



## **St Chad's CofE Nursery and Infant School**

### **Attendance Policy**

### **September 2025**

**Approved by the Trust Board on:** 24<sup>th</sup> October 2025

**To be reviewed:** October 2026

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## 1. Our Trust

Promoting good school attendance is everyone's responsibility.

DDAT strives to ensure that all its schools create an inclusive environment which enables and encourages all pupils/students to reach their full potential. For pupils/students to achieve in accordance with their potential and to gain the greatest benefit from their education, it is vital that they attend regularly.

DDAT understands that barriers to attendance are complex, and that some pupils/students find it harder than others to attend school; therefore, DDAT schools will prioritise cultivating a safe and supportive environment in all their schools, as well as strong and trusting relationships with all pupils/students and parents/carers.

**There is a Trust Attendance Strategy which aims to:**

- Improve attendance in all DDAT schools
- Reduce persistent absence in all DDAT schools
- Develop strategies to catch up lost learning for pupils/students whose attendance is a concern

## 2. Our School Context

St Chad's CofE Nursery and Infant School is a Church of England school, committed to putting Christian values at the centre of all that it does. Our school's Christian vision, *Love God, Love Neighbour, Love Self*, takes inspiration from and is deeply rooted in the Greatest Commandment: *"Love God with all your heart and with all your soul and with all your mind and love your neighbour as yourself."* We want every child in our care to understand love, see love, show love and know that they are loved.

We are an inclusive school and our vision, though distinctively Christian, welcomes and values all faiths and cultures within our diverse school community. Our school's core values of love, friendship, compassion and respect sit at the heart of our school community and underpin every aspect of school life.

St Chad's CofE Nursery and Infant School is an Inclusive Attendance school. This approach ensures attendance practices are focused on mental health, social wellbeing and restorative practices. Our unwavering commitment to attendance centers around child-centric actions, evidence-informed practices, and a shared understanding of everyone's roles and collective responsibilities to promote attendance.

St Chad's is a smaller than average, multicultural inner-city infant school. Our school serves a catchment area of high deprivation with many new arrivals to the UK. The stability of our school population is less than the national average. The percentage of children eligible for pupil premium has increased considerably over the past few years. Although in 2024-25 it was more than double the national average, this is still not fully reflective of deprivation within the school's community, as many newly arrived families, although living in poverty, are not entitled to benefits and therefore are not necessarily eligible for free school meals. The percentage of children with English not as their first language is more than four times the national average. There are currently 20 different languages spoken in school. Over the past three years the number of children with SEND has remained over the national average.

Barriers to attendance, in particular persistent absenteeism, include: children who have left the school being retained as absent on roll until they have a new school place (or for a longer period if they have moved to another country); cultural expectations, where formal schooling starts later in some families' home countries; housing conditions impacting bedtime/sleep routines; siblings being allocated different school places across the city; term time holidays (which are unauthorised); parenting support impinging children regularly attending school e.g. a lack of routines, boundaries. We have been pro-active in responding to the needs of our school's local context: forging strong home-school partnerships is the bedrock of who we are as a school and what we do. We have introduced a range of initiatives to support families and improve attendance levels. Over 50% of families in school currently require targeted family support for non-academic barriers to learning. This includes, but is not limited to: routines and boundaries, attendance and punctuality, toileting, oral health, speech and language, home learning, English, clothing and food bank support and developmental milestones e.g., weaning off milk bottles. We continue to forge close working relationships with outside professionals, including links with our local children's centre.

## 3. Key Staff: Roles and Responsibilities

Co-Headteacher, Designated Safeguarding Lead and Senior Leader for Attendance: Mrs K Morley

Co-Headteacher and Designated Safeguarding Lead: Ms. K Leach  
Deputy Designated Safeguarding Lead and SENCo: Miss Gilsenan  
Deputy Designated Safeguarding Lead and Welfare Officer: Mrs N Kay  
Attendance Officer: Mrs S Lambert  
Family Support Worker: Mrs G Sohanpal  
Family Support Worker: Mrs R Bibi

#### **4. Our Aims and Approach**

We are committed to meeting our obligation with regards to school attendance through our whole-school culture and ethos that values good attendance, including:

- Building strong relationships with families to ensure pupils have the support in place to attend school.
- Promoting 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.

Our attendance philosophy values both personal and collective achievements. It aims to address factors that may negatively impact children and to create an inclusive environment that fosters positive relationships with our pupils and their families.

We recognise that school attendance plays a key role in shaping academic outcomes, personal development, and prospects; regular school attendance can have a significant impact on:

- **Social and Emotional Development:** School provides a safe environment for children to develop social and emotional skills, interact and form bonds and attachments. We incorporate social-emotional learning into our curriculum to support the development of empathy, self-awareness, and positive relationships.
- **Routines:** School attendance provides structure and routine. We aim to create a consistent, secure base for our children, where they feel safe, valued, respected, and supported.
- **Teacher interaction:** Regular attendance enables staff and pupils to develop meaningful and productive relationships which support teacher understanding of needs and assessment of progress. By fostering a sense of belonging and trust, we can create an environment where children can develop healthy attachments.
- **Academic achievement:** There is a correlation between regular school attendance and academic outcomes.
- **Knowledge:** School is where children acquire knowledge and skills that are crucial to their growth and development; missing days is missing opportunities.
- **Preventing knowledge gaps:** Poor school attendance leads to knowledge gaps and pupils can find it difficult to catch up potentially leading to long-term academic difficulties.
- **School engagement:** Children who attend school regularly are more likely to become involved in extra-curricular and enrichment activities.
- **Parent/carer legal responsibility:** Parents/carers are legally responsible for ensuring their child's regular school attendance; failure to do so can lead to legal consequences.

We follow a multi-tiered system of support (see [appendix 2](#)). This allows us to effectively address our school communities needs by providing targeted interventions that promote early intervention and collaboration. This framework fosters a supportive school environment and ensures the most appropriate support, at the right time.

#### **5. Legislation and Guidance**

This policy meets the requirements of the [Working together to improve school attendance \(applies from 19 August 2024\)](#), the statutory guidance from the Department for Education (DfE) for maintained schools, academies, independent schools and local authorities, and refers to the DfE's statutory guidance [Summary table of responsibilities for school attendance \(applies from 19 August 2024\)](#), and [Children missing education: statutory guidance for local authorities and schools - GOV.UK](#)

These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, 2016 amendments\)](#)
- [DfE's guidance on Children Missing Education](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)
- [Full-time enrolment of 14 to 16-year-olds in further education and sixth-form colleges - GOV.UK \(www.gov.uk\)](#)
- [Missing Children and Adults - A cross government strategy \(publishing.service.gov.uk\)](#)

This policy also refers to the DfE's guidance on the school census, which explains the persistent absence threshold.

## **6. Roles and Responsibilities**

### **6.1 The Local Academy Committee**

The Local Academy Committee is responsible for:

- Promoting the importance of school attendance across the school's policies and ethos.
- Making sure school leaders fulfil expectations and statutory duties.
- Regularly reviewing and challenging attendance data.
- Monitoring attendance figures for the whole school and pupil/student groups.
- Making sure staff receive adequate training on attendance.
- Holding the headteacher to account for the implementation of this policy.

Our link governor for attendance supports leaders in improving attendance, whilst also monitoring and challenging attendance data. We report termly to governors about attendance, and this is discussed during LAC meetings. We share this information through the Headteacher report, but also a separate attendance overview that further breaks down groups within school, allowing further analysis to take place.

### **6.2 The Headteacher/ Co-Headteacher**

The headteacher/co-headteacher is responsible for:

- Implementation of this policy at the school.
- The overall strategic approach to attendance in school.
- Ensuring that every pupil has access to full-time education and will act as early as possible to address patterns of absence.
- Monitoring school-level absence data and reporting it to governors at Local Academy Committee meetings.
- Supporting staff with monitoring the attendance of individual pupils/students.
- Monitoring the impact of any implemented attendance strategies.
- Issuing fixed-penalty notices, where necessary.

### **6.3 The Designated Senior Leader Responsible for Attendance**

The designated senior leader with responsibility for attendance will:

- Offer a clear vision for attendance improvement.
- The day-to-day implementation and management of this policy and all relevant procedures across the school.
- Ensuring all parents are aware of the school's attendance expectations and procedures.
- Evaluate and monitor expectations and processes.
- Have an oversight of data analysis.
- Devise specific strategies to address areas of poor attendance identified through data.
- Arrange calls and meetings with parents to discuss attendance issues.
- Meet with Education Welfare on a monthly basis.
- Work with the attendance officer to carry out all agreed actions.
- Deliver targeted intervention and support to pupils/students and families.

### **6.4 The Attendance Officer**

The school attendance officer will:

- Monitor and analyse attendance data, as detailed in section 10.
- Take calls from parents regarding absence on a day-to-day basis and record it on the school system.
- Ensure attendance is recorded accurately, with the correct codes used (see appendix 1).
- Benchmark attendance data to identify areas of focus for improvement.
- Provide regular attendance reports to school staff and report concerns about attendance to the designated senior leader responsible for attendance.
- Work with education welfare officers, and other professionals, to tackle persistent absence.
- Advise when a fixed penalty notice should be issued.
- Scrutinise poor and/or irregular attendance patterns to ensure consideration is given to early intervention and support.
- Appropriately manage and direct enquiries from parent/carers to appropriate staff to enable them to access support with attendance matters.
- Liaise directly with staff who have responsibility for safeguarding regarding absences and attendance concerns relating to vulnerable pupils.
- Manage inventory for children leaving the school premises.

## 6.5 Family Support Worker

The Family Support Worker will:

- Build strong relationships with parents to identify and address any barriers they may be facing that impact attendance.
- Meet with parents in order to provide them with more targeted and detailed support on their child's attendance.
- Maintain regular communication with targeted families regarding attendance and punctuality.
- Hold parent workshops regarding attendance/ punctuality.
- Keep the school's attendance tracker up-to-date and ensure families receive the right support, at the right time.
- Send out any relevant attendance letters to parents, and follow this up with a phone call.

## 6.6 Class Teachers

Class teachers will:

- Fulfil their responsibility for recording attendance daily, using the correct codes, and submitting this information to the school office. This is entered on SIMs, within 5 minutes of the start of the morning and afternoon sessions.
  - Whole school morning session starts at 09:00am
  - The afternoon session starts at:
  - 12:30pm in Nursery
  - 12:50pm in Bears (Rec) and Crocodiles (Rec/Y1)
  - 13:00pm in Flamingos (Y1/2) and Elephants (Y2)
- Liaise directly with parents/carers regarding the impact that a pupil's/student's attendance is having on their progress or other aspects of school life.
- Actively encourage parents to bring their child/ren to school on time each day. Punctuality is essential for a smooth start to the school day and minimises disruptions in the classroom.
- Identify patterns of poor attendance or lateness and intervene early to address any underlying issues.
- Maintain open lines of communication with parents/carers regarding attendance. They should inform parents/carers of any concerns about a child's attendance or punctuality.
- Provide additional support to children who may be experiencing attendance challenges.
- Strive to create a positive and welcoming environment where pupils feel safe, loved, motivated and engaged.
- Be alert to potential barriers to attendance, such as bullying, health issues, or family problems. Identifying these barriers and reporting them to the appropriate school staff can lead to effective interventions.
- Be aware of safeguarding protocols and report any concerns related to a child's/young person's safety or well-being promptly to the appropriate school staff.

## 6.7 Parents/carers

Parents/carers are expected to:

- Ensure that daily routines are established at home, which support their child attending school every day on time. The school start time is 9.00am and ends at 3.15pm, school gates open from 8.45am.

- Set clear expectations for their child regarding school attendance; emphasise the importance of attending school regularly and being on time.
- Promote healthy practices and routines which support children/young people with being ready and able to attend school, such as adequate sleep, healthy diet, regular exercise, positive peer relationships etc.
- Commit to their child's learning by recognising and sharing the value of education and ensuring their child attends school every day that they are able and well enough to do so.
- Demonstrate a positive attitude to education and to attendance by discussing with their child the value of school and the opportunities that education provides for their future.
- Attend school events such as parents' evenings, taking the opportunity to develop relationships with key staff and to discuss their child's progress and ambitions.
- Communicate effectively with the school regarding their child's attendance, this includes calling the school to report their child's absence before 9.00 am (or as soon as possible) on the day of absence. The office will advise when the child will be expected to return to school. If the child does not return to school on this date, it is expected that parents will notify school by 8.45am on each subsequent day of illness. (A home visit may be required if: no calls are received, calls made by school are unanswered, the child has multiple absences or absence patterns are emerging).
- Report any absences by contacting the school office on 01332 345997. It is not permissible for parents to report any absence via Class Dojo.
- Share information readily with the school regarding matters which can impact negatively on school attendance such as bullying, online safety concerns, negative peer relationships etc.
- Providing the school with a minimum of 2 emergency contact numbers (in addition to parent/carers contact details) for their child. Ensure all contacts are accurate and up to date.
- Ensure that, where possible, appointments for their child are made outside of the school day.
- Keep up to date regarding school attendance processes.

## 6.8 Pupils/students

*Please note: Due to the age of our children, the importance of good attendance and school expectations are placed on parent/carers.*

Pupils/students are expected to:

- Attend school every day, on time.
- Be supported by school staff, to build positive relationships with their peers and school staff by demonstrating respect for others, following rules and instructions.
- Be supported by school staff, to ask adults for help and support when they are facing challenges which might impact on them being able or wanting to attend school.

*See Appendix 2 for a further breakdown of roles and responsibilities, as part of our multi-tiered approach to support.*

## 7. Recording Attendance

### 7.1 Attendance register

We will keep an attendance register and place all pupils onto this register. At St Chad's CofE Nursery and Infant School we use the electronic management information system SIMs. We will take our attendance register at the start of the first session of each school day and once during the second session.

It will mark whether every pupil is:

- Present
- Attending an approved off-site educational activity
- Absent
- Unable to attend due to exceptional circumstances.

Any amendment to the attendance register will include:

- The original entry.
- The amended entry.
- The reason for the amendment.
- The date on which the amendment was made.
- The name and position of the person who made the amendment.

*Please refer to Appendix 1 for the DfE attendance codes.*

We will also record:

- Whether absences are authorised or not.
- The nature of the activity if a pupil is attending an approved educational activity.

- The nature of circumstances where a pupil is unable to attend due to exceptional circumstances.

We will keep every entry on the attendance register for three years after the date on which the entry was made.

The register for the first session will be taken at:

- *Nursery: 09:00am and closing at 09:15am*
- *Reception, Years 1 and 2: 08:45am and closing at 09:15am*

The register for the second session will be taken at:

- *Nursery: 12:30pm*
- *Bears (R) and Crocodiles (R/Y1): 12:50pm and closing at 13:00pm*
- *Flamingos (Y1/Y2) and Elephants (Y2): 1.00pm and closing at 1:10pm*

## 7.2 Unplanned absence

The pupil's parent/carer must notify the school of the reason for the absence on the first day of an unplanned absence by 9.00am or as soon as possible by contacting the school office by phone on 01332 345997 or by sending an email to [admin@stchads.derby.sch.uk](mailto:admin@stchads.derby.sch.uk). It is not permissible for parents to report any absence via Class Dojo.

We will mark absence due to illness as authorised unless the school has a genuine concern about the authenticity of the illness, or the child's attendance is below 90% and the parent/carer has signed an Attendance Agreement.

If the authenticity of an illness is in doubt, the school may ask the pupil's parent/carer to provide medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. We will not ask for medical evidence unnecessarily.

If absence due to sickness is causing concern, for example attendance has fallen below 90% and the absence pattern is unexplained or made up of several isolated days, we will make a referral to Inclusion and School Attendance Officer (Local Authority) and offer a referral to the School Nurse. The Headteacher may decide that they will only authorise the absence on receipt of suitable medical evidence. This could include a prescription form, appointment card or conversation with health personnel. Parents will be notified about this when signing an Attendance Agreement.

If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised, and parents/carers will be notified of this.

## 7.3 Planned absence

Attending a medical or dental appointment will be counted as authorised if the pupil's parent/carer notifies the school in advance of the appointment.

For requests for leave of absence for medical or dental appointments, parent/careers should bring evidence such as an appointment card, text or letter to the school office in advance to allow attendance marks to be adjusted, e.g. marked on register as planned medical appointment.

However, we encourage parents/carers to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

The pupil's parent/carer must also apply for other types of term-time absence as far in advance as possible of the requested absence.

## 7.4 Lateness and punctuality

A pupil/student who arrives late:

- Before the register has closed will be marked as late, using the appropriate code.
- After the register has closed will be marked as absent, using the appropriate code.

Our school gate on Gordon Road opens at 08:45am. Children need to be in school for 09:00am. If children arrive after 09:00am they will receive a late mark. We record how many minutes late and these are collated to gain an overall figure of a child's punctuality. *Please note: Part-time timetables are used for children who require them and this may mean planned, different arrival times.*

The school office will contact parents of any pupils who are absent without a reason having been given.

In the first instance, our Family Support Worker will contact parent/carers to inform them we are monitoring their child/s punctuality and send a letter home informing them of this. If there is no improvement, we will arrange an appointment to discuss persistent lateness in school. Our Family Support Worker will work closely with families to understand the reasons behind the persistent lateness and offer individual, group or whole school support. All support is personalised and appropriate for the specific family school are working with. This support will be ongoing, but lateness/punctuality will be closely monitored for half a term before moving to the next step.

If lateness/ punctuality continue, parent/carers will be invited to school for a formal meeting with the Education Welfare Officer and appropriate school staff member (if parents fail to attend without explanation the Education Welfare Officer will accept the case work responsibility). The Attendance Officer will subsequently monitor the pupil's attendance for a 4-week period. If there is no improvement in the pupil's attendance the Education Welfare Officer will be informed, and they will continue to be involved in the monitoring of this.

Punctuality is monitored weekly and recorded on our attendance tracker.

## **7.5 Following up unexplained absence**

Where any pupil we expect to attend school does not attend, or stops attending without reason, the school will:

- Call the pupil's parent/carer on the morning of the first day of unexplained absence to ascertain the reason. If the school cannot reach any of the pupil's emergency contacts, we will conduct a home visit. If the pupil is classed as vulnerable, Social Care is informed and / or a risk assessment maybe required.
- Identify whether the absence is approved or not.
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained; this will be no later than five working days after the session.
- Call the parent/carer on each day that the absence continues without explanation to ensure proper safeguarding action is taken where necessary.
- If absence continues, the school will consider involving other agencies as appropriate. The school will follow Local Authority procedures for Children Missing Education (CME).

## **7.6 Reporting to parents/carers**

The school will regularly inform parents/carers about their child's attendance and absence levels at termly parents' meetings. At parents' evenings teachers will talk parent/carers through their child's attendance. We report attendance as sessions missed, rather than as a percentage. The rational for this is so that parents can see how much learning their child has missed.

# **8. Authorised and Unauthorised Absence**

## **8.1 Approval for term-time absence**

The Department for Education stipulates that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. There is no automatic right to any leave in term time, and any leave of absence is granted at the headteacher's discretion, including the length of time the pupil is authorised to be absent for.

The school considers each application for term-time absence individually, considering the specific facts, circumstances, and relevant context behind the request. Any request should be submitted as soon as it is anticipated and, where possible, at least two weeks before the absence, and in accordance with any leave of absence request form, accessible via the school office. The headteacher may require evidence to support any request for leave of absence.

The following are examples of authorised absence:

- Illness and medical/dental appointments.
- Religious observance: where the day is exclusively set apart for religious observance by the religious body to which the pupil's/student's parent/carer belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart. Parents will be expected to request leave of absence for religious observance in writing using the school's leave of absence form. School will authorise one days leave for each religious observance (up to a maximum of two days leave in an academic year) providing a leave of absence request form is completed, otherwise these will be marked as unauthorised.
- Traveller pupils travelling for occupational purposes: this covers Roma, English and Welsh gypsies, Irish and Scottish travelers, showmen (fairground people) and circus people, barges (occupational boat

dwellers) and new travelers. Absence may be authorised only when a traveler family is known to be travelling for occupational purposes and has agreed this with the school, but it is not known whether the pupil is attending educational provision

- Significant family bereavement, i.e. Mother (step), Father (step), principal carer or sibling.
- Significant family illness, i.e. Mother (step), Father (step), principal carer or sibling.
- Involvement in court proceedings, either in the family courts or in criminal proceedings.

Any requests for leave during term time will be considered on an individual basis and the pupil's previous attendance record will be considered. Where the absence is granted, the headteacher will determine the length of time the pupil can be away from school.

Requests for leave will **never** be granted in the following circumstances:

- Holidays
- Immediately before and during statutory assessments
- When a pupil's attendance record shows any unauthorised absence
- Where a pupil's authorised absence record is already above 10% for any reason

## 8.2 SEND- and health-related absences

The school recognises that pupils with SEND and /or health conditions, including mental health issues, may face greater barriers to attendance than their peers, and will incorporate robust procedures to support pupils who find attending school difficult.

In line with the SEND Policy and Supporting Pupils with Medical Conditions Policy, the school will ensure that reasonable adjustments are made for pupils to reduce barriers to attendance, in line with any EHC plans or IHPs that have been implemented. The school will secure additional support from external partners to help bolster attendance where appropriate.

Where the school has concerns that a pupil's non-attendance may be related to mental health issues, parents will be contacted to discuss the issue and whether there are any contributory factors to their child's lack of attendance. Where staff have a mental health concern about a pupil that is also a safeguarding concern, they will inform the DSL and the Child Protection and Safeguarding Policy will be followed. All pupils will be supported with their mental health in accordance with the school's Social, Emotional and Mental Health (SEMH) Policy.

If a pupil is unable to attend school for long periods of time due to their health, the school will:

- Inform the LA if a pupil is likely to be away from the school for more than 15 school days.
- Provide the LA with information about the pupil's needs, capabilities and programme of work.
- Help the pupil reintegrate at school when they return.
- Make sure the pupil is kept informed about school events and clubs.
- Encourage the pupil to stay in contact with other pupils during their absence.

The school will incorporate an action plan to help any pupils with SEND and/or health issues cope with the stress and anxiety that attending school may cause them. Such plans will be regularly monitored and reviewed until the pupil is attending school full-time and there has been signs of significant improvement.

To support the attendance of pupils with SEND and/or health issues, the school will consider:

- Holding termly meetings to evaluate any implemented reasonable adjustments.
- Incorporating a pastoral support plan.
- Identifying pupils' unmet needs through the Common Assessment Framework.
- Using an internal or external specialist.
- Enabling a pupil to have a reduced timetable.
- Ensuring a pupil can have somewhere quiet to spend lunch and breaktimes.
- Implementing a system whereby pupils can request to leave a classroom if they feel they need time out.
- Temporary late starts or early finishes.
- Phased returns to school where there has been a long absence.
- Small group work or on-to-one lessons.
- Tailored support to meet their individual needs.

### 8.3 Legal sanctions

The school will allow sufficient time for attendance interventions and engagement strategies to improve pupils' attendance; however, where engagement strategies to improve attendance have not had the desired effect after one term we will consider:

- Holding a formal meeting with parents and the school's designated Inclusion and School Attendance Officer from the Local Authority.
- Working with the LA to put a parenting contract or an education supervision order in place.
- Engaging children's social care where there are safeguarding concerns.

Penalty notices can be issued by a headteacher, the local authority officer or the police, fining parents for the unauthorised absence of their child from school, where the child is of compulsory school age.

- The first time a penalty notice is issued for term-time leave or irregular attendance the amount will be: £160 per parent, per child if paid within 28 days, reduced to £80 per parent, per child if paid within 21 days.
- The second time, within a three-year period, that a penalty notice is issued for term-time leave or irregular attendance the amount will be: £160 per parent, per child paid within 28 days.
- The third time, within a three-year period, that an offence is committed for term time leave or irregular attendance a Penalty Notice will not be issued, and the case will be presented straight to the Magistrates' Court.

The decision on whether to issue a penalty notice may consider:

- The number of unauthorised absences occurring within a rolling academic year.
- One-off instances of irregular attendance, such as holidays taken in term time without permission.
- Where an excluded pupil is found in a public place during school hours without a justifiable reason.
- If the payment has not been made after 28 days, the local authority can decide whether to prosecute or withdraw the notice.

When a child takes an extended period of absences (20 days or longer) St Chad's CofE Nursery and Infant School are required to follow local authority procedures. In this case, the matter will be referred to the Local Authority for prosecution action, rather than the issuing of a penalty notice. **This may result in:**

- Prosecution under s444(1) Education Act 1996, where if convicted you may be fined up to £1,000.
- Prosecution under s444(1A) Education Act 1996, where if convicted you may be fined up to £2,500 and/or 12 weeks' imprisonment.

## 9. Strategies for Promoting Attendance

Promoting good school attendance is everyone's responsibility.

To promote good attendance our school uses the following strategies:

- Celebrating good attendance with parents at parents evening.
- Regular conversations on the gate to praise parents when children's attendance has improved.

As an infant school it is our parent's responsibility to ensure their children are in school every day, and on time. Due to this we do not celebrate good attendance in our celebration Collective Worships.

## 10. Attendance Monitoring

### 10.1 Monitoring and analysing attendance

The Attendance Officer and Family Support Worker will monitor and analyse attendance data regularly to ensure that intervention is delivered quickly to address habitual absence as soon as possible.

The school will collect data regarding punctuality, truancy, and authorised and unauthorised absence, for:

- The school cohort.
- Individual year groups.
- Individual pupils.
- Demographic groups, e.g., pupils from different ethnic groups or economic backgrounds.
- Other groups of pupils, e.g., pupils with SEND, LAC, and pupils eligible for FSM.

- Pupils who have an allocated social worker or are known to social care.
- A pupil who is absent for prolonged periods, or repeated occasions, which may indicate a safeguarding concern, such as CSE or CRE, particularly county lines.
- Pupils at risk of persistent absence.
- Pupils at risk of severe absence.

With the support of the Attendance Officer and Family Support Worker, the Attendance Leader will conduct a thorough analysis of the above data on a half-termly, termly, and full-year basis to identify patterns and trends; this will include identifying, for each group:

- Patterns in uses of certain codes.
- Particular days of poor attendance.
- Historic trends of attendance and absence.
- Barriers to attendance.

The Attendance Officer and Family Support Worker will provide regular reports to staff across the school to enable them to track the attendance of pupils and to implement attendance procedures. Specifically, where there is a safeguarding concern for a pupil absent who has unexplainable and/or persistent absences from education, the attendance officer will alert safeguarding staff in accordance with the school's established safeguarding recording and reporting processes, who must work collaboratively with children's services where school absence indicates safeguarding concerns.

Unexplained or extended absences from school will trigger safeguarding processes which are likely to include home visits and communicating with external agencies.

With the support of the Attendance Officer and Family Support Worker, the Attendance Leader will also be responsible for monitoring how attendance data changes in response to any interventions implemented to increase attendance in future.

The Local Trust Committee will regularly review attendance data, including examinations of recent and historic trends, and will support the headteacher in setting goals and prioritising areas of focus for attendance support based on this data.

The school will also benchmark its attendance data against local-, regional- and national-level data to identify areas of success and areas for improvement and will share practice which has been shown to be effective with other schools.

The Board of Trustees will ensure staff from different schools within the trust regularly share expertise and collaborate on interventions.

## 10.2 Using data to improve attendance

The school will:

- Provide regular attendance reports to class teachers, SENCo and/or Safeguarding team to facilitate discussions with pupils and families.
- Discuss and monitor all children whose attendance is below 94% at weekly welfare meetings. An excel document is kept to monitor weekly changes to attendance.
- Use data to monitor and evaluate the impact of any interventions put in place in order to modify them and inform future strategies.

Following data analysis, the school implements a structured support process to improve a child's attendance, as *detailed in Appendix 3*. The primary focus is to inform parents and carers about their child's attendance while providing necessary support for improvement. This approach is intended to be collaborative and supportive, with family circumstances considered on a case-by-case basis.

## 10.3 Reducing persistent and severe absence

Definitions in the context of school attendance and education in the UK, the terms "Persistent Absence," "Risk of Persistent Absence," and "Severe Absence" are used to describe different levels of irregular attendance by students. These terms are important for tracking and addressing attendance issues.

### Risk of Persistent Absence:

**Definition:** The term "Risk of Persistent Absence" refers to a situation in which a student's attendance is at a level that suggests they are at risk of becoming persistently absent.

**Threshold:** While there is no specific threshold for "Risk of Persistent Absence," it is typically used to describe students whose attendance is consistently low and becoming a concern, as the school communicates to parents in days, we identify 10 days or more as Risk of PA and we will follow internal school procedures (see *appendix 3*).

### **Persistent Absence (PA):**

*Definition:* Persistent Absence is a term used to describe a level of student absence from school that is considered to be a significant cause for concern.

*Threshold:* In England, a student is considered to be persistently absent when they have an attendance rate of 90% or below. This means they have missed 10% (19 days) or more of their school sessions (see appendix 3).

### **Severe Absence (or Severe Persistent Absence):**

*Definition:* The term "Severe Absence" or "Severe Persistent Absence" is used to describe the most serious cases of non-attendance.

*Threshold:* Particular focus and support will be provided to pupils who are absent from school more than they are present (those missing 50% or more of school). These severely absent pupils 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 across a range of external agency partners. We will consider what support for re-engagement maybe needed, including for vulnerable groups.

Where a pupil at risk of PA/SA is also at increased risk of harm, the school will work in conjunction with all relevant authorities, e.g. social services, to support the pupil in line with the school's duty of care. The school will also bear in mind that the continuation of severe PA following intervention may, in itself, constitute neglect, and will escalate any concerns in this regard in line with the Child Protection and Safeguarding Policy.

## **11. Working with External Agencies**

Where we identify concerns relating to either persistent or irregular attendance, we will work collaboratively with the local authority and other external agencies to implement appropriate support packages for pupils to address concerns in a timely manner and to bring about improvements.

The school works closely with external agencies to promote good attendance and to provide support identified as required by individual pupils and families.

This may involve signposting pupils and families to support outside of school, or arranging support to take place within school.

This may involve:

- Emotional wellbeing support through agencies such as Bridge the Gap and Compass Changing Lives.
- Language and communication support via the New Communities Achievement Team (NCAT).
- Referring to the School Nursing Team to offer families support with any health concerns parents/carers have regarding their child.
- The Oral Health Team to promote and support good oral hygiene and ensuring children are signed up to a dentist.
- Joint monitoring and attendance meetings with an Inclusion and School Attendance Officer.

## **12. Policy Review**

This policy will be reviewed when guidance from the local authority or DfE is updated, and as a minimum every two years by the trust. At every review, the policy will be approved by the Local Trust Committee.

## **13. Links with Other Policies**

This policy operates in conjunction with the following school policies:

- [Safeguarding and Child Protection Policy](#)
- [Behaviour Policy](#)
- [SEND and Inclusion Policy](#)
- [Social, Emotional and Mental Health \(SEMH\) Policy](#)
- [Home Visits Policy](#)
- [Part-Time Timetable Policy](#)
- [Supporting Pupils at School with Medical Conditions Policy](#)
- [Early Years Foundation Stage Policy](#)
- [Suspensions and Exclusions Policy](#)
- [Alternative Provision Policy](#)

## Appendix 1

### Coding Attendance in line with DFE guidance 2024:

#### **Code A (Present at the school):**

- Pupils must be present during registration to be counted.
- If a pupil leaves after registration, they are still counted as attending for statistical purposes.

#### **Code L (Late arrival before the register is closed):**

- The pupil arrives after the register starts but before it closes.
- Schools should discourage late arrival and set a consistent time limit for open registration, not exceeding 30 minutes.
- If a pupil arrives late after the register closes, mark them as absent using code U or another appropriate absence code.

#### **Code K (Attending education provision arranged by the local authority):**

- Pupil attends educational provision arranged by the local authority, not by the school.
- Examples include attending courses at college or receiving home tutoring.
- Schools must record the nature of the provision and ensure notification of absences.

#### **Code V (Attending an educational visit or trip):**

- Pupil attends a school-arranged educational visit or trip supervised by school staff.
- Must take place during the recorded session.
- If pupil doesn't attend, record absence using relevant absence code.

#### **Code P (Participating in a sporting activity):**

- Pupil attends an approved educational sporting activity.
- Criteria for recording attendance include approval by the school, educational nature of the activity, and appropriate supervision.
- Schools must ensure safeguarding measures and record absences with relevant codes.

#### **Code W (Attending work experience):**

- Pupil attends work experience as part of their education arranged by the local authority or school.
- Criteria for recording attendance are similar to other approved educational activities.
- Schools must ensure safeguarding measures and record absences with relevant codes.

#### **Code B (Attending any other approved educational activity):**

- Pupil attends an approved educational activity other than sports or work experience.
- Criteria for recording attendance are similar to other approved educational activities.
- Schools must record the nature of the activity and ensure safeguarding measures.

#### **Code D (Dual registered at another school):**

- Used when a pupil is registered at more than one school, indicating absence with leave to attend the other school.
- Main examples include attendance at a pupil referral unit, hospital school, or special school temporarily.
- Schools must promptly follow up on unexpected or unexplained absences to avoid double counting.

#### **Code C1 (Leave of absence for regulated performance or employment abroad):**

- Schools grant leave for pupils to participate in regulated performances or employment abroad under specific circumstances.
- Criteria for granting leave include licenses issued by local authorities or exemptions.
- Schools must record the absence using this code and consider its impact on the pupil's education.

**Code M (Leave of absence for medical or dental appointment):**

- Schools encourage appointments outside of school hours; otherwise, prior agreement is necessary.
- Leave of absence is granted under specific conditions, including exceptional circumstances.
- Absences for medical or dental appointments are recorded using this code.

**Code J (Leave of absence for interview for employment or admission):**

- Schools can grant leave for pupils to attend interviews for employment or admission to another educational institution.
- Applications for leave must be made in advance, and leave is granted based on specific criteria.
- The interview must occur during the recorded session, and the absence is classified as authorized.

**Code S (Leave of absence for studying for a public examination):**

- Schools can grant leave for pupils to study for public examinations under specific conditions, agreed in advance with parents.
- Study leave should be granted sparingly, and provisions must be made for pupils who choose to continue attending school for revision.
- Absences for studying for public examinations are recorded using this code.

**Code X (Non-compulsory school age pupil not required to attend school):**

- Schools can grant leave for non-compulsory school-age pupils to attend school part-time under certain circumstances.
- Absences for non-compulsory school-age pupils are recorded using this code, with exceptions noted.
- For pupils' subject to a part-time timetable, this code should not be used, and appropriate absence codes should be applied.

**Code C2 (Leave of absence for compulsory school age pupil subject to part-time timetable):**

- Schools can grant leave for compulsory school-age pupils to temporarily reduce their timetable to part-time in exceptional circumstances, agreed upon with parents.
- Absences for pupils with part-time timetables are recorded using this code, ensuring agreement between the school and parents.

**Code C (Leave of absence for exceptional circumstances):**

- Schools may grant leave of absence at their discretion, but only for exceptional circumstances.
- Each application is assessed individually, considering specific facts and circumstances.
- Absences for exceptional circumstances are recorded using this code, ensuring compliance with regulations and discretion exercised by the school.

**Pregnant pupils:**

- Maternity leave for pregnant pupils is treated similarly to other leave of absence for exceptional circumstances.
- Schools should act reasonably and grant an appropriate period of leave considering individual circumstances, at their discretion.

**Code T (Parent traveling for occupational purposes):**

- Used when a pupil's parent(s) is traveling for trade or business, and the pupil is traveling with them.
- Schools should only request proof of occupational travel when genuine doubt exists about the reason for absence.
- Pupils should ideally attend schools where their parents are traveling, being dual registered at both their main school and the one they're temporarily attending.
- Classified as authorized absence for statistical purposes.

**Code R (Religious observance):**

- Used when a pupil is absent on a day exclusively set apart for religious observance by their religious body.
- Schools may seek guidance from the parent's religious body to ascertain such days.
- Strategies such as setting term dates around religious observance days are encouraged.
- Classified as authorized absence for statistical purposes.

**Code I (Illness - not medical or dental appointment):**

- Indicates a pupil's inability to attend school due to illness, both physical and mental health related.
- Schools should not routinely request medical evidence but may do so when necessary.
- Classified as authorised absence for statistical purposes.

**Code E (Suspended or permanently excluded and no alternative provision made):**

- Used when a pupil is suspended or permanently excluded, and no alternative provision has been arranged.
- Alternative provision should be arranged within six consecutive school days of suspension or permanent exclusion.
- Classified as authorized absence for statistical purposes.

**Code Q (Unable to attend school because of a lack of access arrangements):**

- Indicates a pupil's inability to attend school due to a failure by the local authority to provide access arrangements.
- Classified as not a possible attendance for statistical purposes.

**Code Y1 (Unable to attend due to transport normally provided not being available):**

- Used when a pupil can't attend because the school is beyond walking distance and the usual transport provided by the school or local authority is unavailable.
- Walking distances for different age groups are specified.
- Classified as not a possible attendance for statistical purposes.

**Code Y2 (Unable to attend due to widespread disruption to travel):**

- Indicates a pupil's inability to attend school due to widespread travel disruptions caused by emergencies at the local, national, or international level.
- Classified as not a possible attendance for statistical purposes.

**Code Y3 (Unable to attend due to part of the school premises being closed):**

- Used when part of the school premises is unusable, and the pupil cannot practically be accommodated in the remaining usable parts.
- Classified as not a possible attendance for statistical purposes.

**Code Y4 (Unable to attend due to the whole school site being unexpectedly closed):**

- Applied when the entire school site is unexpectedly closed, such as due to adverse weather.
- Attendance registers are not taken, and pupils are marked with this code to signify the closure.
- Not applicable for planned closures like weekends or holidays.
- Classified as not a possible attendance for statistical purposes.

**Code Y5 (Unable to attend as pupil is in criminal justice detention):**

- Used when a pupil is unable to attend due to being in police detention, remanded, or serving a sentence of detention.
- Communication with the Youth Offending Team is encouraged to support educational needs during detention.
- Classified as not a possible attendance for statistical purposes.

**Code Y6 (Unable to attend in accordance with public health guidance or law):**

- Applied when a pupil's travel or attendance at school would violate public health guidance or legislation related to disease transmission.
- Classified as not a possible attendance for statistical purposes.

**Code Y7 (Unable to attend because of any other unavoidable cause):**

- Used for an unavoidable cause preventing a pupil from attending school, not covered by other specific codes.
- The nature of the unavoidable cause must be recorded.
- Classified as not a possible attendance for statistical purposes.

**Code G (Holiday not granted by the school):**

- Used when a pupil is absent for a holiday that the school did not approve in advance.
- Schools cannot retrospectively grant leave of absence, and absence for holidays without prior approval is considered unauthorised.
- Classified as unauthorised absence for statistical purposes.

**Code N (Reason for absence not yet established):**

- Employed when the reason for a pupil's absence has not been determined before the register closes.
- Schools must make efforts to ascertain the reason for absence promptly.

- If the reason cannot be established within five school days, the absence must be amended to Code O.
- Classified as unauthorized absence for statistical purposes.

**Code O (Absent in other or unknown circumstances):**

- Used when no reason for absence is established, or the school is not satisfied with the reason given, which doesn't align with authorized codes.
- Classified as unauthorized absence for statistical purposes.

**Code U (Arrived in school after registration closed):**

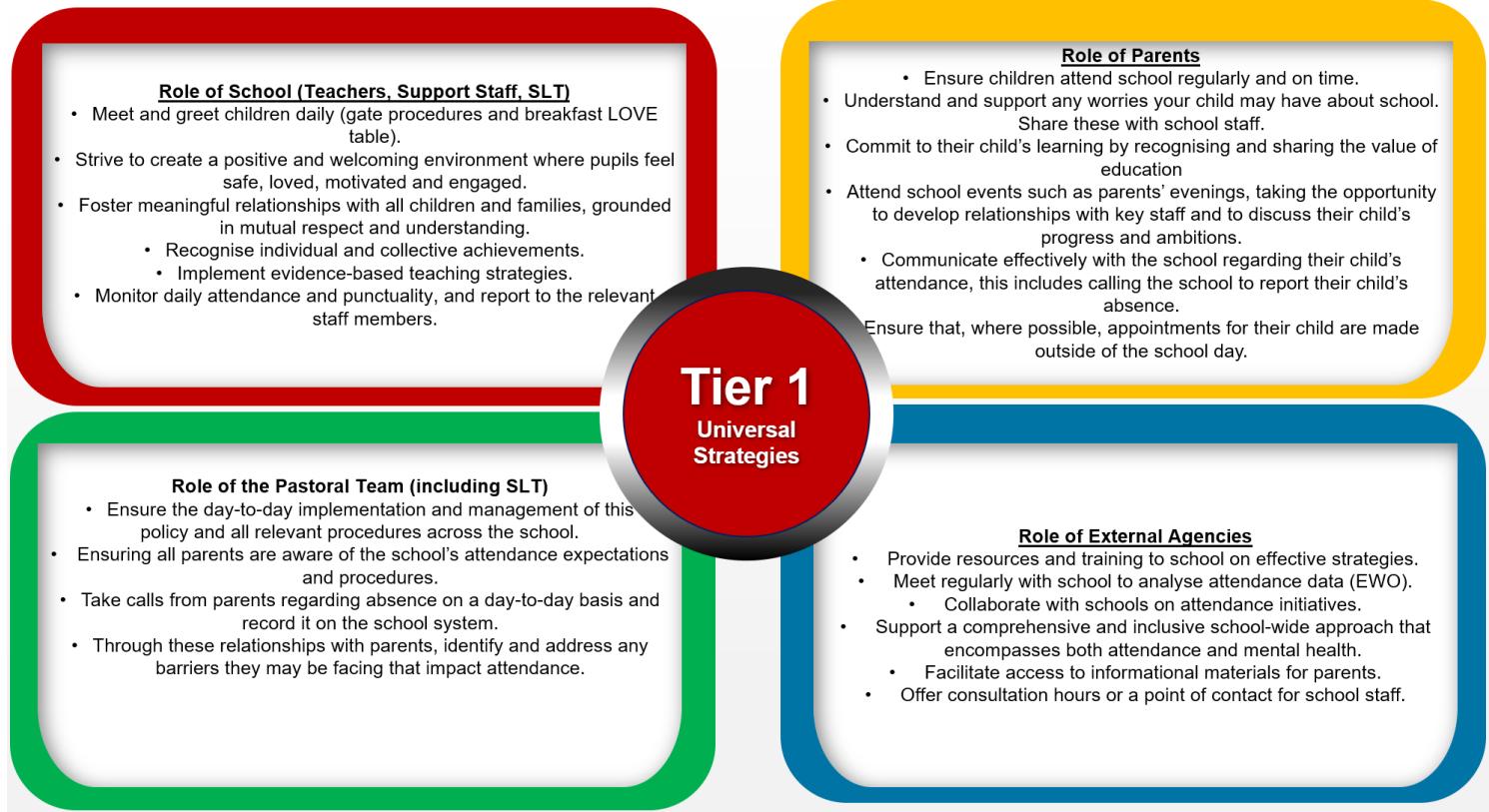
- Applied when a pupil arrives late after the register has closed but before the end of the session.
- Schools should discourage late arrival and set a specific time limit for registering attendance.
- Late arrival beyond the specified time results in the pupil being marked as absent.
- Classified as unauthorized absence for statistical purposes.

**Administrative Code Z (Prospective pupil not on admission register):**

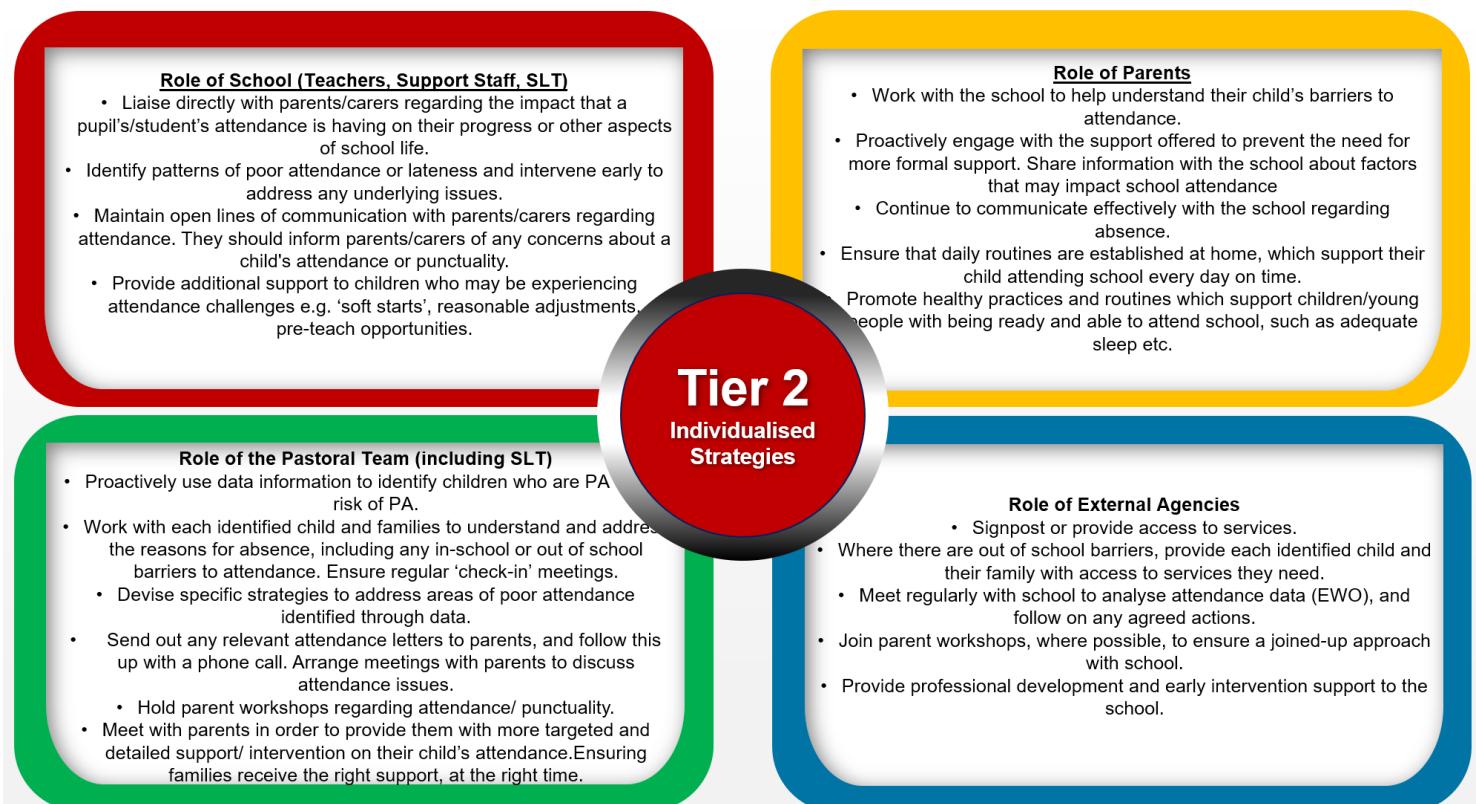
- Utilized to set up registers in advance for prospective pupils who have not yet officially joined the school.
- Aims to streamline administrative processes.

## Appendix 2:

### Our Multi-Tiered System of Support.



The system aligns with the Department for Education's (DFE) "Working Together to Improve School Attendance" guidelines. We have adapted the Inclusive Attendance tiers for St Chad's CofE Nursery and Infant School.



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## Tier 3

### Higher Needs Strategies

#### **Role of School (Teachers, Support Staff, SLT)**

- Continue to maintain open lines of communication with parents/carers regarding attendance. They should inform parents/carers of any concerns about a child's attendance or punctuality.
- Continue to provide additional support to children who may be experiencing attendance challenges e.g. 'soft starts', reasonable adjustments, pre-teach opportunities.

#### **Role of the Pastoral Team (including SLT)**

- Engage external support services (where appropriate).
- Take an active part in the multi-agency effort with the local authority and other external partners.
- Maintain weekly, supportive communication with targeted families regarding attendance and punctuality.
- Be available to meet with parents in order to provide them with more targeted and detailed support on their child's attendance.
- Use data driven information to identify children at risk of severe absence.
- Explore alternative timetables or modified attendance arrangements, with a clear goal of returning to full attendance.
  - Continuously assess and adapt strategies.
  - Recognise any achievements.

#### **Role of Parents**

- Continue to regularly communicate with the school.
- Attend any meetings (times and dates arranged together).
  - Take an active role in the multi-agency effort.
- Take an active part in the multi-agency effort with the school and other external partners.
- Understand the legal consequences of not fulfilling parental responsibility with regards to attendance.

#### **Role of External Agencies**

Offer specialised assessments and services for students with complex needs.

- Provide specialist training and consultation.
- Share the legal consequences of not fulfilling parental responsibility with regards to attendance.
- Collaborate closely with the school on creating and implementing highly specialised interventions.
- Support school leaders to evaluate the effectiveness of interventions.

The system aligns with the Department for Education's (DFE) "Working Together to Improve School Attendance" guidelines. We have adapted the Inclusive Attendance tiers for St Chad's CofE Nursery and Infant School.

## Appendix 3:

### Monitoring and Improving Attendance.

Percentage	Days Missed (in an academic year)	Actions and Support
 *The focus is to inform parent/carers about their child's attendance and provide support to improve attendance. It is intended to be a collaborative and supportive process. Family circumstances are always considered, and this is done on a <u>case by case</u> basis.		
100%	0	
96% (school target)	7	
94%	11	<ul style="list-style-type: none"> <li>Weekly monitoring</li> </ul>
93%	13	<ul style="list-style-type: none"> <li>A letter is sent home raising concerns that attendance has fallen below the school's expected standard</li> <li>Follow-up phone call to explain the letter (translation services available via NCAT)</li> <li>Exploratory conversation to determine if further support is required</li> <li>Weekly monitoring</li> </ul>
92-91%	17	<ul style="list-style-type: none"> <li>A further letter will be sent home, with a follow-up phone call</li> <li>If attendance does not improve, a meeting will be arranged with either the Welfare Officer, Family Support Worker, NCAT, Inclusion Manager, and the parent/carer to discuss patterns of absence, barriers to attendance, and any other challenges they may be facing</li> <li>Attendance procedures will be shared with parents/carers, including a discussion of the next steps that will be taken if attendance does not improve</li> <li>Attendance continues to be monitored weekly</li> </ul>
90% <i>*persistent absence</i>	19	<ul style="list-style-type: none"> <li>A meeting is to be arranged in school with the Headteacher/ Family Support Worker/ Welfare Officer and parent/carer to discuss any barriers that they may need help with to improve their child's attendance.</li> <li>Provide access to wider support services to support the barriers to attendance.</li> <li>The Attendance Parent Agreement is to be shared and signed.</li> <li>Attendance continues to be monitored weekly.</li> <li>Regular check-ins to review progress and the impact of support with families to discuss progress.</li> <li>If parents are unwilling to collaborate, a referral may be required to the local Inclusion and School Attendance Officer (ISAO) who will then conduct a home visit.</li> <li>An attendance chronology is to be opened on the school's MyConcern system.</li> <li>Attendance continues to be monitored weekly.</li> </ul>
85%	28	<ul style="list-style-type: none"> <li>A letter is sent home explaining that the pupil's attendance is critically below the school's expected standard.</li> <li>A meeting is held at the school to discuss concerns and develop a shared action plan for improvement.</li> <li>The Attendance Officer will make a referral to the Inclusion and School Attendance Officer (ISAO), following the Education Welfare protocol.</li> </ul>
50% or below <i>*severe persistent absence</i>	95<	Particular focus and support will be provided to pupils who are absent from school more than they are present (those missing 50% or more of school). These severely absent pupils 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 across a range of external agency partners. We will consider what support for re-engagement maybe needed, including for vulnerable groups.

*Additional Note:* Attendance percentages can fall more quickly at the beginning of the academic year because each absence represents a larger proportion of the school year. It is important to emphasise that this framework is a supportive programme. The aim is to keep parents and carers fully informed about their child's attendance and to work collaboratively to remove any barriers. Parents and carers are entitled to know when attendance begins to cause concern, and the school will always follow every stage of support, communication, and early intervention before any referral to the Inclusion and School Attendance Officer (ISAO) is considered. Support for pupils whose attendance reaches 90% may look different in the autumn term compared with the summer term, as monitoring is based on days missed as well as overall patterns of attendance.

## **Appendix 4: Derby City Council Penalty Notice Code of Conduct – Revised July 2025**

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

### **1. Legal Framework**

- 1.1 Regular and punctual attendance at school is a legal requirement under Section 7 of the Education Act 1996.
- 1.2 Under Section 444 of the Education Act 1996, an offence occurs if a parent/carer fails to secure a child's regular attendance at school at which they are a registered pupil, and the absence is not authorised by the school and none of the statutory defences apply.
- 1.3 In February 2004, the Anti-Social Behaviour Act 2003, section 23, sub-section 1 added sections 444A and 444B after section 444 of the Education Act 1996. These sections enable penalty notices to be used as an alternative to prosecution and provide parents with the opportunity to discharge liability for conviction of an offence under section 444 by paying a financial penalty to the Local Authority.
- 1.4 Section 105 of the Education and Inspections Act 2006 enables penalty notices to be issued to parents in relation to an excluded pupil of compulsory school age, should they fail to ensure their child is not present in a public place during school hours in the first five days of each and every fixed period or permanent exclusion without reasonable justification.
- 1.5 Penalty notices can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, AP academies, and certain off-site places as set out in section 444A(1)(b).
- 1.6 The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.
- 1.7 A penalty notice can only be issued by an authorised officer: that is, a headteacher or a deputy or assistant head authorised by them, an authorised Local Authority officer or a police constable.
- 1.8 A parent includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent or parents with day-to-day responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).
- 1.9 When issuing penalty notices, the Local Authority must have regard to The Education (Penalty Notices) (England) Regulations 2007, the guidance issued by the Secretary of State, and the following legislation: Human Rights Act 1998, Equality Act 2010, Data Protection Act 1998.

### **2. Rationale**

- 2.1 Penalty notices must be applied consistently and fairly.
- 2.2 For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.
- 2.3 Where difficulties arise with school attendance, professionals should take a "support first" approach in line with the DfE's 'Working together to improve school attendance' guidance, and only resort to legal enforcement when necessary. The aim is that legal enforcement is reduced by taking a supportive approach to tackle the barriers for irregular school attendance.
- 2.4 The national framework for penalty notices is based on principles that penalty notices should be used in cases where:
  - 2.4 (a) Support is not appropriate (e.g. a term time leave)
  - 2.4 (b) Support has been offered and not engaged with or not worked.
  - 2.4 (c) A penalty notice is deemed an appropriate tool to change parental behaviour and improve attendance for that family.

### **3. Escalation in cases of repeat offences**

- 3.1 A penalty notice is an out of court settlement which is intended to change parental behaviour without the need for criminal prosecution. Where a repeated penalty notice is being considered for the same parent and same child a further penalty notice is unlikely to be the most appropriate tool available. A limit of no more than 2 penalty notices being issued to the same parent and child within a 3 year (calendar year) rolling period will apply from the 19th August 2024. Notices prior to this date will not count as part of this escalation. The Local Authority retains the right to refer matters straight to Court if a Penalty Notice is not deemed appropriate.
- 3.2 The first penalty notice issued to the parent for that child will be charged at £160 if paid within 28 days reducing to £80 if paid within 21 days.
- 3.3 Where it is deemed appropriate to issue a second penalty notice to the same parent and child within the 3-year period of the first notice, the second penalty notice is charged at a flat rate of £160 if paid within 28 days.
- 3.4 A third penalty notice must not be issued within a 3-year period. In any case where the threshold has been met for a third (or subsequent) time within the 3 years period, a further penalty notice cannot be issued, and alternative action should be considered instead. This may include considering prosecution but can include other legal interventions.
- 3.5 In cases where the 3 years has elapsed (issue date of 1st penalty notice) a further penalty notice can be issued if appropriate. The 3-year escalation will commence again.

3.6 For the purposes of paragraphs (3.2) and (3.3), any penalty notice issued under section 444A(1) of the 1996 Act before 19th August 2024 is to be disregarded.

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

#### **4. Circumstances where a penalty notice may be issued**

4.1 The school have published their attendance policy and/or written notification in the current academic year which includes a warning to parents that penalty notices can be issued in instances where a child takes an unauthorised leave of absence.

4.2 When a school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not. The national threshold has been met when a pupil has been recorded as absent for 5 school days (10 sessions) within a rolling (100 sessions) 10 school weeks. This minimum period may only be relevant where a leave of absence in term time has been taken and support is not appropriate in this instance. Otherwise, penalty notices should be considered as per 4.5.

4.3 The national framework states the following; If in an individual case the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met. Derby City Council retain the right to exercise this discretion. An example of when such discretion could be used is where a child has a pattern developing where fewer than 5 days of unauthorised absence occurs that is linked to holidays or trips away.

4.4 The use of Penalty Notices will be restricted to two per parent per the same child in a 3-year rolling period (see point 3)

4.5 Where a child has irregular attendance which includes the O and U codes, school should take a 'support first' approach as set out in the DfE guidance "Working together to improve school attendance". Where a 'support first' approach is not deemed appropriate or has failed, then a penalty notice can be considered if the Local Authority deems this as an appropriate course of action.

4.6 When a pupil persistently arrives late, schools should investigate the reason for this and offer support where appropriate to rectify the situation. Where the arrival time is after the close of registration period (Guidance for Schools and Local Authorities Absence and Attendance Codes state the register for pupils should close maximum 30 minutes after the register was taken), the late mark, code U, an unauthorised absence, should be recorded.

4.7 The Inclusion and Attendance Service will consider requests and determine the appropriate response based on the evidence provided, the level of unauthorised absence and previous involvement. The decision to request a Penalty Notice will be discussed by the Inclusion and Attendance Officer Linked to the school/academy. The decision to issue a Penalty Notice will be made on a case-by-case basis. When requesting Penalty Notices, Schools should adopt the DfE guidance 'Working together to improve school attendance' and follow the National Framework demonstrating why a penalty notice is the appropriate method to improve attendance. When the threshold is met, schools should make an assessment on a case-by-case basis whether a penalty notice can and should be requested.

The following should be considered:

if support or further support is appropriate instead, and whether there is a different tool or legal intervention that is more likely to improve attendance in this case and demonstrate why a penalty notice is the appropriate method to improve attendance.

The school should evidence support is specific to the child and family and is any activity intended to address the barriers to attendance and improve the child's attendance. For example, correspondence, meetings, additional support within school (e.g. learning support, change to class, tutor group, changes to timetable, support with uniform etc) multi-agency meetings referrals to relevant agencies, parenting contracts, transport provision etc. This is not an exhaustive list.

4.8 For penalty notices issued because of leave during term time, the amended Education (pupil regulation) (England) regulations state that the Head Teacher (or authorised person) may not grant any leave of absence during term time unless there are "exceptional circumstances" that apply to that application.

4.9 A penalty notice can be issued when leave of absence has been taken but the school have not received and authorised a request for the same in advance. The school must evidence reasonable attempts of contact during the absence period.

4.10. Excessive delayed return from a leave of absence: where leave has been granted by the head teacher, parents should be informed by letter of an agreed return date. Extended periods of absence linked to holidays and/or trips away of 20 or more school days are likely to result in prosecution action rather than in a penalty notice being issued.

4.11. In all cases before a penalty notice is issued the following questions should be considered.

(a) Is the penalty notice the best available improvement tool that is most likely to change behaviour and improve attendance for that child? Or would further support or one of the other legal tools be more appropriate?

(b) Is issuing the penalty notice appropriate in this case after considering any obligations under the Equality Act 2010, such as where a pupil has a disability?

(c) The Local Authority should consider is it in the public interest to issue a penalty notice, as the Local Authority as an independent prosecutor would be responsible for deciding whether to prosecute for the original case in cases of non-payment.

(d) Any prosecution would be for the offence to which the notice relates rather than non-payment of the notice and will follow the usual procedures of a prosecution for irregular attendance (including considering an Education Supervision Order (ESO) or Parenting Order (PO) as an alternative, or in addition to prosecution).

(e) A key consideration in deciding whether to issue a penalty notice for truancy will be whether it can be effective in helping to get the pupil who is truant back into school or an alternative provision.

(f) Excluded child in a public place: when a child of compulsory school age is excluded on disciplinary grounds, the parent of that child, provided they have been served with a Notice under Section 104 of the Act, must ensure that the child is not present in a public place during school hours. This is within the first five days of that exclusion without reasonable justification. Where parents fail to ensure their child is not in a public place under these circumstances, a penalty notice may be issued.

#### **(g) Notice to Improve**

A Notice to Improve will be issued as a final opportunity for a parent to engage with the support offered and improve their child's attendance before a Penalty Notice is considered. This notice will be requested by the school or academy when:

- The national attendance threshold has been met, (not for the purpose of term time leave)
- Support has been identified as appropriate,
- However, the parent has either not engaged with the support offered, or the support has not led to improvement.

Once agreed upon, the Notice to Improve will be jointly issued by the school and the Local Authority. It serves as a final warning and a last chance for the parent to work with the support available before formal enforcement action is taken.

### **5. Procedures for Issuing a penalty notice**

5.1 The issuing of penalty notices will be undertaken by staff authorised by the Local Authority in order to ensure compliance with the regulations and that the provisions of this code does not conflict with other forms of statutory interventions pursued by the Inclusion and Attendance Service.

5.2. Tracking of penalty notices through the escalation process (Point 3): Any Education establishment requesting a penalty notice should include where a previous penalty notice has been issued within the 3-year period, for that parent and child via the request for a penalty notice. Where a child has moved within the Local Authority in the previous 3 years the Local Authority will hold this information. Where a child has moved out of area a central email will be used to track this information.

5.2. Penalty Notices will be issued by the Local Authority by post.

5.3. With certain exceptions, parents will receive a warning letter and 'Notice to improve' (4.11 (g)) letter before a penalty notice is issued. An exception is where unauthorised leave of absence in term time has been taken although school should respond to such a request and inform a parent in writing that a penalty notice may be issued if the leave is taken and not authorised by the school.

5.4. The Local Authority will consider requests to issue a penalty notice from Schools/Colleges/Academies and Free Schools in the local authority where agreed within the city boundaries.

5.5. The Local Authority advises that Schools/Academies and Alternative provisions maintain a clear consistent and robust approach towards granting leave of absence for exceptional circumstances, in line with their Attendance and Equal Opportunities policies and the Human Rights Act.

5.6. A penalty notice may not be considered where a parent has been subject to previous convictions under section 444(1) or (1a) Education Act 1996 within the previous 5 years. This will also be considered where a parent has been prosecuted for siblings.

5.7 'Support' is defined as any activity intended to improve the pupil's attendance, not including issuing a penalty notice or prosecution. As part of this consideration, schools and local authorities should consider what suitable forms of support are currently available in school and where necessary from other services and agencies in the area. They should then decide whether any of those things are appropriate in the individual cases and for those that are appropriate, whether they have been provided previously or could be provided now instead of taking legal action. The Local Authority's decision on whether sufficient support has been provided before issuing a penalty notice should be treated as final.

### **6. Payments of penalty notices**

6.1 The collection of payments and issuing receipts will be administered by the Inclusion and Attendance Service on behalf of the Local Authority with support from the Revenue Protection Team.

6.2. Payment in full discharges a parent/carer's liability for the period in question.

6.3. The Local Authority will provide the school with confirmation of the payment of the penalty fee on request. The Inclusion and Attendance Service retains this revenue to cover the costs of issuing or enforcing notices.

6.4. All penalty notices will be issued in a timely manner and monitored by the Local Authority. This will ensure consistent and equitable delivery and ensure cohesion with other enforcement action.

### **7. Non-Payment of penalty notices**

7.1 As from 19 August 2024, if Payment of a penalty notice is made within 21 calendar days of receipt of the notice the charge is £80 and payment after this time but within 28 calendar days of receipt of the notice the charge is £160.

7.2 Payment in full discharges parent/carer liability for the period in question and they cannot be prosecuted under other enforcement powers for the period covered by the penalty notice. A second offence will be charged at the higher rate of £160 with no option for the second offence to be discharged at the lower rate of £80.

7.3. A non-payment of a penalty notice will incur legal proceedings through the Single Justice Procedure (SJP). The prosecution is not for the non-payment but for the failure to ensure regular attendance during the period mentioned.

#### **8. Withdrawing a penalty notice once issued**

8.1 When considering legal proceedings for non-payment of a penalty notice, the Local Authority may request it be withdrawn if it determines that the penalty notice:

- ought not to have been issued i.e., it was outside the terms of this Code of Conduct
- has been issued to the wrong person; or contains material errors.

8.2 Where the requesting school has considered the circumstances and may have been provided evidence to support the absence.