

Brookside Primary School
ATTENDANCE POLICY

This Policy must be read alongside the
Issuing Penalty Notices for unauthorised absence from schools
[Statutory Code of Practice \(September 2022\)](#)

Based on the OCC model policy 2022
Written – July 2023
Adopted – 3rd October 2023

Introduction:

This is a successful school and your child plays their part in making it so. We aim for an environment which enables and encourages all members of the community to reach out for excellence. For our children to gain the greatest benefit from their education it is vital that they attend regularly and your child should be at school, on time, every day the school is open unless the reason for the absence is unavoidable.

It is very important therefore that you make sure that your child attends regularly and this Policy sets out how together we will achieve this.

Why Regular Attendance is so important:

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence disrupts teaching routines so may affect the learning of others in the same class.

Ensuring your child's regular attendance at school is your legal responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

This policy works to meet the mandatory requirements laid out in [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](#)

Promoting Regular Attendance:

Helping to create a pattern of regular attendance is everybody's responsibility - parents, pupils and all members of school staff.

To help us all to focus on this we will:

- Give you details on attendance in our regular newsletters;
- Report to you at least termly on how your child is performing in school, what their attendance and punctuality rate is and how this relates to their attainments. This is done through two parent consultations and an annual written report;
- Celebrate good attendance;
- Run promotional events when parents, pupils and staff can work together on raising attendance levels across the school;
- Provide support from the pastoral team to pupils and their parents when their attendance is of concern;

- Provide referrals to the School Health Nurse if poor attendance is related to the health and wellbeing of the pupil;
- Gain support from the OCC Attendance team when needed

Understanding types of absence:

Every half-day absence from school has to be classified by the school (not by the parents), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required, preferably in writing.

Authorised absences are mornings or afternoons away from school for a good reason like illness, medical/dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause. If this occurs, school will require evidence of the appointment to be able to authorise the absence.

Unauthorised absences are those which the school does not consider reasonable and for which no "leave" has been given. This type of absence can lead to the Local Authority (County Attendance Team) using sanctions and/or legal proceedings. This includes:

- parents/carers keeping children off school unnecessarily
- truancy before or during the school day
- absences which have never been properly explained
- children who arrive at school too late to get a mark
- shopping, looking after other children or birthdays
- day trips and holidays in term time which have not been agreed
- excessive illness without medical evidence

Whilst any child may be off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If your child is reluctant to attend, never cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and usually make things worse.

You can support your child by:

- Ensuring regular and early bed times
- Helping with homework
- Having uniform and equipment prepared the night before
- Providing a healthy breakfast
- Reporting any academic or social concerns promptly
- Retaining open & honest communication with your child's school
- Being positive about school (even if your own experience was less than positive)
- Encouraging your child to invite friends home for play dates

Severe Absenteeism (SA):

A pupil becomes a 'severe absentee' when they miss 50% or more schooling across the school year for any reason. Absence at this level is doing significant damage to any child's academic and social progress which can have lifelong consequences.

All SA pupils at our school will have an Individual Attendance Plan which will incorporate multi-agency input. You will be expected to engage with all partners to improve your child's attendance to 95+%. SA pupils are our highest priority at our school.

Persistent Absenteeism (PA):

A pupil becomes a 'persistent absentee' when they miss 10% or more schooling across the school year for any reason. Absence at this level is doing considerable damage to any child's educational prospects and we need parents fullest support and co-operation to tackle this.

We monitor all absence thoroughly. Any case that is seen to have reached the PA threshold or is at risk of moving towards that threshold is given priority and you will be informed of this immediately.

PA pupils are tracked and monitored carefully through our pastoral system and we also combine this with academic mentoring where absence affects attainment.

All our PA pupils and their parents are subject to an Action Plan and the plan may include allocation of additional support through a Learning Mentor or Home School Link Worker. It will also include meeting with the Deputy Headteacher or Headteacher to discuss how your child's attendance can improve.

If your child's attendance does not improve following support from school then it will be reported to the County Attendance team who will advise as to the next steps to support your child. This may involve the school seeking your consent to complete a Strengths and Needs Form with you and consider convening a Team Around the Family. It may also involve a Penalty Notice or other legal action from the County Council as outlined below.

Absence Procedures:

If your child is absent you must:

- Contact us as soon as possible on the first day of absence;
- Call the school office and leave a message on the absence line;
- Email in on the first day they return with an explanation of the absence – you must do this even if you have already telephoned us;
- Or, you can call into school and report to reception, who will arrange for a member of staff to speak with you.

If your child is absent we will:

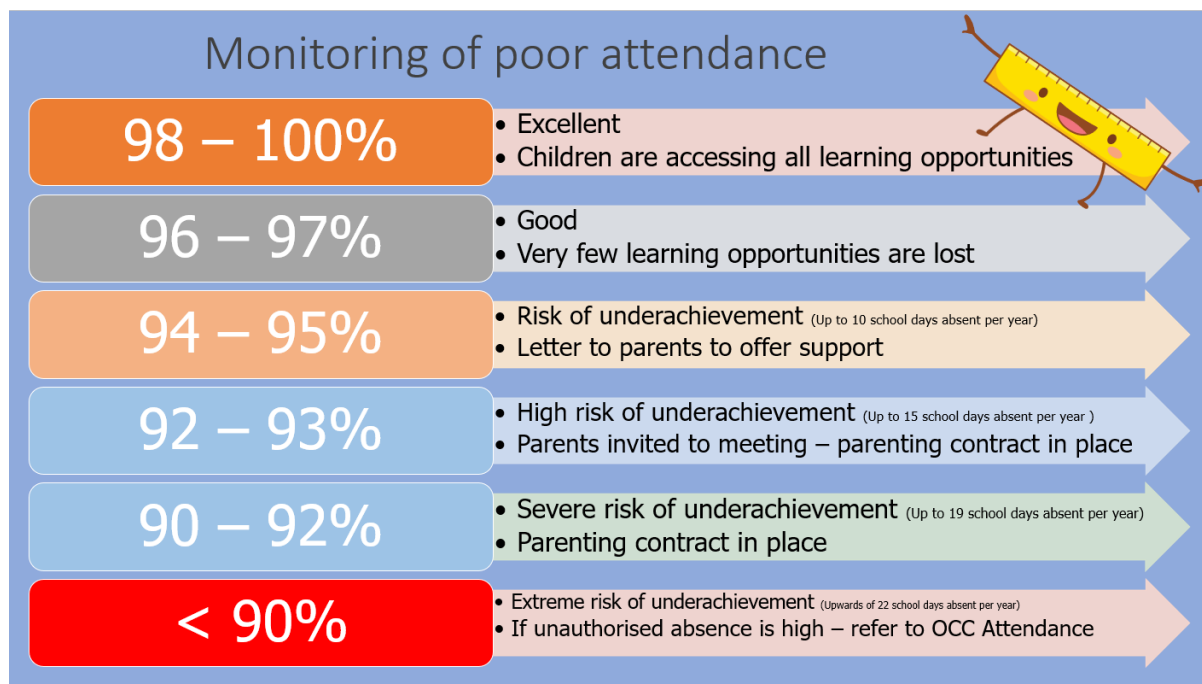
- Telephone or email you on the first day of absence if we have not heard from you;
- Invite you in to discuss the situation with our Home School Link Worker, Deputy Headteacher or Headteacher if absences persist;
- Refer the matter to the County Attendance Team if attendance moves below 90%.

If we are unable to contact you by 9.30am then we may make a home visit to check on the welfare of your child. On the third day of missed school, if we continue to have not heard from you we will contact the Local Authority Children's Services.

Contact details:

There are times when we need to contact parents about lots of things, including absence, so we need to have your current contact numbers and email addresses at all times. So, help us to help you and your child by making sure we always have an up to date number and email address – if we don't then something important may be missed. There will be regular checks on contact details throughout the year. Please ensure we have both parents and at least a third emergency contact person's contact details.

School process for supporting parents with improving their child's attendance



Parenting contracts will be issued to all parents whose attendance falls below 93%. This will take place over 20 school day and then a review will be conducted.

Parenting contracts completed to support with unauthorised absence may lead to a Penalty Notice being issued.

Attendance will be monitored on a rolling twelve months to take into account the previous academic year's attendance.

Penalty Notices

Brookside Primary School may issue Fixed Penalty Notices for pupils who have a high level of unauthorised absence of pupils. This may be because parents have taken their child on a term time holiday without the consent of the headteacher. A formal warning letter, sent each September, pre-empt the issue of a Penalty Notice. A parenting contract will be used to support parents where their unauthorised attendance falls below the expected standard

Use of Penalty Notices should be restricted to one pupil every academic year for unauthorised absence, or on the occasion of every unauthorised holiday taken during term time. Where a second holiday in term time has been taken without authorisation of the Headteacher, a criminal prosecution at the Magistrates Court will be considered in lieu of second and subsequent Penalty Notices.

If a Penalty Notice is issued by Oxfordshire County Council then the Penalty is £60 if paid within 21 days or receipt of the notice, increasing to £120 if paid between day 21 and day 28. Failure to pay a Penalty Notice within the prescribed period may result in prosecution for the underlying offence of failure to secure regular school attendance. The County Council retains any revenue from Penalty Notices.

The guidance provided in the most recent OCC Statutory Code of Practice will be followed to support children with their attendance.

The County Attendance Team:

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the County Attendance Team at Oxfordshire County Council. At the school's request, they may issue a Penalty Notice per parent/carer, per child

(currently £60 rising to £120 if unpaid after 21 days. If unpaid after 28 days a summons to Court will be issued for each unpaid Penalty Notice for prosecutions in the Magistrates Court. This can result in a criminal record and a fine of up to £2,500, a Community Order, Parenting Order or ultimately a custodial sentence). The legislation is the Education Act 1996 sec. 444(1) and 444(1A).

The County Attendance Team, with the school, will encourage you to engage with an Early Help Assessment. Education Supervision Orders may be discussed with you to support rapidly improved attendance.

Parents that have previously been issued with Penalty Notices for their children's unauthorised absences, in the event of further unauthorised absences may receive summonses to Court.

Alternatively, parents or children may wish to contact the County Attendance Team themselves to ask for help or information. They are independent of the school and will give impartial advice. Their telephone number is 01865 323513 attendance@oxfordshire.gov.uk

Brookside school uses the template letters provided by Oxfordshire County Council Attendance team.

Lateness:

Poor punctuality is not acceptable. If your child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, it can be embarrassing for the child and can also encourage absence.

How we manage time keeping:

The school day starts at 8.45 a.m. and we expect your child to be in class at that time.

Registers are marked by 8.55 a.m. and your child will receive a late mark if they are not in by that time.

At 9.15 a.m. the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site, but this will not count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of a Penalty Notice if the problem persists.

Whilst there is no mandatory time for pm registration, the school will seek to take the register directly following the lunchtime period at 1pm in order to support safeguarding and early identification of pupils who are Late to return or whom do not return.

If your child has a persistent late record you will be asked to meet with the Deputy Headteacher, Headteacher or Home School Link Worker to resolve the problem, but you can approach us at any time if you are having problems getting your child to school on time.

Exceptional Leave:

Taking holidays in term time will affect your child's schooling as much as any other absence and we expect parents to help us by not taking children away in school time. Remember that any savings you think you may make by taking a holiday in school time are offset by the cost to your child's education.

There is no automatic entitlement in law to time off in school time to go on holiday.

1. It is widely known that the link between a student's attendance and attainment is irrefutable.
2. Early poor attendance habits follow through into secondary school, further education and employment.
3. All schools in Oxfordshire are encouraged to adopt a policy of not authorising Exceptional Leave.
4. The Head Teacher will meet personally with every family applying for Exceptional Leave to stress the importance of good school attendance habits and links between attendance & attainment.
5. Exceptional Leave is most unlikely to be authorised in Years 2, 6, 9 and 11.
6. Exceptional leave is most unlikely to be authorised when a student's attendance is less than 95%.
7. Exceptional leave should always be refused when school is aware of any truancy.
8. Exceptional leave should always be refused when requests are regular (annual) or when patterns become identifiable.
9. Reasons for Exceptional Leave should be logged on the pupil's record and shared as part of the transfer/transition process.

The County Attendance Team can issue Penalty Notices for any unauthorised 'Exceptional Leave'. Penalty Notices can be issued to each parent/carer concerned. Please note that it will be per parent per child. Payment within 21 days of receipt of notice is £60 and £120 if paid after this period but within 28 days. If the Penalty Notice remains unpaid after 28 days you will each receive a summons to Oxford Magistrates Court. If unauthorised leave is repeated the County Attendance Team may summons each parent to Court without a Penalty Notice being issued.

School targets, projects and special:

The school has targets to improve attendance and your child has an important part to play in meeting these targets.

Targets for the school are displayed in the school and you should take time to study them.

The minimum level of attendance for this school is 96% attendance and we will keep you updated regularly about progress to this level and how your child's attendance compares.

Our target is to achieve better than this however because we know that good attendance is the key to successful schooling and we believe our pupils can be amongst the best in Oxfordshire.

Through the school year we monitor absences and punctuality to show us where improvements need to be made.

Information on any projects or initiatives that will focus on these areas will be provided in our school newsletter and we ask for your full support.

We analyse all absence carefully and draw trends based on pupils' characteristics, vulnerabilities, days of the week, subjects missed and repeat illnesses. We focus our attention on addressing these trends of absence.

Summary:

The school has a legal duty to report and publish its absence figures & its attendance policy to parents and to promote attendance. School attendance data must be available to Oxfordshire County Council and the Department for Education. Our school is obliged to share all attendance data daily with our Oxfordshire County Council and the Department for Education. Equally, parents have a duty to make sure that their children attend regularly and on time.

We have a lead Governor who scrutinises our attendance arrangements on behalf of all our pupils.

All school staff are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible. Regular attendance supports optimising your child's attainment, mental health and social well-being.

Any parent whose child's attendance falls below 90% will be asked to sign the attendance policy below;

I have read and understood the terms and conditions of the attendance policy at Brookside School.

Signed:

Name:

Date:

Child's Name:

Year:

STATUTORY CODE OF PRACTICE
The County Attendance Team
Learner Engagement Services – Children
Education and Families Directorate

Issuing Penalty Notices for unauthorised absence from schools

September 2022

(downloaded September 2023)

1. FRAMEWORK

- 1.1 The purpose of this code of practice is to ensure that suitable arrangements are in place for the administration of Penalty Notice Fines and that the associated powers are applied consistently and fairly across the local authority area.
- 1.2 The law empowers designated county council officers, head teachers, or the police to issue Penalty Notices in cases of unauthorised absence from school for pupils of compulsory school age. This code is for their use.
- 1.3 Penalty Notices can be issued to parents and those with parental responsibility in the circumstances outlined in this code. In this context, any reference to a “parent” means:
 - natural parents (irrespective of whether they are married or live with the child)
 - a person who (although not a natural parent) has either parental responsibility for, or care of a child. A person having care of a child lives with and looks after the child, irrespective of their relationship to the child.
- 1.4 Penalty Notices may be issued in respect of unauthorised absence of pupils registered in maintained schools, academies, free schools, alternative provision providers in Oxfordshire and, under certain circumstances, independent schools.

2. RATIONALE

- 2.1 Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. Failure by a parent to secure their child’s regular attendance at the school where the child is registered is a criminal offence for which the parent may be prosecuted in the Magistrates’ Court.
- 2.2 A Penalty Notice is an alternative to prosecution and is one of a range of options available to local authorities to encourage school attendance. The aim is to support parents to meet their responsibilities in law. These options will be used only where parental cooperation in this process is either absent or deemed insufficient to resolve the presenting problem. Penalty Notices will only be used where there is a reasonable expectation that their use will secure an improvement. They offer a means of swift intervention at an early stage, before attendance problems become entrenched. Whatever action is taken, parents and pupils will continue to be supported by school, with the aid of other agencies if appropriate, to overcome apparent barriers to regular attendance, through a range of intervention strategies. For further information please see [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/working-together-to-improve-school-attendance)

- 2.3 The aim is:
- to ensure consistent and equitable delivery of Penalty Notices
 - to allow schools to maintain good relationships with parents
 - to allow cohesion with other enforcement sanctions and
 - to comply with statutory and other requirements
- 2.4 Whilst not a strict requirement of the Code, it is strongly recommended and anticipated that schools undertake annual training to maintain high standards and to keep up to date with current legislation and guidance. This training is available from the County Attendance Team at a cost subsidised by the County Council.

3. CIRCUMSTANCES WHERE A PENALTY NOTICE MAY BE ISSUED

- 3.1 Before making a Penalty Notice referral to the local authority, school staff should carry out a thorough investigation of the pupil's circumstances, reasons for absence and have considered referring to other agencies for support. Early Help Assessment is the best tool for this work. Following such investigations, Head Teachers (or those listed at 1.2) are required to determine each case on its individual circumstances taking into account the results of any investigation, any other relevant information, any guidance, the school attendance policy, this code and the law.
- 3.2 A formal warning letter pre-empts the issue of a Penalty Notice. Warning letters (and then Penalty Notices) may only be issued as a consequence of unauthorised absences. Whilst there is no restriction on the number of times a parent may receive a formal warning of a possible Penalty Notice, these should be used sparingly for maximum impact. Warnings should only be used where there is an intention to follow through to enforcement where appropriate.
- 3.3 Use of Penalty Notices should be restricted to one per pupil every academic year for unauthorised absence, or on the occasion of every unauthorised holiday taken during term time. Each parent of the pupil may be issued with their own Penalty Notice. In cases where there is more than one irregularly-attending pupil in a family, Penalty Notices may be issued to each parent in respect of each pupil. This decision will involve careful consideration and consultation between school and the County Attendance Team. Where a second holiday in term time has been taken without authorisation of the Headteacher, a criminal prosecution at the Magistrates Court will be considered in lieu of second and subsequent Penalty Notices.
- 3.4 The issue of Penalty Notices to parents may be considered in the following circumstances:
- A permanently excluded or suspended pupil is present, without reasonable justification, in a public place during school hours during the first five days of a permanent exclusion or suspension.
 - there have been at least six unauthorised absences (six half days or 3 full days) in a period of six consecutive school weeks and this is in breach of the school's attendance policy.

Unauthorised absence includes:

- Absence for which no explanation was provided, or the school was not satisfied with the explanation given;
- Late arrival at school after the registers have closed;
- Holidays taken during term-time for which permission in advance was not granted by the Headteacher;
- Failure to return to school after a period of authorised absence or after a suspension.

3.5. Penalty Notices should not be issued where:

- a pupil is "Looked After" (as defined by law in the Children Act 1989), as other interventions should be used. In Oxfordshire, we use the term Children We Care For.
- it is clear that any legal and other requirements have not been complied with.

3.6. A Penalty Notice must be requested by schools of the County Attendance Team within 10 school days of the unauthorised absence taking place. For Penalty Notices required for unauthorised holidays/leave of absence, requests should also be made within 10 school days of the child returning to school.

3.7 Any school wishing to utilise the Penalty Notice tool to improve attendance needs to articulate this possibility in their school Attendance Policy which needs to be reviewed regularly, ratified by Governors and available to parents.

4. PROCEDURE FOR ISSUING PENALTY NOTICES

4.1 In Oxfordshire, the County Attendance Team will issue Penalty Notices. If the correct procedure is not followed by schools, the County Attendance Team has discretion to decline the request or advise further action to be taken before a Penalty Notice is issued. This will avoid the possibility of inconsistent use of Penalty Notices across the county.

4.2 Penalty Notice Warning Letters (a warning letter) may be issued by those listed at 1.2.

4.3 Parents must be sent a warning letter for unauthorised absence in term time before a Penalty Notice is issued. Where the unauthorised absence is for reasons other than a term-time holiday, the warning letter should indicate the period of time over which improvement in attendance is expected (typically no longer than 15 school days), as otherwise a Penalty Notice will be issued.

- 4.4 A warning letter may not necessarily be considered appropriate for unauthorised holiday if the unauthorised absence was not expected by the Head Teacher, as long as the school's attendance policy is clear that holidays in term time will not be authorised. A judgement should be made about how best to proceed in these circumstances, with the ultimate decision held with the Local Authority.
- 4.5 Precedent forms must be used to make sure that the content complies with legal requirements. Precedents are available from the Attendance Team and are provided as part of the training (2.4). (The County Attendance Team can issue warning letters at the request of the school at a cost).
- 4.6 Penalty Notices will only be issued by first class post and never as an on the spot action (e.g. during a truancy sweep). This is to ensure that correct procedures are followed and to ensure staff safety.
- 4.7 Where schools, the police or neighbouring local authorities consider the issuing of a Penalty Notice is appropriate, this request will be investigated and actioned by the County Attendance Team provided that:
- it is appropriate to do so in the circumstances, which includes that to do so would not conflict with other enforcement sanctions or action being taken
 - there is a reasonable expectation that to issue a Penalty Notice would improve attendance.
 - all necessary information and documentation are provided promptly to the County Attendance Team in order to establish that an offence has been committed.
- 4.8 The County Attendance Team should respond to all requests within 10 working days of receipt, and where all criteria are met, will issue a Penalty Notice.
- 4.9 Non-payment of Penalty Notices will usually result in prosecution for non-attendance through the Single Justice process at the Magistrates Courts.
- 4.10 Warning letters are required prior to the issuing of a Penalty Notice. Save for a significant and immediate improvement in attendance following receipt of a Warning letter, a Penalty Notice will be issued provided that the conditions specified in the warning letter, by which the parent would avoid a Penalty Notice, have not been met.

5. PROCEDURE FOR THE WITHDRAWAL OF PENALTY NOTICES

- 5.1 Once issued, a Penalty Notice should only be withdrawn in the following circumstances: -
- proof has been established that the Penalty Notice was issued to the wrong person;
 - that it contains material errors;
 - it ought not to have been issued

6. PAYMENT OF PENALTY NOTICES

- 6.1 Arrangements about how to pay are outlined in Penalty Notice documentation.
- 6.2 Timely payment of a Penalty Notice discharges the parents' liability for the offence specified on the Penalty Notice. This means the parent cannot be prosecuted subsequently for the same period. However, the issue of an earlier Penalty Notice (or failure to pay) may be relevant to what action is taken over subsequent offences and this information may be given in evidence in any later court proceedings in accordance with relevant legal provisions.
- 6.3 The Penalty is £60 if paid within 21 days of receipt of the notice, increasing to £120 if paid between day 21 and day 28. This amount is prescribed by the Education Penalty Notices (England) Regulations 2007. Failure to pay a Penalty Notice within the prescribed period may result in prosecution for the underlying offence of failure to secure regular school attendance.
- 6.4 The County Council retains any revenue from Penalty Notices. This is used to off-set the cost of early intervention and prevention attendance work with parents and schools.

7. NON-PAYMENT OF PENALTY NOTICES

- 7.1 Where a fine is not paid after 28 days, the County Attendance Team may refer the case to the County Solicitor for prosecution. The County Solicitor has final discretion over whether to prosecute.

8. POLICY AND PUBLICITY

- 8.1 Schools that wish the local authority to issue Penalty Notices must include information about this possibility in their attendance policies and bring it to the attention of parents.
- 8.2 The local authority will include information about the use of Penalty Notices and other enforcement sanctions in promotional/public information material.

9. REVIEW

- 9.1 The County Attendance Team will review this code and Penalty Notice use when required or otherwise biannually.

Signed Dr Deborah Bell
Learner Engagement Head of Service
Oxfordshire County Council

Dated:

This Code of Practice will be reviewed in 2023 or earlier in the event of a change in the pertinent legislation

Brookside Appendix

Penalty Notice Letter (sent each September)

Dear Parents and Carers,

PENALTY NOTICES FOR TERM-TIME HOLIDAYS

Brookside school is committed to ensuring that your child receives the best possible education to prepare them for the next stage of their life. Each school day is carefully planned, and each lesson informs a wider programme of learning. Therefore, every lesson really does count. Your child is a valued member of our school community and every day missed is a day's education lost.

It is the policy of this school not to authorise absence for holidays during term-time. While advance permission can be given in exceptional circumstances, this is rare and can only be granted by me in my capacity as Head Teacher. Any such request should be addressed to me in writing before the holiday is taken and you should not assume that permission will be granted.

If a term-time holiday is taken without permission, the absence will be recorded as unauthorised and a referral may be made to the County Attendance Team. This may result in the issue of an Education Penalty Notice under section 444A Education Act 1996 in respect of each absent child, to each parent/carer. The current penalty is £60 per parent per child, rising to £120 per parent per child if not paid within 21 days.

Penalty notices are intended as an alternative to prosecution. If the penalty is not paid in full within 28 days, the usual consequence is a Magistrates' Court prosecution for the underlying section 444(1) Education Act 1996 offence of failure to secure regular school attendance. If further instances of unauthorised absence occur despite a penalty notice having previously been issued, or if the child's attendance is an ongoing matter of concern, the local authority may consider prosecution in any event.

We would ask that all parents and carers consider any request for leave very carefully and work with us to promote full attendance and access to education. If you would like support with ensuring your child is able to attend school regularly then please contact the school office as we can put help in place for both your child with the Learning Mentors and the family with guidance from the Home School Link Worker or the School Health Nurse.

Please receive this letter as a positive approach which seeks to avoid the necessity for this action.

Yours sincerely

Head Teacher