asked to meet with the Deputy Headteacher and/or Designated Safeguarding Lead and Attendance Officer.

14. Long-term absence

- When students have an illness that means they will be away from school for more than five days, the school will do all it can to engage students in home learning activities, so that they can keep up with their school work.
- If the absence is likely to continue for an extended period, or be a repetitive absence, the school will contact support services, so that arrangements can be made for the child to be given home learning activities outside school.
- Prior to any planned admission to hospital the Attendance Officer will establish with parents the expected length of absence and agree the best times to check on progress.

15. When there are concerns about attendance

When there are concerns about attendance the following actions are taken:

- The Attendance Officer (HSL) meets regularly with the Attendance Welfare Advisor (AWA) to check registers and discuss attendance.

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- When attendance is of concern, the Attendance Officer (HSL) will contact parents to arrange a meeting to discuss the reasons and find ways to further support the family.
- If attendance does not improve, the school will arrange a multi-disciplinary meeting for parents and other professionals (e.g. DSL, School Nurse, Social Worker) involved with the student to attend.
- If there are no genuine reasons for absences then the AWA may begin legal proceedings against both parents if applicable.

16. Penalty Notice Scheme

- The school implements LBTH's Penalty Notice Scheme. More details of this are available in the Appendix below.

17. Children Missing Education (CME)

- The school has the responsibility for notifying the LA (AWA) of those students that are potentially CME (Children Missing Education).
- Where students have been absent from school for 10 days, and the absence has not been authorised, school will have used a range of strategies within that time to ascertain the reason for absence:
 - Telephone calls to all contact numbers on record.
 - Asking class teacher/other staff/other parents.
 - Visits by school staff.
- For students' subject to a Child Protection Plan, or who are Children in Care, this will be done after 5 days.

18. Attendance targets

- The school sets challenging attendance targets each year. These are agreed by the senior staff and governors.
- The attendance targets are shared with the LA School Improvement Advisor and are in line with government and OFSTED requirements.
- The targets are challenging yet realistic and based on attendance figures achieved in previous years. The school considers carefully the attendance figures for other similar schools when setting its own targets.

19. Monitoring and review

- It is the responsibility of the Governing Body to monitor overall attendance and they will request a report from the Headteacher annually.
- The Governing Body also has the responsibility for this policy and for seeing that it is carried out. Governors will therefore examine closely the information provided to them and seek to ensure that our attendance figures are as high as they should be.
- The school will keep accurate attendance records on file for a minimum period of three years.

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- This policy will be reviewed by the governing body every two years, or earlier if considered necessary.

20. Links with other policies

- This policy links to the following policies:
 - Child protection and safeguarding policy
 - Behaviour policy

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21. Appendix 1 - Attendance codes

In August 2024, the Department for Education (DfE) updated the attendance codes used by schools in England to record student attendance and absence. These codes help schools monitor attendance patterns and identify areas where support may be needed. Below is a table summarising the latest DfE attendance codes and their meanings:

Attendance Code (August 2024)	Meaning:
/	Present in the morning session
\	Present in the afternoon session
L	Late arrival before the register is closed (marked as present)
K	Attending education provision arranged by the local authority
C	Authorised absence due to other authorised circumstances
C1	Leave of absence for participating in a regulated performance or regulated employment abroad
C2	Leave of absence for a compulsory school-age student subject to a part-time timetable
E	Authorised absence as student is excluded, with no alternative provision made
I	Illness (not medical or dental appointments)
M	Authorised absence due to medical or dental appointments
R	Authorised absence due to religious observance
S	Authorised absence due to study leave
T	Authorised absence due to traveller commitments
J1	Leave of absence for attending an interview for employment or admission to another institution
B	Approved education activity as student is being educated off-site (not dual registration)
P	Approved educational activity as student is attending an approved sporting activity
V	Approved educational activity as student is on an educational visit or trip
W	Approved educational activity as student is attending work experience
G	Unauthorised absence as student is on a family holiday not agreed, or exceeding agreed days
N	Unauthorised absence as reason not yet provided
O	Unauthorised absence not covered by any other code/description
U	Unauthorised absence as student arrived after registers closed
D	Dual registered (at another establishment; not counted in possible attendance)
X	Not required to be in school (for non-compulsory school-age children)
Q	Unable to attend school due to lack of access arrangements
Y1	Unable to attend due to transport normally provided not being available
Y2	Unable to attend due to widespread disruption to travel
Y3	Unable to attend due to part of the school premises being closed
Y4	Unable to attend due to the whole school site being unexpectedly closed
Y5	Unable to attend as student is in criminal justice detention
Y6	Unable to attend in accordance with public health guidance or law
Y7	Unable to attend because of any other unavoidable cause
Z	Student not yet on roll (not counted in possible attendance)

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Attendance Code (August 2024)	Meaning:
#	Planned whole or partial school closure (not counted in possible attendance)

22. Appendix 2 - Tower Hamlets Penalty Notice Scheme (May 2024)

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 and as amended in 'The Education (Penalty Notices) (England) (Amendment) Regulations 2024'. 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 Fixed Penalty Notice 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 1**) 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 2**) 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 3**)
- 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/THBASS 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.
- 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.
- 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 – **Appendix 4**) 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