

# **Attendance Policy Autumn 2024**

Approved: Autumn 2024

Review Date: Autumn 2026

## **Links with other Policies**

When agreeing or reviewing the Attendance Policy, links should be made with other relevant policies and guidelines, including Admissions, Inclusion, Safeguarding, Concerns and Complaints Policy and Procedures and Equality Plan.

### **Contents**

1. Aims	3
2. Legislation and guidance	3
3. School procedures	3
4. Authorised and unauthorised absence	5
5. Strategies for promoting attendance	7
6. Attendance monitoring	7
7. Roles and responsibilities	7
8. Monitoring arrangements	8
9. Links with other policies	8
Appendix A: Absence Process	9
Appendix B: School Attendance Codes.....	11
Appendix C: London Borough of Newham Code of Conduct.....	20
Appendix D: TTLT Attendance Process	45

## 1. Aims

The Tapscott Learning Trust (hereon called 'TTLT' or 'Trust') aims to meet its obligations with regards to school attendance by:

- Promoting good attendance and reducing absence, including persistent absence
- Ensuring every pupil has access to full-time education to which they are entitled
- Acting early to address patterns of absence

We will also support parents to perform their legal duty to ensure their children of compulsory school age attend regularly, and will promote and support punctuality in attending lessons.

This policy aims to give clear guidance to all staff about the management of attendance of children attending any of the schools within the Trust.

The register is a legal document and needs to not only be accurate but applied consistently across the Trust.

## 2. Legislation and guidance

This policy meets the requirements of the [school attendance guidance](#) from the Department for Education (DfE), and refers to the DfE's statutory guidance on Working together to improve school attendance (19<sup>th</sup> August 2024) These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- [The Education Act 1996](#)
- [The Education Act 2002](#)
- [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2010](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2011](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#)
- [The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2016](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)

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

This policy complies with our funding agreement and articles of association.

## 3. School procedures

### 3.1 Attendance register

By law, all schools (except those where all pupils are boarders) are required to keep an attendance register, and all pupils must be placed on this register.

The attendance register will be taken 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

Every entry in the attendance register will be preserved for 6 years after the date on which the entry was made.

Pupils must arrive in school by the start of the school day. (See Appendix A for details of the school day)

The register for the first session will be taken upon entry at the start of the day. The register for the second session will be taken at the start of the afternoon session.

Codes will be used according to the DFE document – Working Together to Improve School Attendance – 19<sup>th</sup> August 2024. (see Appendix B)

### **3.2 Unplanned absence**

Parents must notify the school on the first day of an unplanned absence – for example, if their child is unable to attend due to ill health – as soon as practically possible (see also section 6).

Parents can notify the school via the school app or by telephone before 9am on the day of absence.

Absence due to illness may only be authorised if appropriate medical evidence is provided in order to support the absence. This may be requested in the form of a doctor's note, prescription, appointment card or other appropriate form of evidence as agreed with the school (1). We will not ask for medical evidence unnecessarily.

If medical evidence is not provided, the absence may be recorded as unauthorised.

### **3.3 Medical or dental appointments**

Missing registration for a medical or dental appointment is counted as an authorised absence; advance notice is required for authorising these absences with documents provided to the school as evidence of the appointment.

However, we encourage parents 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.

Parents can inform the school in advance either on the school app, by telephone or in person in the school office providing the document evidence of appointment.

Applications for other types of absence in term time must also be made in advance. Information relating to whether the school can authorise such absences can be found in section 4.

### **3.4 Lateness and punctuality**

A pupil who arrives late but before the register has closed will be marked as late, using the appropriate code (See Appendix B – Attendance Code)

A pupil who arrives after the register has closed will be marked as late after registration, using the appropriate code. (see Appendix A)

Punctuality is monitored closely along with attendance. Concerns with punctuality may lead to requests for meeting or a referral for further action such as a penalty notice or legal action.

### **3.5 Following up absence**

The school will follow up any absences to ascertain the reason, ensure proper safeguarding action is taken where necessary, identify whether the absence is approved or not and identify the correct attendance code to use.

It is parent's responsibility to report a child's absence to the school in a timely manner. If no contact is received from a parent, the Attendance Manager will make calls to all the contact numbers on the child's file, if no response, member of school staff may make a home visit. If there is no answer from all available avenues, this will be reported to the local police who will make further enquiries into the safety and wellbeing of the family.

### **3.6 Reporting to parents**

Updates on children's attendance will be given during all parents evening, on termly reports and at every meeting or communication regarding attendance or if requested by a parent.

## **4. Authorised and unauthorised absence**

### **4.1 Granting approval for term-time absence**

Head teachers may not grant any leave of absence to pupils during term time unless they consider there to be 'exceptional circumstances'.

The school considers each application for term-time absence individually, taking into account the specific facts, circumstances and relevant context behind the request. A leave of absence is granted entirely at the head teacher's discretion. In taking the decision, the school may ask for evidence to support the request.

All requests must be made 4 weeks ahead of the requested leave. This will enable the school to discuss with the parent and request any evidence needed to consider the

circumstances. Requests made with shorter notice may be authorised unless emergency exceptional circumstances

Valid reasons for **authorised absence** include:

- Illness and medical/dental appointments – as explained in sections 3.2 and 3.3
- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart
- Traveller pupils travelling for occupational purposes – this covers Roma, English and Welsh Gypsies, Irish and Scottish Travellers, Showmen (fairground people) and Circus people, Bargees (occupational boat dwellers) and New Travellers. Absence may be authorised only when a Traveller 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

Consideration the school will take will include:

- The family's circumstances and the likely benefits to the child and family, taking into account social, emotional and cultural reasons;
- The likely detrimental impact on the child's social, emotional and intellectual development, attainment level and any special educational needs and disability (SEND).
- Meeting parents to explore exceptional circumstances such as bereavement, funerals abroad, unavoidable cause (illness / flight delays) to determine the reasonableness of delay to return and allow parents the opportunity to provide appropriate evidence. This is to reduce the need for subsequent Local Authority Penalty Notice withdrawals based on retrospective evidence;
- Siblings in other Newham schools. Liaise with other schools in individual cases to agree a consistent approach in considering term-time holiday request and penalty notice;
- The child's previous attendance record.

#### **4.2 Legal sanctions**

Schools can refer parents for a PCN due to unauthorised absence of their child from school, where the child is of compulsory school age.

Schools will be following the London Borough of Newham Code of Practice for Penalty Notice referrals.

If issued with a penalty notice, the payment must be made directly to the local authority.

The decision on whether or authorise term time leave ultimately rests with the headteacher, following the local authority's code of conduct for issuing penalty notices. (See Appendix C). A head teacher's decisions is final and once a penalty notice has been issued by the local authority, there is no right of appeal unless an error has been made in the penalty notice process.

This may take into account:

- A 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 the parent or withdraw the notice.

## **5. Strategies for promoting attendance**

Schools may reward pupils for their good attendance through a range of strategies as set out by the Head Teacher, these may include visits from the Schools Attendance Mascot (SAM), attendance certificates and prizes for best attendance and punctuality. Attendance displays to promote and encourage excitement in winning. Well done letters for children and families once attendance improves.

## **6. Attendance monitoring**

The attendance officer monitors pupil absence on a daily basis.

Parents are expected to call the school in the morning if their child is going to be absent due to ill health (see section 3.2). (see Appendix A)

Parents are encouraged to update daily whilst their child is absent with updates to how the child is and if any medical advice has been sought. (3)

If a pupil's absence goes above 2 days we will contact the parents to discuss the reasons for this.

If after contacting parents a pupil's absence continues to rise, we will consider involving an Attendance Management Officer. The school will look to explore all ways that support can be offered including pastoral teams or school nurse referrals if needed. (see Appendix D)

The persistent absence threshold is 10%. If a pupil's individual overall absence rate is greater than or equal to 10%, the pupil will be classified as a persistent absentee.

Pupil-level absence data is collected each term and published at national and local authority level through the DfE's school absence national statistics releases. The underlying school-level absence data is published alongside the national statistics. We compare our attendance data to the national average, and share this with governors.

## **7. Roles and responsibilities**

### **7.1 The Trustees / School LABs**

The Trustees / School LABs are responsible for monitoring attendance figures for the whole school on at least a termly basis. It also holds the headteacher to account for the implementation of this policy.

### **7.2 The Head teacher**

The Head teacher is responsible for ensuring this policy is implemented consistently across the school, and for monitoring school-level absence data and reporting it to school LAB.

The Head teacher also supports other staff in monitoring the attendance of individual pupils and issues fixed-penalty notices – see Appendix A.

### **7.3 The Attendance Officer**

The attendance officer:

- Monitors attendance data at the school and individual pupil level
- Reports concerns about attendance to the headteacher
- Works with Attendance Management Officers to tackle persistent absence
- Arranges calls and meetings with parents to discuss attendance issues
- Advises the headteacher when to issue fixed-penalty notices

### **7.4 Class Teachers**

Class teachers are responsible for recording attendance on a daily basis, using the correct codes, and submitting this information to the school office.

### **7.5 Office Staff**

Office staff are expected to take calls from parents about absence and record it on the school system.

## **8. Monitoring arrangements**

This policy will be reviewed annually by the Policy Development Lead. At every review, the policy will be shared with the governing board.

## **9. Links with other policies**

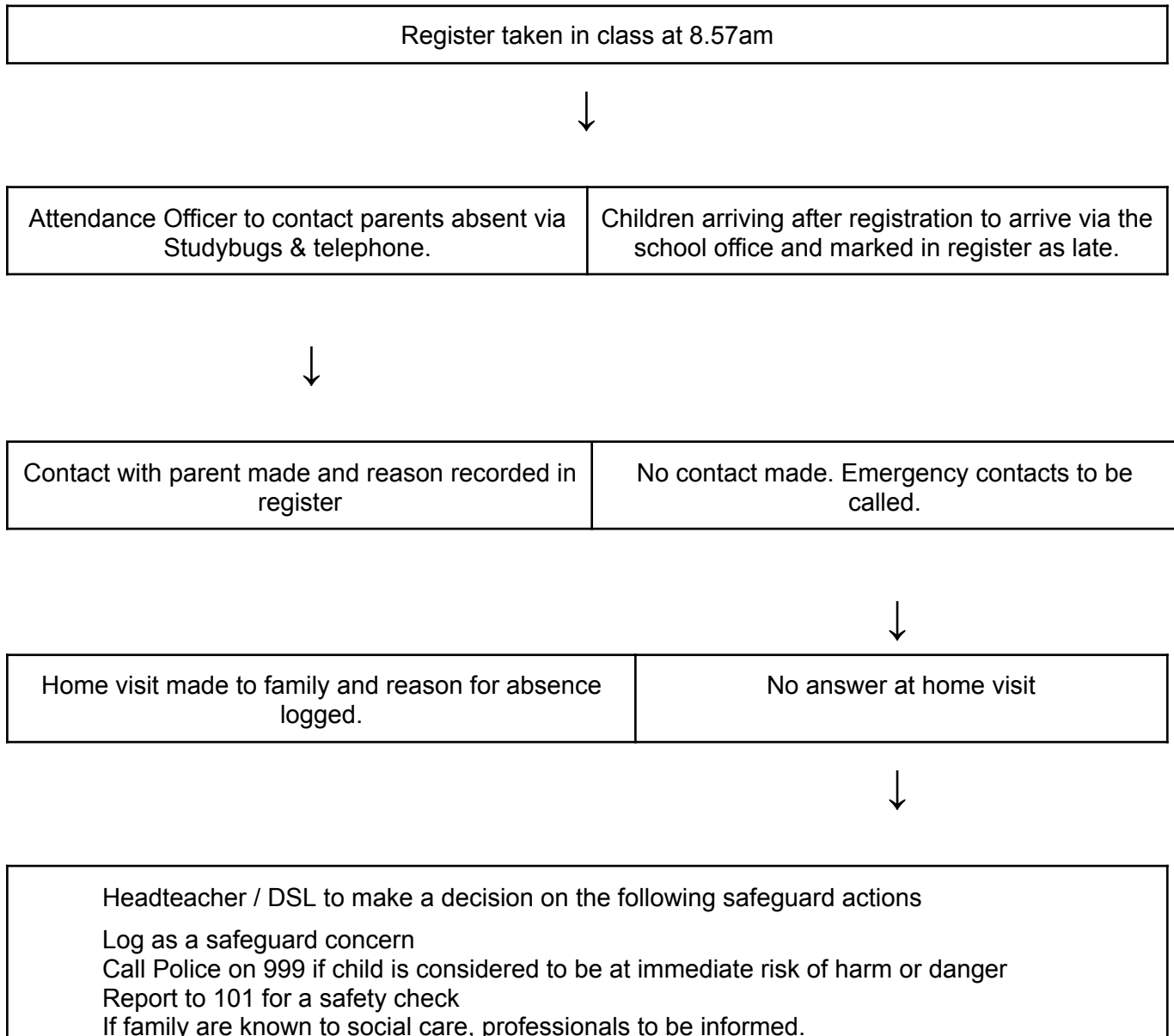
This policy is linked to the TTLT's Admissions, Inclusion, Safeguarding, Concerns and Complaints Policy and Procedures and Equality Plan.



# Appendix A – Absence Process

TTLT Absence Process – From April 2024

First Day Absence



Parents are required to contact the school daily informing the school of the reason for absence or an update.  
Parents will be asked to provide medical evidence to support absences. Parents are not obliged to provide this but absences may not be authorised.

Parents to report absences due to appointments and provide confirmation of appointment. Children should only be absent for the time of the appointment and travelling.

### **Term Time Leave**

Parents should request any term time leave giving the school as much notice as possible. This should be done using the school's required way (either Term Time Leave form or in writing).

All requests for term time leave will be considered for exceptional circumstances. School will take into account academic reasons (such as KS1 & KS2 SATS) as well as :

- Reasons for absence
- Length of time being requested
- Child's current attendance

Unauthorised term time leave will be referred to the Local Authority to be issued a Penalty Notice on behalf of the school.

## **Appendix B School Attendance Codes from 19<sup>th</sup> August 2024**

Taken from DFE Working Together to Improve School Attendance

### Attendance and absence codes

On each occasion the register is taken the appropriate national attendance and absence code must be entered for every pupil (of both compulsory and non-compulsory school age) whose name is listed in the admission register at the time (with the exception of a pupil who is a boarder).

The codes enable schools to record and monitor attendance and absence in a consistent way and are used to collect statistics. The data helps schools, local authorities, and the government gain a greater understanding of the delivery of education and the level of, and reason for, absence.

The codes are set out in regulation 10(2) Table 1, 10(3) Table 2 and 10(4) Table 3, 10(8) and 10(10) of the regulations and summarised below. Attending the school Relevant regulation 10(2) Table 1 Code / \: Present at the school / = morning session \ = afternoon session 287. Pupils must not be recorded as present if they are not in school during registration. If a pupil were to leave the school premises after registration, they will still be counted as attending for statistical purposes.

This code is classified for statistical purposes as attending.

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

The pupil was absent when the register started being taken but arrives before the register is closed. Schools should actively discourage late arrival and be alert to patterns of late arrival. All schools are expected to set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session and not longer than 30 minutes. If a pupil is marked N but arrives later in the session after the register has closed, the attendance register must be amended to mark them as absent using code U or another absence code that is more appropriate. This code is classified for statistical purposes as attending.

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

The pupil is attending a place, other than the school or any other school at which they are a registered pupil, for educational provision arranged by a local authority under section 19(1) of the Education Act 1996 (exceptional provision of education), section 42(2), or 61(1) of the Children and Families Act 2014 (special educational provision off site). A pupil attending provision arranged by the school rather than the local authority must be recorded using Codes P or B instead. Schools must also record the nature of the provision (regulation 10(5)), examples are: • attending courses at college; • attending unregistered alternative provision such as, home tutoring. Schools should ensure that the arrangements are in place whereby the provider notifies the school of any absence by the pupil. The school must record the pupil's absence using the relevant absence code. This code is classified for statistical purposes as attending an approved educational activity.

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

The pupil is attending a place, other than the school or any other school at which they are a registered pupil, for an educational visit or trip arranged by or on behalf of the school and supervised by a member of school staff. The visit or trip must take place during the session for which it is recorded. If the pupil does not attend the visit or trip the school must record the

pupil's absence using the relevant absence code. This code is classified for statistical purposes as attending an approved educational activity.

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

The pupil is attending a place for an approved educational activity that is a sporting activity. The sporting activity must take place during the session for which it is recorded. A pupil can only be recorded as attending a place for an approved educational activity if: • the place is somewhere other than the school, another school where the pupil is registered, or a place where educational provision has been arranged for the pupil by a local authority under section 19(1) of the Education Act 1996 or sections 42(2) or 61(1) of the Children and Families Act 2014; • the activity is of an educational nature; • the school has approved the pupil's attendance at the place for the activity; and • the activity is supervised by a person considered by the school to have the appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil's attendance has been approved. If schools have concerns about the appropriateness of an activity, they can seek advice from the sports' national governing body. The final decision on approving the activity, however, rests with the school and they should take the effect on the pupil's general education into account. Schools have responsibilities for the safeguarding and welfare of pupils attending an approved educational activity. The school will need to be satisfied that appropriate measures have been taken to safeguard the pupil. Schools should ensure that they have in place arrangements whereby the provider of the sporting activity notifies the school of any absence by the pupil. The school must record the pupil's absence using the relevant absence code. This code is classified for statistical purposes as attending an approved educational activity.

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

The pupil is attending a place for an approved educational activity that is work experience provided under arrangements made by a local authority or the school as part of the pupil's education. The work experience must take place during the session for which it is recorded. A pupil can only be recorded as attending a place for an approved educational activity if: • the place is somewhere other than the school, another school where the pupil is registered, or a place where educational provision has been arranged for the pupil by a local authority under section 19(1) of the Education Act 1996 or sections 42(2) or 61(1) of the Children and Families Act 2014; • the activity is of an educational nature; • the school has approved the pupil's attendance at the place for the activity; and • the activity is supervised by a person considered by the school to have the appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil's attendance has been approved. Schools have responsibilities for the safeguarding and welfare of pupils attending an approved educational activity. The school will need to be satisfied that appropriate measures have been taken to safeguard the pupil. Schools should ensure that they have in place arrangements whereby the provider of the work experience notifies the school of any absence by the pupil. The school must record the pupil's absence using the relevant absence code. This code is classified for statistical purposes as attending an approved educational activity.

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

The pupil is attending a place for an approved educational activity that is not a sporting activity or work experience. The educational activity must take place during the session for which it is recorded. A pupil can only be recorded as attending a place for an approved educational activity if: • the place is somewhere other than the school, another school where the pupil is registered, or a place where educational provision has been arranged for the pupil by a local authority under section 19(1) of the Education Act 1996 or sections 42(2) or

61(1) of the Children and Families Act 2014; • the activity is of an educational nature; • the school has approved the pupil's attendance at the place for the activity; and • the activity is supervised by a person considered by the school to have the appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil's attendance has been approved. Schools must also record the nature of the approved educational activity (regulation 10(5)), examples are: • attending taster days at other schools; • attending courses at college; • attending unregistered alternative provision arranged by the school. Schools have responsibilities for the safeguarding and welfare of pupils attending an approved educational activity. The school will need to be satisfied that appropriate measures have been taken to safeguard the pupil. Schools should ensure that they have in place arrangements whereby the provider of the educational activity notifies the school of any absences by the pupil. The school must record the pupil's absence using the relevant absence code. As set out in the DfE's guidance on 'Providing remote education', pupils who are absent from school and receiving remote education still need to be recorded as absent using the most appropriate absence code. Schools should keep a record of, and monitor pupil's engagement with remote education, but this is not formally tracked in the attendance register. This code is classified for statistical purposes as attending an approved educational activity.

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

Relevant regulation 10(4) Table 3 313. The law allows a pupil to be registered at more than one school. This code is used to indicate that the pupil is absent with leave to attend the other school at which they are registered. The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school or a special school on a temporary basis. The school at which the pupil is scheduled to attend must record the pupil's attendance and absence with the relevant code.

#### **Code D may only be used by either school for a session where the pupil is scheduled to attend the other school at which they are registered.**

Schools should ensure that they have in place arrangements whereby all unexpected and unexplained absences are promptly followed up. This code is classified for statistical purposes as not a possible attendance to avoid double counting. Absent - leave of absence Relevant regulation 10(4) Table 3 316. All schools must use the following codes to record the reason for a pupil being absent with leave:

#### **Code C1: Leave of absence for the purpose of participating in a regulated performance or undertaking regulated employment abroad.**

All schools can grant leaves of absence for pupils to undertake employment (paid or unpaid) during school hours. Schools maintained by a local authority and special schools not maintained by a local authority can only do so in the following circumstances (under regulation 11(2)): • Where the local authority have granted a licence for the pupil to take part in a performance regulated by section 37(2) of the Children and Young Persons Act 1963. • Where a pupil does not need a licence for such a performance because an exception applies under section 37(3) of the Children and Young Persons Act 1963, including where a Body of Persons Approval (BOPA) covering the pupil has been issued by the local authority in whose area the performance will take place or the Secretary of State. • Where a Justice of the Peace has given the pupil a licence to go abroad for a performance or other regulated purpose under section 25(2) of the Children and Young Persons Act 1933. 318. Schools should be sympathetic to requests for leave of absence that are supported by a licence issued by a local authority or a BOPA; as long as the school remains satisfied that this will not have a negative effect on a pupil's education. Where a local authority licence specifies the dates that a pupil is to be away from school to perform, the school should record the

absence for those days as if a leave of absence had been applied for and granted. Where the terms of the local authority licence do not specify dates, however, or where a BOPA or other exemption or licence from a Justice of the Peace applies, it is at the discretion of the school to grant leave of absence. Schools that are not required to follow regulation 11, must still use this code to record a pupil who is absent with leave for the purpose of participating in a regulated performance or work abroad under a licence or exemption as described above. This code is classified for statistical purposes as authorised absence.

#### **Code M: Leave of absence for the purpose of attending a medical or dental appointment**

Schools should encourage parents to make appointments out of school hours. Where this is not possible, they should get the school's agreement in advance and the pupil should only be out of school for the minimum amount of time necessary for the appointment. Schools maintained by a local authority and special schools not maintained by a local authority can only grant leave of absence for this under regulation 11(11), where an application is made in advance by a parent the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence), and the school is satisfied that, based on the individual facts of the case, there are exceptional circumstances which justify the leave. Schools that are not required to follow regulation 11, must still use this code to record a leave of absence has been granted for the purpose of attending a medical or dental appointment. If a pupil is present at registration but then leaves the school to attend a medical or dental appointment during the session in question, no absence needs be recorded for that session. This code is classified for statistical purposes as authorised absence.

#### **Code J1: Leave of absence for the purpose of attending an interview for employment or for admission to another educational institution**

Schools maintained by a local authority and special schools not maintained by a local authority can grant leave of absence, under regulation 11(4), where an application has been made in advance by the parent who the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence) and the leave is to enable the pupil to attend an interview for employment or admission to another educational institution. Schools that are not required to follow regulation 11, must still use this code to record a leave of absence has been granted for the purpose of attending an interview for employment or for admission to another educational establishment. This interview must take place during the session for which it is recorded. This code is classified for statistical purposes as authorised absence.

#### **Code S: Leave of absence for the purpose of studying for a public examination**

Schools maintained by a local authority and special schools not maintained by a local authority can grant leave of absence, under regulation 11(5), for a pupil to study for a public examination and the leave has been agreed in advance with a parent who the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence). Study leave should not be granted by default once tuition of the exam syllabus is complete and should be used sparingly. If schools do decide to grant study leave, provision must still be made available for those pupils who want to continue to come into school to revise. Schools that are not required to follow regulation 11, must still use this code to record when a pupil is absent with leave that has been granted for the purpose of studying for a public examination. This code is classified for statistical purposes as authorised absence.

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

Schools maintained by a local authority and special schools not maintained by a local authority can grant a leave of absence, under regulation 11(7) or (8) for a pupil not of compulsory school age to attend school part-time. Schools that are not required to follow regulation 11, must still use this code to record when a pupil is absent with leave because their timetable does not require them to attend. Where the pupil is absent when timetabled to attend the school, the absence must be recorded using the appropriate absence code not code X. This code is classified for statistical purposes as not a possible attendance. Under compulsory school age In cases where a parent wishes their child to begin school on a part-time basis in line with the school admissions code, schools maintained by a local authority and special schools not maintained by a local authority may give leave of absence for sessions the pupil is not expected to attend. This must be agreed between the school and the parent they normally live with and must end at the point at which the pupil reaches compulsory school age. The times and dates when the pupil is expected to attend the school must be agreed by the school and the parent with whom the pupil normally lives with. Over compulsory school age Where a sixth form pupil's timetable does not require them to be on site for every session of the week, a school maintained by a local authority or a special school not maintained by a local authority may give leave of absence The times and dates when the pupil is expected to attend the school must be agreed with the parent with whom the pupil normally lives with or the pupil.

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

All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances, where it is in a pupil's best interests, there may be a need for a temporary part-time timetable to meet their individual needs in line with paragraphs 67 – 70. Schools maintained by a local authority and special schools not maintained by a local authority can grant a leave of absence, under regulation 11(6) to temporarily reduce the timetable of a pupil of compulsory school age to part-time, if the school and a parent who the pupil normally lives with have agreed that, exceptionally, the pupil should temporarily be educated only part-time and have agreed the times and dates when the pupil will, during the period of temporary part-time education, be expected to attend the school. Schools that are not required to follow regulation 11, must still use this code to record when a pupil is absent with leave because they are subject to a part-time timetable in line with an agreement between the school and a parent the pupil normally lives with that the pupil should temporarily be educated part-time. Where a pupil is receiving a full-time education, but only part-time at the school in question (e.g. dual registration, part-time unregistered alternative provision or flexischooling) this code must not be used and the appropriate code for why the pupil is not in school for that session should be used.

### **Code C: Leave of absence for exceptional circumstance**

All schools are able to grant a leave of absence at their discretion. A leave of absence should not, and from school maintained by a local authority or a special school not maintained by a local authority, must not be granted unless there are exceptional circumstances. Schools must judge each application individually considering the specific facts and circumstances and relevant background context behind each request. Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school. A leave of absence is granted entirely at the school's discretion. Schools maintained by a local authority and special schools not maintained by a local authority can only grant such a leave of absence under regulation 11(11), where an application is made in advance by a parent the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence). Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional

circumstance. Schools that are not required to follow regulation 11, must still use this code to record where a pupil is absent with leave for a reason that is not covered by another leave of absence code. This code is classified for statistical purposes as authorised absence.

Pregnant pupils Leave for maternity is treated like any other leave of absence in exceptional circumstances. Schools are expected to act reasonably and grant a sufficient period of leave from school, taking into consideration the specific facts and circumstances of each case.

Ultimately, it is at the school's discretion how much leave to grant. Absent - other authorised reasons

### **Code T: Parent travelling for occupational purposes**

The pupil is a mobile child and their parent(s) is travelling in the course of their trade or business and the pupil is travelling with them. A mobile child is a child of compulsory school age who has no fixed abode and whose parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place. Schools should not unnecessarily ask for proof that the parent is travelling for occupational purposes, this should only happen when there are genuine and reasonable doubt about the authenticity of the reason for absence given. If there is doubt over the reason given, the school may ask for proof that the family are required to travel for occupational purposes during the period of absence. To help ensure continuity of education for pupils, when their parent(s) is travelling for occupational purposes in England, it is expected that the pupil should attend a school where their parent(s) is travelling and be dual registered at that school and their main school. This code is classified for statistical purposes as authorised absence. Whilst for statistical purposes this is counted as authorised absence, if a pupil's attendance was to fall below an acceptable level consideration may be given to attendance enforcement. Defence in the law Parents can in some circumstances, present a defence against prosecution, under section 444(6) of the Education Act 1996. This defence applies where the child has no fixed abode, and the parent can prove that they are engaged in a trade or business that requires them to travel from place to place and that the child has been attending school as regularly as the trade or business permits. If the child is aged 6 or older, the parent must also prove that the child has attended school for at least 200 sessions in the preceding 12 months. This is in addition to the requirement to prove that the child has attended as regularly as the trade or business permits, which means that if the trade or business permits the child to attend for more than 200, they should do so.

### **Code R: Religious observance**

The pupil is absent on a day that is exclusively set apart for religious observance by the religious body the parent(s) belong to (not the parents themselves). As a general rule, 'a day exclusively set apart for religious observance' is a day when the pupil's parents would be expected by the religious body to which they belong to stay away from their employment in order to mark the occasion. If in doubt, schools should seek advice from the parent's religious body about whether it has set the day apart for religious observance. If a religious body sets apart a single day for a religious observance and the parent applies for more than one day, the school may only record one day using this code; the rest of the time would need a leave of absence, and this is granted at the school's discretion as set out under Code C. Schools and local authorities may seek to minimise the adverse effects of religious observance on a pupil's attendance and attainment by considering approaches such as: • Setting term dates around days for religious observance; • Working with local faith groups to develop guidance on absence for religious observance; • Taking INSET days that coincide with religious observance days; and • Providing individual support for pupils who miss sessions on days exclusively set apart for religious observance. This code is classified for statistical purposes as authorised absence.

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



The pupil is unable to attend due to illness (both physical and mental health related). Schools should advise parents to notify them on the first day the child is unable to attend due to illness. Schools are not expected to routinely request that parents provide medical evidence to support illness absences. Schools should only request reasonable medical evidence in cases where they need clarification to accurately record absence in the attendance register – i.e. making a decision that code I is the absence code that accurately describes the reason the pupil is not in school for the session in question. In the majority of cases a parent's notification that their child is too ill to attend school will be that evidence and can be accepted without question or concern. Only where the school has genuine and reasonable doubt about the authenticity of the illness should medical evidence be requested to support the absence. Where medical evidence is deemed necessary, school should not be rigid about the form of evidence requested and should speak to the family about what evidence is available. Schools should be mindful that requesting additional medical evidence unnecessarily places pressure on health professionals, their staff and their appointment system, particularly if the illness is one that does not require treatment by a health professional. Where a parent cannot provide evidence in the form requested but can provide other evidence, schools should take this into account. Where a parent cannot provide any written evidence the school should have a conversation with the parent and pupil, if appropriate, which may in itself serve as the necessary evidence to record the absence. This code is classified for statistical purposes as authorised absence.

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

The pupil is suspended from school or permanently excluded from school, but their name is still entered in the admission register, and no alternative provision has been made for the pupil to continue their education. When a pupil of compulsory school age is suspended or permanently excluded on disciplinary grounds from a maintained school, pupil referral unit, academy, city technology college, or city college for the technology of the arts, alternative provision must be arranged from the sixth consecutive school day of any suspension or permanent exclusion. Where alternative provision is made for the session in question and the pupil is attending it, schools should record this using the appropriate attendance code in regulation 10(3) Table 2 or if the pupil is attending another school at which they are a registered pupil, schools should record this using code D (dual registered at another school). This code is classified for statistical purposes as authorised absence. Absent - unable to attend school because of unavoidable cause

#### **Code Q: Unable to attend the school because of a lack of access arrangements**

The pupil is unable to attend the school because a local authority has a duty set out in regulation 10(12) or (13) to make access arrangements to enable the pupil's attendance at school and have failed to do so. This code is classified for statistical purposes as not a possible attendance.

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

The pupil is unable to attend because the school is not within walking distance of their home and the transport to and from the school that is normally provided for the pupil by the school or local authority is not available. Walking distance in relation to a child under the age of 8, means 2 miles, and for a child of 8 or above, means 3 miles. In each case measured by the nearest available route. This code is classified for statistical purposes as not a possible attendance.

#### **Code Y2: Unable to attend due to widespread disruption to travel**

The pupil is unable to attend the school because of widespread disruption to travel caused by a local, national, or international emergency. This code is classified for statistical purposes as not a possible attendance.

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

Part of the school premises is unavoidably out of use and the pupil is one of those that the school considers cannot practicably be accommodated in those part of the premises that remain in use. This code is classified for statistical purposes as not a possible attendance.

### **Code Y4: Unable to attend due to the whole school site being unexpectedly closed Relevant regulation 10(10)**

Where a school was planned to be open for a session, but the school is closed unexpectedly (e.g. due to adverse weather), the attendance register is not taken as usual because there is no school session. Instead, every pupil listed in the admission register at the time must be marked with code Y4 to record the fact that the school is closed. This code may not be used for any planned closure such as weekends or holidays. This code is classified for statistical purposes as not a possible attendance.

### **Code Y5: Unable to attend as pupil is in criminal justice detention Relevant regulation 10(14)**

The pupil is unable to attend the school because they are: • in police detention, • remanded to youth detention, awaiting trial or sentencing, or • detained under a sentence of detention. If a pupil is remanded to local authority accommodation, they should attend school as normal where possible and where it is not possible any absence should be recorded using the appropriate code. A pupil's absence should be recorded under code Y7 (Unable to attend because of any other unavoidable cause) if they are unable to attend because they are serving a community based (i.e. non-detained) part of a sentence of detention, referral order, or youth rehabilitation order that requires them to be absent during the school day. Schools are expected to communicate with the pupil's Youth Offending Team worker while the pupil is in custody and remains on the school roll to discuss the pupil's educational needs, progress and return to the school upon their release where appropriate. Education is a key part of effective resettlement, therefore it is important that schools maintain contact with the Youth Offending Team throughout the sentence to support the child's resettlement where appropriate. This code is classified for statistical purposes as not a possible attendance.

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

The pupil's travel to or attendance at the school would be: • contrary to any guidance relating to the incidence or transmission of infection or disease published by the Secretary of State for Health and Social Care (or the equivalent in Scotland, Wales and Northern Ireland), or • prohibited by any legislation relating to the incidence or transmission of infection or disease.

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

An unavoidable cause, that is not covered by one of the other 'unable to attend' codes detailed above, is preventing the pupil from attending the school. This code should be used only where something in the nature of an emergency has prevented the pupil from attending the session in question. The unavoidable cause must be something that affects the pupil, not the parent. The fact that a parent has done all they can to secure the attendance of the pupil at school does not, in itself, mean the pupil has been prevented by unavoidable cause. Schools must also record the nature of the unavoidable cause (regulation 10(6)). This code is classified for statistical purposes as not a possible attendance. Absent - unauthorised absence

### **Code G: Holiday not granted by the school**

The school has not granted a leave of absence and the pupil is absent for the purpose of a holiday. School cannot grant a leave of absence retrospectively. If the parent did not apply in advance, leave of absence should not be granted. This code is classified for statistical purposes as unauthorised absence. C

### **Code N: Reason for absence not yet established**

Schools must follow up all unexplained and unexpected absence in a timely manner. Every effort should be made to establish the reason for a pupil's absence. When the reason for absence has not yet been established before the register closes, the absence must be recorded with code N. Where absence is recorded as code N (reason not yet established) in the attendance register, the correct absence code should be entered as soon as the reason is ascertained, but no more than 5 school days after the session (regulation 10(7) to (9)). Code N must not therefore be left on the pupil's attendance record indefinitely; if a reason for absence cannot be established within 5 school days, schools must amend the pupil's record to Code O. This code is classified for statistical purposes as unauthorised absence.

### **Code O: Absent in other or unknown circumstances**

Where no reason for absence is established or the school is not satisfied that the reason given is one that would be recorded using one of the codes statistically classified as authorised. This code is classified for statistical purposes as unauthorised absence.

### **Code U: Arrived in school after registration closed Relevant regulation 10 (7) and (8)**

Where a pupil has arrived late after the register has closed but before the end of session. Schools should actively discourage late arrival, be alert to patterns of late arrival and seek an explanation from the parent. All schools are expected to set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session and not longer than 30 minutes. This code is classified for statistical purposes as unauthorised absence.

Administrative codes

### **Code Z: Prospective pupil not on admission register**

To enable schools to set up registers in advance of pupils joining the school to ease administration burdens. Most school admissions involve the school or admission authority offering a place to the parent of the prospective pupil (or, in the case of admission to sixth form, the 91 prospective pupil). An offer of a place is not an agreement. Before a pupil can be registered at a school the parent (or prospective pupil) must have accepted the offer, either by agreeing the starting day in advance or by the fact of the pupil attending the school on that day. In the normal admissions round, when parents have accepted the school place and starting day offered, the local authority can communicate that agreement to schools on behalf of the parent. This can also be the case where the local authority coordinate in-year applications for school places. Schools must enter pupils' names on the admission register on the first day that the school and a person with control of the pupil's attendance have agreed that the pupil will attend the school. If no date has been agreed or notified, the pupil's name must be entered on the first day they attend the school. Names must be added before the beginning of the first session on that day. If a pupil fails to attend on the agreed starting day, the school must follow this up and try to establish the reason for absence. This code is not collected for statistical purposes.

### **Code #: Planned whole school closure**

Whole school closures that are known and planned in advance such as: • days between terms; • half terms; • occasional days (for example, bank holidays); • weekends (where it is

required by the management information system); • up to 5 non-educational days; and • use of the whole school as a polling station. This code is not collected for statistical purpose.

## Appendix C: London Borough of Newham Penalty Code of Conduct

### London Borough of Newham

### Children and Young People's Services: Penalty Notice Code of Conduct

#### Overview

London Borough of Newham is committed to raising attendance in order to maximise the educational possibilities available to children and young people.

Regular and punctual attendance at school must be a priority for all.

Our main aim is for non-attendance to be resolved through effective partnership working with parents, pupils, schools, our Attendance Targeted Support Service and other agencies. However, where it has not been possible to resolve non-attendance, or where parents actively prevent their children from accessing, or otherwise fail to ensure that they access education, legal sanctions can and will be considered.

Penalty notices are served on parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered.

#### Purpose

The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across The London Borough of Newham.

The code sets out the arrangements for administering penalty notices in The London Borough of Newham and must be adhered to by anyone issuing a penalty notice for school absence in this area.

The code complies with relevant regulations and the Department for Education's national framework for penalty notices as set out in the ['Working together to improve school attendance'](#) guidance.

#### Consultation

This code has been drawn up in consultation with the head teachers and governing bodies of state-funded schools and the Metropolitan Police.

#### Legal basis

A National Framework for penalty notices relating to unauthorised school absence has been introduced by the Department of Education as a result of changes to secondary legislation (law). This was following extensive development with schools and local authorities. The National Framework will introduce a national threshold for when a penalty notice must be considered from the 19th August 2024.

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

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

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

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

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).

### What are the main aims of the new national framework?

Make penalty notices more effective by ensuring they are only used in cases where they are the most appropriate tool to change parental behaviour and improve attendance.

Prioritise the support first approach by expecting support to be used in cases where it is appropriate and using penalty notices in cases where support is not appropriate (e.g. a term time holiday), has not worked or has not been engaged with.

Improve consistency in the use of penalty notices across England by introducing a new national threshold at which they are considered.

Improve the deterrent effect of a penalty notice by increasing the amount and introducing a new national limit of 2 penalty notices within a 3 year period to break cycles of repeat offending.

### Associated statutory and non-statutory guidance.

[School attendance and absence: Legal action to enforce school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/school-attendance-and-absence-legal-action-to-enforce-school-attendance)

[Working together to improve school attendance \(applies from 19 August 2024\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/guidance/working-together-to-improve-school-attendance)

[School attendance parental responsibility measures – January 2015](#)

[The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2024/1000/contents/matter)

## Contents

Item	
Section 1: Definitions	
1.1 Compulsory school age.	
1.2 A parent.	
1.3 School session.	
Section 2: Information about penalty notices	
2.1 What is penalty notice (PN)?	
2.2 Department for Education's new national framework.	
2.3 Penalty notice fine amounts.	
2.4 How many penalty notices can be issued to a parent?	
2.5 When may a penalty notice be issued?	
2.6 Local authority discretionary powers to issue a penalty notice?	
Section 3: Setting the Criteria (Rules) and Making Decisions	
3.1 Who sets the criteria (rules) for issuing a penalty notice?	
3.2 How does a school identify if a penalty notice should be issued?	
3.3 How is responsible for deciding whether or not to issue a penalty notice for unauthorised leave?	
3.4 Limitations on issuing penalty notices.	
Section 4: Administration, overseeing the process and how the process works	
4.1 Administration.	
4.2 Overseeing the process.	
4.3 Identification of pupils who meet the threshold for a penalty notice.	
4.4 How parents can avoid receiving a penalty notice.	
4.5 Absences that will not be considered for a penalty notice.	
4.6 School action that must be taken before penalty notices are issued.	
Section 5: Providing support and 'Notices to improve'	
5.1 Determining what support is required or if support is suitable.	

5.2 Notice to Improve.	
Section 6: Contents of penalty notice	
6.1 Who is issued a penalty notice?	
6.2 What information must be included on a penalty notice?	
Section 7: Withdrawing a penalty notice once issued by the school	
7.1 Conditions under which the local authority can withdraw a penalty notice issued by the school.	
7.2 Withdrawn penalty notice.	
Section 8: Escalation process for repeat offences	
8.1 During the 3 year period - since the first penalty notice of that period was issued.	
8.2 After the 3 year - since the first penalty notice of that period was issued has ended.	
Section 9: Payments and non-payments	
9.1 Payments.	
9.2 Extension of time to pay requests.	
9.3 Non-payment, part payment and payment plan requests	
9.4 What happens of payments is not received by the specified dates?	
Section 10: Appeals and written representations.	
10.1 Do parents have the right to appeal against a penalty notice?	
10.2 Challenging the head teacher's decision to issue the penalty notice.	
10.3 Challenging the accuracy of the information on the penalty notice.	
10.4 Verbal disputes (telephone calls or face to face).	
Section 11: Local authority responsibilities	
11.1 Cross borough arrangements.	
11.2 Data collection and monitoring.	
11.3 Records and retention.	
11.4 Publicity.	
11.5 Finances.	
11.6 Annual review.	
Appendices	
Appendix 1: Penalty Notice Process Overview Flow Diagram for Parent/Carer	
Appendix 2: The School Attendance (Pupil Registration) (England) Regulations 2024 - Table 3	
Appendix 3: Sample Penalty Notice	

## Section 1: Definitions.

### 1.1 Compulsory school age

Children living in England must start full-time education once they reach compulsory school age. This is on 31 December, 31 March or 31 August following their fifth birthday - whichever comes first. If your child's fifth birthday is on one of those dates then they reach compulsory school age on that date.

For example, if your child reaches compulsory school age on 31 March, they must start full-time education at the beginning of the next term (summer term that year).

Children must stay in full-time education until they reach school leaving age. They can leave school on the last Friday in June if they will be 16 by the end of the summer holidays – 31<sup>st</sup> August.

### 1.2 A parent.

A parent means:

- a) All natural parents, whether they are married or not;
- b) Any person who has parental responsibility for a child or young person; and,
- c) Any person who has care of a child or young person i.e. lives with and looks after the child.

The school in partnership with the local authority will decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day to day responsibility for a child.

### 1.3 School session.

School sessions cover the published times of the school day when the school is open for pupils.

There are usually two sessions per day – morning and afternoon, split by a lunch break.

Each child will receive a registration mark (see appendix 2) for each session for each day a school is open to pupils.

## Section 2: Information about penalty notices.

### 2.1 What is an education penalty notice (PN)?

Penalty notices are fines of £80/£160 imposed on parents. They are an alternative to the prosecution (legal proceeding) of parents for failing to ensure that their child of compulsory school age regularly attends the school or alternative provision where they are registered.



A penalty notice is an out of court settlement which is intended to change parental behaviour without the need for a criminal prosecution. If repeated penalty notices are being considered for the same parent, a further penalty notice is unlikely to be the most appropriate tool available.

Penalty notices can be used by a school or the local authority where the pupil's absence has not been authorised by the school,

Or

By the Police, where a child is found to be truanting in a public space during school time or where parents allow their child to be present in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion.

Note: Penalty notices can only be issued by state funded schools. They cannot be issued to by independent schools but parents can be prosecuted for their child's non-attendance at school.

School type	State Funded	Can a penalty notice be issued?
Academy School	Yes	Yes
Alternative Provision	Yes	Yes
Elective Home Education	No	No
Independent School (fee paying)	No	No
Local Authority Maintained School	Yes	Yes
Pupil Referral Unit	Yes	Yes
Special School	Yes	Yes
UTC or Studio School	Yes	Yes

## 2.2 Department for Education's new national framework.

In force from 19<sup>th</sup> August 2024, the national framework for penalty notices is based on the principles that penalty notices should only be used in cases where:

- Support is not appropriate (e.g. a term time holiday) Or
- Where support has been provided and not engaged with or not worked.

And

- A penalty notice is most appropriate tool to change parental behaviour and improve attendance for that particular family.

## 2.3 Penalty notice fine amounts.

The first penalty notice issued to the parent for that pupil will be charged at £160 if paid within 28 calendar days reducing to £80 if paid within 21 calendar days.

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 being issued, the second notice is charged at a flat rate of £160 if paid within 28 calendar days.

## 2.4 How many penalty notices can be issued to a parent?

No more than 2 penalty notices can be issued to the same parent for the same pupil within any 3 year period.

The 3 year period part of the new legislation will commence from 19 August 2024. This means a penalty notice issued in the Summer Term 2024 would not count regardless of the fact it was issued within the last 3 years.

From 19 August 2024 the 3 year rolling period for the same parent for the same pupil starts from the date the first fine was issued, unless this was the date the first fine was issued.

Note: A penalty notice issued for a pupil found in a public place during the first 5 days of an exclusion count towards the escalation process or national limit.

## 2.5 When may a penalty notice be used?

If any of the circumstances below apply, the head teacher of the school where a pupil is on roll will, after considering all the facts, request a penalty notice to be issued by the local authority. Unless the issuing of a penalty notice in these circumstances would conflict with other attendance interventions (actions) currently being carried out.

a) Unauthorised absence (being absence from school without the school's permission)

The national threshold has been met when a pupil has been recorded as absent for 10 sessions

(usually equivalent to 5 school days) within 10 school weeks<sup>1</sup>, with one of, or a combination of the following register codes:

- **Code G:** the pupil is absent without leave for the purpose of a holiday – unauthorised term time leave (this includes visiting family),
- **Code N:** the circumstances of the pupil's absence have not yet been established,
- **Code O:** the pupil had an unauthorised absence and none of the register codes on Table 3 applied to the reason to this absence (see Appendix xx)
- **Code U:** the pupil attended after the taking of the register ended but before the end of the session, where no other code applies.

The unauthorised absence sessions can be either consecutive or not.

Examples of consecutive and not consecutive unauthorised absence:

- Consecutive days: 10 sessions of unauthorised absence in the same week Or
- Not consecutive days: 6 sessions of unauthorised absence in 1 week and then 1 per week for the next 4 weeks.

The 10 sessions can be made up of a combination of any type of unauthorised absence.

Examples of unauthorised absence:

- 4 sessions of time off taken in term time plus 6 sessions of arriving late after the register closes, all taken within any 10 school week period. Or

---

<sup>1</sup> A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 schoolweek period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term). <sup>2</sup> A school week is any week in which a school meets at least once.

- 2 sessions of time off taken in term time plus 8 sessions of arriving late after the register closes, all taken within any 10 school week period.

The 10 school week<sup>2</sup> period may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

b) Truancy – children present in a public place during school time.

Authorised officers from the local authority, schools or the police can issue a penalty notice where they believe that a parent has committed a school attendance offence under section 444 and that the pupil in question is registered at a school.

The local authority in partnership with the local police may carry out ‘truancy sweeps’ up to once a school term.

Where a child and who is assumed to be their parent/carer are stopped in a public place, during school hours, as part of a truancy sweep, the issuing of a penalty notice will be considered. If the parent cannot provide a satisfactory reason for the child not being in school, which may need to be supported by suitable evidence, the parent will be viewed as condoning absence and therefore a penalty notice may be issued by a Police Officer.

These can be issued in addition to the penalty notice limit of 2 per a 3 year period.

d) Children present in a public place during school hours

Where parents allow their child to be present in a public place during school hours without reasonable justification during the first five days of a fixed period or permanent exclusion.

Note: The parents must have been notified by the school at the time of the exclusion of this and the days to which it applies.

These can be issued in addition to the penalty notice limit of 2 per a 3 year period.

## 2.6 Local authority discretionary powers to issue a penalty notice

The London Borough of Newham, will exercise our discretionary right to issue a penalty notice, where we believe a penalty notice is appropriate in an individual case, before the threshold is met.

Example.

Where parents are deliberately avoiding the national threshold by taking several term time holidays (leave) below threshold, or for repeated absence for birthdays or other family events.

Note: All local authorities retain discretionary right to consider going straight to prosecution instead of issuing a penalty notice, where either the threshold for a penalty notice has not been met or it is believed that a penalty notice will not be an appropriate action.

## Section 3: Setting the criteria (rules) and making decisions.

### 3.1 Who sets the criteria (rules) for issuing a penalty notice?

Every local authority in England is responsible for drawing up a code of conduct for issuing penalty notices; the Code will set out the occasion when it will be appropriate to issue a penalty notice.

The Department of Education issued a national framework in relation to unauthorised absence which every local authority must include in their local code of conduct.

Local authorities must consult with schools and the police in their area about the criteria to be included in their code of conduct for issuing penalty notices to address specific local issues.

Once agreed and published, schools must issue penalty notices in accordance with that Code.

Therefore, it is possible that approaches may vary between local authorities because each Code is set locally but all will follow the national framework for unauthorised absence.

### 3.2 How does a school identify if a penalty notice should be considered?

All schools must ensure their registers and the registration marks for each pupil on those registers are reviewed each week, to determine if the unauthorised absence of any child on their roll has meet the national threshold.

Where the national threshold has been met school staff must consider whether they can issue a penalty notice to the parent(s) in question in relation to any or all of those unauthorised absences. Then if they can issue, they should request the local authority to issue a penalty notice or decide not to issue.

For each pupil where the threshold has been met, for each separate instance the school must have evidence to support their decision. This means where the threshold has been met, whether a penalty notice was issued or was not issued.

### 3.3 Who is responsible for deciding whether or not to issue a penalty notice for unauthorised leave?

By law the decision to authorise the issue of a penalty notice can only be made by:

- a) Head teachers and School Principals.

Note 1: The head teacher may authorise a deputy or assistant head teacher to make the decision to request to issue penalty notices. But a head teacher may not authorise any other member of staff to request to issue penalty notices.

Note 2: A head teacher or deputy or assistant head teacher may only authorise the issue a penalty notice in respect of a child who is a registered pupil at the school at which that head teacher, or deputy or assistant head teacher, as the case may be, works.

Note 3: A head teacher may request their attendance leads (this maybe a local authority commissioned service) to review the registers to determine cases for consider of a Penalty notice, but only the head teacher can authorise (sign off) the actual issuing.

Where a head teacher has not granted permission and there is no other statutory exception for a child to be absent and therefore the absence from school is unauthorised, it would be for the school not the local authority to decide if they wish to use a penalty notice.

### 3.4 Limitations on issuing penalty notices

Head teachers

A head teacher or deputy or assistant head teacher may only request the issue of a penalty notice in respect of a child who is a registered pupil at the school at which that head teacher, or deputy or assistant head teacher, is employed.

#### London Borough of Newham

- 1) Subject to point 2 below, an officer of London Borough of Newham may only issue a penalty notice in respect of a child:
  - a) Who is a registered pupil at a school located in Newham; or
  - b) For whom London Borough of Newham has made arrangements for an alternative educational provision (whether or not in the area of that authority); or
  - c) Who is not, at the time the notice is given, a registered pupil at any school (whether due to permanent exclusion or otherwise) but resides in London Borough of Newham.
- 1) Where a local education authority has entered into an agreement with another local education authority for an officer of that other authority to issue penalty notices in respect of a child to which paragraph (1)(a) or (b) applies, an officer of that other authority may issue a penalty notice in respect of such child.

However, schools and the police retain the power to do so as set out in primary legislation. If it is a school or the police issuing the penalty notice, they are expected to check with the local authority before issuing in order to prevent duplication and check that a prosecution case is not pending or ongoing.

## Section 4: Administration, overseeing the process and how the process works.

### 4.1 Administration

The local authority is responsible for administering the process. This means the London Borough of Newham issues the notices, as requested by the head teacher, on behalf of the schools located within the borough boundary.

### 4.2 Overseeing the process

Officers from Newham will review the use of penalty notices across all schools located in Newham, to ensure they are being used appropriately and consistently across all schools in the borough.

### 4.3 Identification of pupils who meet the threshold for a penalty notice.

On a weekly basis, or more frequently, all schools must ensure their registers and the registration marks for each pupil on those registers to determine if the unauthorised absence of any child on their roll has meet the national threshold.

### 4.4 How parents can avoid receiving a penalty notice.

A pupil's parents can avoid ever receiving a penalty notice by making sure:

- a) Their child does not take unauthorised leave of absence (time off) during term time;
- b) Their child attends school and arrives every day during term time;
- c) They tell family and friends of their commitment to their child attending school every day, so they cannot take them out of school for social events;
- d) Their child is up early enough in the morning to arrive at school on time;

- e) They have checked the night before that their child has everything ready for school the next day, to avoid running late;
- f) They contact the school, on the first day of absence and explain the circumstances;
- g) They let the school staff know if their child is away for other reasons, especially if the need for absence is known about in advance; and
- h) They talk to their child about any problems at school.

#### 4.5 Absences that will not be considered for a penalty notice

A pupil must attend every day that the school is open, unless;

- a) They are too ill to attend.
- b) A request has been made in advance and been given permission by the school for the pupil to be absent on a specific day due to exceptional circumstances.
- c) The pupil cannot go to school on a specific day because it is a day set aside for religious observance.
- d) The local authority is responsible for arranging a child's transport to school and it is not available or has not been provided yet.
- e) The child does not have a permanent address (this does not include families in temporary accommodation arranged by the local authority) and their parent is required to travel for work. This exception only applies if your child attends their usual school or another school where you are staying as often as possible. This must be 200 half days or more a year if they are aged 6 or older.

In all other instances a penalty notice, other attendance sanction or statutory legal intervention may be applied.

#### 4.6 School action that must be taken before penalty notices are issued.

All schools must publish online, and make available to those without access to their website, their 'Attendance Policy' and this must clearly set out expectations relating to daily attendance and the process for addressing poor attendance including lateness.

No sessions of unauthorised absence are acceptable, as they will be detrimental to a child's education.

However in exceptional circumstances, where an exception may apply, the parent will be asked for evidence to corroborate (confirm) this.

When a member of school staff or a commissioned attendance service (private company or the local authority) becomes aware that the penalty notice threshold has been met, they must consider whether the head teacher can issue one to the parent(s) in question in relation to any or all of those unauthorised absences and, if so, whether to issue/request the local authority to issue a penalty notice or not.

For each case, they should ask:

- a) Is support appropriate for this particular cause (or causes) of absence?

If yes, staff should weigh up the specific circumstances of the case and decide which available tool (action) is most likely to change behaviour and improve attendance.

- Continue to, or provide new support without a penalty notice or Notice to Improve (e.g. where a parent is engaging well in the support, or other supportive routes could be tried)

Or

- Issue a 'Notice to Improve' and continue to provide support (e.g. where a parent is not engaging well in support);

Or

- Issue a penalty notice (e.g. where a parent has already had a Notice to Improve and not engaged in support), subject to the further considerations given in b) below.

If no, a penalty notice should be issued (e.g. a holiday/absence in term-time) subject to the further considerations given in (b) below.

b) In all cases, before a penalty notice is issued, the following questions should also be considered:

- Is a penalty notice the best available improvement tool that is most likely to change behaviour and improve attendance for this particular family, or would further support or one of the other legal tools be more appropriate? If legal action is most appropriate, is a penalty notice the most appropriate legal intervention for this individual case?
- Is issuing a penalty notice appropriate in this case after considering any obligations under the Equality Act 2010, such as where a pupil has a disability?
- (For the local authority) Is it in the public interest to issue a penalty notice, bearing in the mind that the local authority as an independent prosecutor would be responsible for deciding whether to prosecute for the original case in cases of non-payment?<sup>2</sup>

If the answer is yes to the points above, a penalty notice should be issued. If not, another tool should be used to improve attendance. Examples are provided in an appendix to support decision making.

Where extenuating (reason for absence) circumstances are provided by the parent.

The school will fully consider any extenuating circumstances given by the parent to establish if there is a justified reason for the absence(s).

- If the reasons are accepted by the school, as justifying the unauthorised absence, no further action in relation to a penalty notice for this period of absence will be taken.
- If the reasons given by the parent, are not deemed, as an acceptable reason for the unauthorised absence(s) by the school, they will issue a written notice to the parent(s) informing them of the consideration to refer to the Local Authority to issue a penalty notice, which includes the reason for the written notice.

## Section 5: Providing support and 'Notices to Improve'.

Where the national threshold for a penalty notice has been met and the support being provided to the family is deemed as appropriate by the school that support should continue or start if it is a new attendance concern.

---

<sup>2</sup> [The Code for Crown Prosecutors | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk) sets out the general principles Crown Prosecutors should follow when they make decisions on cases.

## 5.1 Determining what support is required or if support is suitable.

Support can be any activity intended to improve the child's attendance not including issuing a penalty notice or prosecution.

Examples of school support include:

- Action taken in school such as written communications to parents,
- Meetings with parent(s) and the pupil to understand barriers,
- Planned targeted support,
- Additional learning support,
- Changing tutor group,
- Assistance with planning a suitable route to school, 🚶 Support with uniform.

Including local authority support:

- Early Help assessment,
- Parenting contracts

## 5.2 Notice to Improve

A Notice to Improve is a letter to a parent about their child's attendance and this will include:

- a. The pupil's attendance record (certificate),,
- b. The benefits of regular attendance and parents' duty under section 7 of the Education Act 1996
- c. Details of any support provided including whether the parent engaged so far and any new support opportunities being discussed and/or planned,
- d. The risk of a penalty notice being issued or prosecution considered,
- e. A detailed timeframe for the improvement period,
- f. Details of what sufficient improvement will look like – this will include targets set within the attendance contract,
- g. The grounds on which a penalty notice may be issued before the end of the improvement period

The 'Notice to improve' will be sent as paper letter using the Royal Mail postal service and will be signed by school or local authority attendance officers and in some instances will be co-signed by both. Recipients can request an electronic copy sent by email in addition to the paper copy.

## Section 6: Contents of penalty notice.

### 6.1 Who is issued a penalty notice?

A pupil's parents (see section 1 definitions), as they are legally responsible for making sure that their children of compulsory school age receive a suitable full-time education. This can be by regular attendance at school, at alternative provision, or otherwise (e.g. the parent can choose to educate their child at home).

Where there is more than one person liable for the offence (more than one person with parental responsibility or day to day care), a separate notice may be issued to each person.

### 6.2 What information must be included on a penalty notice?



A penalty notice must give such details of the alleged circumstances as to explain the offence, as well as the following information

- a) The name and address of the recipient;
- b) The name and address of the child who is failing to:
  - a. Attend school regularly; or
  - b. Attend alternative educational provision regularly.
- c) The name of the school:
  - a. Where the child is a registered pupil, or
  - b. The place where the alternative educational provision is provided for the child or at which he is required to attend; or
  - c. Where the child should have been present but was found instead to be in a public place during school hours on a school day falling within section 103(2) of the 2006 Act,
- d) Name and official particulars of the authorised officer issuing the notice;
- e) Period during which the offence was committed in the case of an offence under section 444 of the 1996 Act, and the date of the offence in relation to an offence under section 103(3) of the 2006 Act, and (in either case) the date of the issue of the notice;
- f) Exact amount of the penalty which is to be paid, if it is paid within 21 calendar days in accordance with regulation 4, and the amount in accordance with that regulation if it is not paid within that period but is paid within 28 calendar days (being the original 21 days plus a further 7 days) from receipt of the notice (expected to be a maximum of two working days from the date of issue);
- g) Name and the address of the local education authority to which the penalty is to be paid in accordance with regulation 6 and to which any correspondence relating to the penalty notice may be sent;
- h) Method or methods by which payment of the penalty may be made;
- i) Date period for paying the penalty, in accordance with regulation 5;
- j) Confirmation that payment within that period will discharge any liability for the offence;
- k) Consequences of the penalty not being paid before the expiration of the period for paying it; and
- l) Grounds on which the notice may be withdrawn.

## Section 7: Withdrawing a penalty notice, once issued by the school.

### 7.1 Condition under which the local authority can withdraw a penalty notice issued by the school?

Once a school has authorised the local authority to issue of a penalty notice, it can only be withdrawn by the local education authority named in the notice being the authority to which payment is to be made for payment in any case in which,

- a) The local authority determines that
  - It should not to have been issued; or
  - It should not to have been issued to the person named as the recipient; or
- b) It appears to the Local Authority that it contains material errors (false or inaccurate information); or
- c) In order for the local authority to pursue prosecutions under section 444 where there has been no or only part payment of a penalty notice.

Note 1: See 10.2

Note 2: A penalty notice may be withdrawn whether or not the period for payment referred to in the notice has expired, and whether or not the penalty has been paid.

## 7.2 Withdrawn penalty notice.

Where a penalty notice has been withdrawn, both the following actions will apply.

- (a) The local authority will issue a notice of the withdrawal must be given to the recipient.
- (b) Any amount paid will be repaid to the person who paid it.

Note: Except as provided in paragraph (5), no proceedings will be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued, or, where the notice related to an offence under subsection (1) of section 444 of the 1996 Act, for an offence under subsection (1A) arising out of the same circumstances.

However where a penalty notice was issued, and was withdrawn pursuant to paragraph (1) (b), the law permits school attendance proceedings to be continued or instituted:

- (a) For the offence in connection with which that penalty notice was issued; or,
- (b) Where the penalty notice related to an offence under subsection (1) of section 444 of the 1996 Act, for an offence under subsection (1A) of that section arising out of the same circumstances as the first mentioned offence, if both of the following conditions are met:
  - (i) A further penalty notice in respect of the offence, or in the case of sub-paragraph (b), the first mentioned offence, was issued at the same time as the first penalty notice was withdrawn; and
  - (ii) The penalty has not been paid in full.

## Section 8: Escalation process for repeat offences.

The law does not permit a school to issue a third penalty notice within a 3 year period.

### 8.1 During the 3 year period (since the first penalty notice of that period was issued)

Where the threshold for a penalty notice is met for a third, fourth, fifth (or subsequent) times within the 3 year period, a penalty notice cannot be issued, it is expected that the head teacher will consider the alternative action should be taken instead. This will often include the option to considering prosecution (legal proceedings), but can be another tool such as one of the other attendance legal interventions.

## 8.2 After the 3 year period since the first penalty notice of that period was issued has ended.

In these cases, once 3 year period has elapsed (ended) since the first penalty notice was issued to the parent a further penalty notice can then 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 (long established) pattern of behaviour.

Note: 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.

Scenario	Counts towards the limit?
Penalty notice issued by any authorised officer and paid within 21 days	Yes
Penalty notice issued by any authorised officer and paid within 28 days	Yes
Penalty notice issued by any authorised officer but later withdrawn	No
Penalty notice issued by any authorised officer. The penalty notice was not paid and the local authority prosecuted for the original offence but the Court found the parent not guilty.	No
Penalty notice issued by any authorised officer. The penalty notice was not paid and the local authority prosecuted for the original offence and the Court found the parent guilty.	Yes

## Section 9: Payments and Non Payments.

### 9.1 Payment.

All payments must be made to London Borough of Newham, not the pupil's school.

Note: Full details of how to pay are detailed on the penalty notice.

The first penalty notice issued to the parent for that pupil will be charged at £160 if paid within 28 days, reducing to £80 if paid within 21 days.

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.

A penalty notice is an out of court settlement which is intended to change parental behaviour without the need for a criminal prosecution. Payment of a penalty notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty notice.

London Borough of Newham retains any revenue from penalty notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

Note: A certificate purporting to be signed by the proper officer London Borough of Newham to the effect that the recipient of a penalty notice has or has not paid the amount due on or before a date stated in the certificate is admissible in evidence in any legal proceedings and is evidence of the matters stated in it.

## 9.2 Extension of time to pay requests

London Borough of Newham cannot extend the time to pay for a penalty notice as the payments dates are set out in law.

## 9.3 Non-payment, part-payment and payment plan requests

Payment of a Penalty notice must be for the full amount due £80/£160, lesser payment cannot be accepted.

The law does not permit payment plans as the payment times are time bound.

Where a parent makes a payment below the amount due, the payment will be refunded to them and the penalty notice will be processed as unpaid.

Unless withdrawn, non-payment of a penalty notice will trigger the prosecution process under the provisions of Section 444 Education Act 1996.

Where the non-payment results in the prosecution process being initiated, the parent is being prosecuted for the offence to which the penalty notice relates and not for the non-payment of the penalty notice.

## 9.4 What happens if full payment is not received by the specified dates?

If a penalty notice is not paid in full by the specified dates, the London Borough of Newham can proceed to prosecution instead of proceeding with the penalty notice.

Note: The London Borough of Newham can also prosecute parents for non-attendance without issuing a penalty notice.

## Section 10: Appeals and written representations.

### 10.1 Do parents have the right to appeal against a penalty notice?

No, there is no statutory right of appeal against the decision to issue a penalty notice.

The authority to authorise absence and penalty notices sits with the head teacher or principal of education establishment.

The Education (Pupil Registration) (England) Regulations does not permit head teachers to give authorisation for absence retrospectively meaning they cannot backdate a decision.

### 10.2 Challenging the head teacher's decision to issue the penalty notice.

Although there is no statutory right of appeal, a parent can contact the school direct to provide evidence to support the reason for their child's absence from school during the period specified in the penalty notice.

If the head teacher upholds the parents challenge they will request the local authority to withdraw (cancel) the penalty notice meaning payment will not be required.

### 10.3 Challenging the accuracy of the information on the penalty notice.

London Borough of Newham officers will examine any written evidence (email or letter), from the parent or the school, that includes evidence that supports that an actual error (mistake) had been made with the information included on the penalty notice.

The local authority are not permitted to review the head teacher's decision that resulted in a penalty notice being issued (see notes below).

Important Note: Officers at London Borough of Newham cannot overturn:

- Any decision made by the head teacher regarding authorisation of leave during term time, or
- A registration mark (code – see appendix 2).

Only evidence that shows an error was made in issuing the penalty notice can be considered. Any other evidence will not be considered.

Parents will be required to provide documentary evidence to support an argument and must deal directly with the Local Authority and not the school.

To submit written representations parents/carers email [schoolpenaltynotices@newham.gov.uk](mailto:schoolpenaltynotices@newham.gov.uk)

Where written representations are submitted, a parent/carer must submit within 14 days of the issue date of the notice to be able to take advantage of any discounted amount that may apply to their penalty notice.

### 10.4 Verbal disputes (telephone calls or face to face).

The local authority cannot accept representations by telephone or by a visit to council offices. All challenges relating to the head teacher's decision to issue a penalty notice should be made direct to the school. This should be done at the time of receipt of the schools letter informing the parent that term time leave is being refused and if their child does not attend school during that time they may be issued with a penalty notice.

However written representations (see 10.2 above) will be considered if they are challenging the accuracy of the information on the penalty notice – not the head teacher's decision, for example not being able to authorise the leave.

## Section 11: Local Authority Responsibilities

### 11.1 Cross borough arrangements

Pupil changing schools within Newham, in the three year period.

Where a pupil meets the threshold for a penalty notice and they have changed schools (including primary to secondary and infant to junior transition) within Newham in the previous 3 year period (but not prior to 19<sup>th</sup> August 2024 when new legislation came into force), the current school must complete the [Education Penalty Notice History Check](#) online form, which is held on Newham Connect, to determine if a penalty notice has been issued in the 3 year period.

Pupil changing schools from one local authority area to another in the three year period. Where a pupil meets the threshold for a penalty notice and they have moved local authorities, the new school must contact the previous school or local authority to determine if a penalty notice has been issued in the 3 year period (but not prior to 19<sup>th</sup> August 2024 when new legislation came into force).

- a) Pupil moves to a school in Newham from a school in another local authority.

The new school in Newham must contact the previous school or local authority where the previous school is located to determine if a penalty notice has been issued in the 3 year period. The request for information should be sent to the local authorities cross border penalty notice email address which looks like this – add the local authority name in place of the XX [crossborder.penaltynotice@XX.gov.uk](mailto:crossborder.penaltynotice@XX.gov.uk)

- b) Pupil moves from their previous school in Newham to a school in another local authority area.

The new school outside Newham must contact the London Borough of Newham to determine if a penalty notice has been issued in the 3 year period. For these checks about penalty notices issued in Newham, the school must contact [crossborder.penaltynotice@newham.gov.uk](mailto:crossborder.penaltynotice@newham.gov.uk)

In cases where the previous local authority is not known or the information cannot be, or is not, provided by the previous local authority, it should be assumed that the parent has not previously received a penalty notice and the escalation process started as per a new case.

## 11.2 Data collection and monitoring

### Data collection

Data relating to the number of penalty notices issued per academic year by:

- School
- Year Group
- Phase of education
- Pupil characteristics
- Postal area
- Number paid within 21 or 28 calendar days (from date of receipt). 🏠

Number unpaid resulting in court action. This is not an exhaustive list.

The data will be used to inform and support a range of services throughout the Council to develop strategies to support families to improve their child's attendance at school.

### Monitoring

The local authority will monitor the use of penalty notices across all schools in Newham, to ensure they are being used fairly, consistently and in accordance with the law.

Where a school in Newham does not issue a penalty notice for a pupil whose unauthorised absence has met the threshold, the local authority may ask the head teacher to provide supporting reason as to why they have not proceeded with a penalty notice.

### 11.3 Records and retention

London Borough of Newham will keep records of penalty notices issued.

These records will include:

- An electronic copy of each notice issued;
- A record of all payments made and on what dates;
- Whether the notice was withdrawn and on what grounds; and
- Whether the recipient was prosecuted for the offence for which the notice was issued (or, where the notice related to an offence under subsection (1) of section 444 of the 1996 Act, for an offence under subsection (1A) arising out of the same circumstances).

They will be retained in accordance with retention requirements, this will be for at least four years.

### 11.4 Publicity

This code of conduct and related information will be published on the London Borough of Newham website and the individual websites of each school within the local area (borough boundary).

Hard copies can be requested via schools or by calling:

London Borough of Newham 020 8430 2000.

### 11.5 Finances

Funds are received by the London Borough of Newham from the payment of penalty notices, in accordance with law, and are used for the sole purpose of administration and direct costs relating to the penalty notice system and prosecution.

If a surplus remains, from school year this can be spent on attendance support.

Schools do not receive any of the monies from Penalty notices.

### 11.6 Annual review.

This code of conduct will be reviewed and consulted upon annually during the summer term unless statutory changes are required sooner.

## Appendix 2.

The School Attendance (Pupil Registration) (England) Regulations 2024 - Table 3

	Reason for absence from school	Code
1	The pupil is absent with leave for the purpose of participating in a regulated performance or undertaking regulated employment abroad.	C1
2	The pupil is absent with leave for the purpose of attending a medical or dental appointment.	M
3	The pupil is absent with leave for the purpose of attending an interview for employment or for admission to another educational institution.	J1
4	The pupil is absent with leave for the purpose of studying for a public examination.	S
5	The pupil is not of compulsory school age and is absent with leave because their timetable does not require them to attend.	X
6	The pupil is of compulsory school age and is absent with leave because, in accordance with an agreement between a parent who they normally live with and the proprietor that the pupil should temporarily be educated on a part-time basis, their timetable does not require them to attend.	C2
7	The pupil is absent with leave for the purpose of attending another school at which they are a registered pupil.	D
8	The pupil is absent with leave for any other purpose.	C
9	The pupil is a mobile child, their parent is travelling in the course of their trade or business and the pupil is travelling with that parent.	T
10	The day is exclusively set apart for religious observance by the religious body to which a parent of the pupil belongs.	R
11	The pupil is unable to attend because of sickness.	I
12	The pupil is unable to attend because of a lack of access arrangements for them within paragraph (12) or (13).	Q
13	The pupil is unable to attend because the school is not within walking distance of the pupil's home and the transport to and from school that is normally provided for the pupil by the proprietor or a local authority is not available.	Y1
14	The pupil is unable to attend because of widespread disruption to travel caused by a local, national or international emergency.	Y2



15	Part of the school premises is unavoidably out of use and the pupil is one of those who the proprietor thinks cannot practicably be accommodated in those parts of the premises that remain in use.	Y3
16	The pupil is unable to attend because they are in criminal justice detention within <a href="#">paragraph (14)</a> .	Y5
17	The pupil's travel to or attendance at the school would be— (a) contrary to any guidance relating to the incidence or transmission of infection or disease published by the Secretary of State for Health and Social Care or any body or authority exercising equivalent functions in relation to Scotland, Wales or Northern Ireland; or (b) prohibited by any enactment relating to the incidence or transmission of infection or disease or any instrument made under such an enactment.	Y6
18	The pupil is excluded from the school for any other reason.	E
19	The pupil is unable to attend because of any other unavoidable cause	Y7
20	The pupil is absent without leave for the purpose of a holiday.	G
21	The circumstances of the pupil's absence have not yet been established.	N
22	None of the other rows of this table applies, or this code is required to be used by <a href="#">paragraphs (7)</a> and <a href="#">(9)(b)</a> .	O

### Appendix 3: Sample Penalty Notice

London Borough of Newham - Education Penalty Notice Reference Number:

Issued under S.444(1) Education Act 1996: the child's parent(s) is/are guilty of an offence if a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, or fails to attend regularly at alternative provision.

<Parent/Carer name>

Date <Date Posted>

<Address>

<Postcode>

#### Education Penalty Notice - Offence Details

Pupil's Name: <Child's Name>

Date of Issue (posted): <Date EPN Issued>

Penalty Notice Reference: <EPN reference Number>

You are the registered parent\* of <Child's Name> (referred to in this, 'the pupil'), (Date of birth: <Child's d.o.b>) who is a registered pupil at <Full name of child's school>

Between <Offence Start Date and Offence End Date> an offence was committed in relation to <Reason for leave of absence>.

Note 1: A penalty notice is an out of court settlement which is intended to change parental behaviour without the need for a criminal prosecution. Payment of a penalty notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the penalty notice.

Note 2: The law requires an education penalty notice is issued per parent, for each child and per offence. Each PN will have its own unique penalty notice reference number.

\* A parent means:

- a) All natural parents, whether they are married or not;
- b) Any person who has parental responsibility for a child or young person; and,
- c) Any person who has care of a child or young person i.e. lives with and looks after the child.

The school in partnership with the local authority will decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day to day responsibility for a child.

## Fine Amount

Penalty notice: charged at £160 if paid within 28 days of the date of issue, reducing to £80 if paid within 21 days of the date of issue.

Note 3: If you pay the full amount required, within the time limits above, no further action will be taken against you in connection with the offence set out in this notice.

Note 4: If you do not pay the full amount you will be liable for prosecution for the offence and could be subject to a fine of up to £1,000, and given a criminal record.

Note 5: Late, part and non-payments - the law does not allow the local authority to amend the due date, payment amount or introduce a payment plan.

## How to Pay

### Telephone Payment:

Please call our automated 24-hour service on [020 8430 2000](tel:02084302000) – Option 1.

Follow the instructions ensuring you have your [Penalty Notice Reference Number \(<PN\\_Ref\\_No>\)](#) and payment card details ready.

### Secure Online Payment:

For online payments visit London Borough of [Newham Education Penalty Notice Payments](#)

Follow the instructions ensuring you have your [Penalty Notice Reference Number \(<PN\\_Ref\\_No>\)](#) and payment card details ready.

### Bank Transfer:

Payee Name: London Borough of Newham

Sort Code: XXXXXX

Account Number: XXXXXXXXXXXX

Your Penalty Notice Reference Number: [Penalty Notice Reference Number \(<PN\\_Ref\\_No>\)](#)

Note 6: Failure to include your [Penalty Notice Reference Number \(<PN\\_Ref\\_No>\)](#) will result in your payment not linking to this penalty notice and further action taken.

Note 7: Ensure you do not pay multiple penalty notices using one reference number, as each penalty notice has a unique reference number. Paying multiple notice with one Penalty Notice Reference Number will result in your payment not linking to this penalty notice and may result in further action taken.



We do not accept American Express or Diners Clubcard

#### Written representations (challenging the penalty notice)

There is no statutory right of appeal against your child's head teacher's decision to issue a penalty notice.

**Note 8:** A recipient (the parent issued a penalty notice) only has the right to challenge, in writing, the accuracy of the information included on the penalty notice, NOT the head teacher's decision to issue the penalty notice.

This notice may be withdrawn by the CME and Enforcement Team - Education Access, but only if it is shown that it should not have been issued to you because there are "material errors" (factual information) or because you are not the parent/carer of the child.

To submit written representations parents/carers must: Email [schoolpenaltynotices@newham.gov.uk](mailto:schoolpenaltynotices@newham.gov.uk) or;

Write to CME & Enforcement Team: Education Access Group, 2<sup>nd</sup> Floor West Wing, 1000 Dockside Road, E16 2QU.

Where written representations are submitted, a parent/carer must submit within 14 days of the issue date of the notice to be able to take advantage of any discounted amount that may apply to their penalty notice.

**Note 9:** The decision to authorise absence and penalty notices sits with the head teacher or principal of education establishment not the local authority.

#### Further information

Information relating to all aspects of education penalty notices can be found in our local Education Penalty Notice Code of Conduct

## Appendix D – TTLT Attendance Process

### TTLT Attendance Process – From April 2024

TTLT schools have a target of 96% attendance for all children. For children whose attendance drops below 96% with unauthorised absence, their attendance will be tracked and monitored.

This is a general process and does not take into account communication between school and parents in-between stages. Official stages should still be followed to ensure appropriate actions should further steps need to be taken.

All work with families in between steps as well as any support offered must be recorded.

<p><b>Stage 1</b></p> <p>Child's attendance drops under 96% with unauthorised absences</p>	<p>School will send an initial letter of concern outlining what the current attendance is and the impact low attendance can have. Parent invited to contact school if they would like support.</p>	<p>School Attendance Officer</p>
<p><b>Stage 2</b></p> <p>Attendance not improving with unauthorised absences.</p>	<p>School will send a second letter to outline the concern that the attendance has not improved. Letter will include what the next step may be should there be further unauthorised absences.</p>	<p>School Attendance Officer</p>
<p><b>Stage 3</b></p> <p>Further unauthorised absences.</p>	<p>School to invite parents in for a meeting. This should include SMT, SENCO, or any other appropriate school staff.</p> <p>School to send a letter following the meeting. If attended this should include what was discussed and agreed. If not attended a letter to outline next steps.</p>	<p>School Attendance Officer</p>
<p><b>Stage 4</b></p>	<p>Trust Attendance Meeting. This will be the pre prosecution meeting.</p> <p>All steps and support offered to be discussed with an action plan and review date.</p>	<p>Trust Attendance &amp; School Attendance</p>
<p><b>Step 5</b></p> <p>Further unauthorised absences or non-engagement.</p>	<p>Decision to be made which outcome depending on situation</p> <p><b>Penalty Notice</b></p> <p>School to apply for a Penalty Notice for poor attendance after Court Warning Letter &amp; Penalty sent out. (Letters 6&amp;7).</p> <p><b>Statutory Intervention</b></p> <p>Trust Attendance to make a referral for Statutory Intervention with Section 9.</p>	<p>Trust Attendance &amp; School Attendance</p>

All stages to be used alongside guidance from Working Together to Improve School Attendance document.

Chief Executive Officer **Paul Harris**

The Tapscott Learning Trust, Atlas Road, London E13 0AG

**T:** 0208 472 0290 **M:** 07983 737 569 **E:** info@ttl.academy **W:** www.ttl.academy