

Policy: PUPIL ATTENDANCE POLICY

Reviewed by: FGB

Date reviewed: September 2024

Date approved at FGB: 1st October 2024

Date to be reviewed: Oct 25

Review period for this policy: 1 year

This policy includes guidance on:



Lunsford Primary School

PUPIL ATTENDANCE POLICY

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

Name: Gary Anscombe (Headteacher)

Email address/ contact details:

Email: headteacher@lunsford.kent.sch.uk

Tel: 01732 843352

The name and contact details of the school staff member pupils and parents should contact about attendance on a day-to-day basis is: Name: Kate Mead (Office Manager) Email address/ contact details:

Email: office@lunsford.kent.sch.uk

Tel: 01732 843352

The name and contact details of the school staff member pupils and parents should contact for more individual support with attendance (Family Liaison Officer): Name: Amy Taylor (Family Liaison Officer)

Email address/ contact details:

Email: ataylor@lunsford.kent.sch.uk

Tel: 01732 843352

Staff consulted:

Ratified by the Governing Body:

Review Date: *Annual review*

Lunsford Primary School

Pupil Attendance Policy

Introduction and Background

Lunsford Primary School recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school.

Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

The DfE has produced guidance for maintained schools, academies, independent schools, and local authorities: Working together to improve school attendance. Our Attendance Policy reflects the key principles of that guidance. <https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

This policy is written with the above guidance in mind and underpins our school ethos to:

- promote children's welfare and safeguarding
- ensure every pupil has access to the full-time education to which they are entitled
- ensure that pupils succeed whilst at school
- ensure that pupils have access to the widest possible range of opportunities at school, and when they leave school

It has been developed in consultation with school governors, teachers, local Headteacher Associations, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the schools' commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued
- Raising awareness of the importance of good attendance and punctuality

- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable. It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the *Headteacher*, not the parent, who can authorise the absence.

Promoting Regular Attendance

At Lunsford Primary School, we believe in developing good patterns of attendance and set high expectations for the attendance and punctuality for all our pupils from the outset. It is a central part of our school's vision, values, ethos, and day to day life. We recognise the connections between attendance, attainment, safeguarding and wellbeing.

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

Gary Anscombe (Headteacher)

Email: headteacher@lunsford.kent.sch.uk

Tel: 01732 843352

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we will:

- Give parents/carers details on attendance in our newsletters
- Celebrate excellent attendance by displaying and reporting individual and class achievements
- Reward good or improving attendance. We use a variety of weekly, termly and annual rewards to promote good attendance and punctuality. We celebrate this good attendance by rewarding both children and families.
- Report to parents/carers regularly on their child's attendance
- Contact parents/carers should their child's attendance fall below the school's target for attendance.

Understanding Types of Absence

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and allowing absence from school without a good reason creates an offence in law and may result in prosecution.

Every half-day absence from school has to be classified by the school (not by the parent), as either authorised or unauthorised. This is why information about the cause of any absence is always required. Each half-day is known as a 'session'.

Authorised absences are morning or afternoon sessions away from school for a genuine reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

Unauthorised absences are those which the school does not consider reasonable and for which no 'leave' has been granted. This type of absence can lead to the school referring to the Local Authority for penalty notices and/or legal proceedings.

Unauthorised absence includes, however is not exhaustive:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night, or for non-infectious illness or injury that would not affect their ability to learn
- absences which have never been properly explained
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes, however is counted as an absence for the session
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
 - their own or family birthdays
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher - may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority
- day trips
- other leave of absence in term time which has not been agreed

Persistent Absenteeism (PA)

A pupil is defined by the Government as a 'persistent absentee' when they miss 10% or more schooling across the school year for any reason; this can be authorised or unauthorised absence. Absence at this level will cause considerable damage to any pupil's education and we need the full support and cooperation of parents to resolve this.

Absence Procedures

The name and contact details of the school staff member pupils and parents should contact about attendance on a day to day basis is: Name: Kate Mead (Office Manager) Email address/ contact details: Email: office@lunsford.kent.sch.uk
Tel: 01732 843352

We monitor all absence, and the reasons that are given, thoroughly.

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

- Contact the school on the first day of absence before 9.00 *am*. The school has an answer phone available to leave a message if nobody is available to take your call, or you may call into school personally and speak to the office staff

- Contact the school if your child has been absent from school for more than 3 consecutive days to update the school on your child's current condition, again before 8.50 *am*
- Ensure that your child returns to school as soon as possible and you provide any medical evidence, if requested, to support the absence

If your child is absent we will:

- Text and telephone you on the first day of absence, if we have not heard from you, however it is your responsibility to contact us
- If we are unable to make contact with parents by telephone, we will telephone emergency contact numbers, send letters home and a home visit may be made in the interests of safeguarding
- A referral will be made to the Local Authority if no contact has been made with parents by the 10th day of absence (or sooner if deemed appropriate), at which point your child will be considered to be "missing from education."

If absence continues we will:

- Write to you if your child's attendance is below 95%, or where punctuality is a concern
- Invite you into school to discuss the situation with our Family Liaison and or Headteacher if absences persist
- Create a personalised action/support plan to address any barriers to attendance
- Offer signposting support to other agencies or services if appropriate
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions

Lateness

Poor punctuality is not acceptable and can contribute to further absence. Good time-keeping is a vital life skill which will help children as they progress through their school life and out into the wider world.

Pupils who arrive late disrupt lessons and, if a child misses the start of the day, they can feel unsettled and embarrassed, miss vital work and important messages from their class teacher.

The times of the start and close of the school day for all pupils in Reception and KS1 are:

Gates open: 8.30 *am*

Registration closes: 8.50 *am*

End of the school day: 3.00 *pm*

The times of the start and close of the school day for all pupils in KS2 are:

Gates open: 8.40 *am*

Registration closes: 8.50 *am*

End of the school day: 3.10*pm*

How we manage lateness:

- The school day starts at 8.30am when children can begin to come into school in Reception and KS1 and 8.40am when the children in KS2 can begin to come in.
- Registers are taken at 8.50am and your child will receive a late mark 'L' if they are not in by that time
- Children arriving after 8.50am are required to come into school via the school office. If accompanied by a parent/carer they must sign them into our 'Late Book' and provide a reason for their lateness which is recorded
- At 9.20am the registers will be closed. In accordance with the Regulations, if your child arrives after that time, they will receive a mark that shows them to be on site - 'U', but this will not count as a present mark and it will mean they have an unauthorised absence
- The school may contact parents/carers regarding lateness
- From time to time a member of school staff will undertake a 'Late Gate' check, greeting late arrivals at the main entrance to the school.

Unauthorised lateness could result in the school referring to the Local Authority for sanctions and/or legal proceedings. If your child has a persistent late record, you will be asked to meet with our Family Liaison Officer and/or the Headteacher but you can approach us at any time if you are having difficulties getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

Understanding barriers to attendance

Whilst any child may occasionally have time off school because they are too unwell to attend, sometimes they can be reluctant to attend school. Any barriers preventing regular attendance are best resolved between the school, the parents and the child. If a parent thinks their child is reluctant to attend school, then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this, such as the School Nurse, Mental Health and Emotional Wellbeing support services, a Child and Family Support Worker or the relevant Local Authority team/s. Where outside agencies are supporting the family, you may be invited to attend a Team Around the Family meeting (TAF) to consider what is working well and what needs to improve. An individualised early help plan will be agreed and subsequently reviewed.

Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long-term medical conditions or who have special educational needs and disabilities, or other vulnerabilities. High expectations of attendance remain however, we will work with families and pupils to support improved attendance whilst being mindful of the additional barriers faced. We can discuss reasonable adjustments and additional support from external partners where appropriate.

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

The name and contact details of the school staff member pupils and parents should contact for more detailed support with attendance - Family Liaison Officer: Name: Amy Taylor (Family Liaison Officer)
Email address/ contact details:

Email: ataylor@lunsford.kent.sch.uk

Tel: 01732 843352

Local Authority attendance support services

Local Authority Attendance Specialists work strategically by offering support to schools, families, and other professionals to reduce persistent absence and improve overall attendance.

Parents are expected to work with the school and local authority to address any attendance concerns. Parents should proactively engage with the support offered, aiming to resolve any problems together. This is nearly always successful. If difficulties cannot be resolved in this way, the school may consider more formal support and/or refer the child to the Local Authority. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex B for the Kent Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

School Attendance and the Law

By law all children of compulsory school age must receive an appropriate full-time education (Education Act 1996). Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered.

Parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

Unauthorised absence may result in the school referring to the Local Authority for sanctions and/or legal proceedings. This may include issuing each parent with a Penalty Notice for £160, reduced to £80 if paid within 21 days (1st offence), if a further 10 or more (5 days) of unauthorised absence, in a 10 school week period occurs within 3 years from the date of issue of first penalty notice, the amount will be: £160 per parent, per child paid within 28 days. There will be no option to pay the lower rate of £80 (2nd offence). If another 10 or more (5 days) of unauthorised absence, in a 10 school week period occurs within 3 years from the date of issue of first penalty notice, referral to the Kent PRU (Pupil Referral Unit) and Attendance Service for further action will be made (3rd Offence).

See Annex B for the Kent Code of Conduct.

There is no entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional

circumstances" and they no longer have any discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school in accordance with the Kent Code of Conduct.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, however, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two calendar weeks of September due to a term-time holiday.

At Lunsford Primary School 'exceptional circumstances' will be interpreted as:

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the headteacher). The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time, outside of school term time.

We will not consider applications for leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class at the start of the academic year as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

Deletion from Roll

For any pupil leaving Lunsford Primary School, other than at the end of year 6 carers are required to complete a 'Pupils moving from *school*' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know the whereabouts and appropriately safeguard all of our pupils, even those who leave us.

It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

Under Pupil Regulations 2006, all schools are now legally required to notify their Local Authority of every new entry to the admission register within five days of the pupil being enrolled. In addition to this, every deletion from the school register must also be notified to the Local Authority, as soon as the ground for deletion has been met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register. This duty does not apply when a pupil's name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school.

Absence data

We use data to monitor, identify and support individual pupils or groups of pupils when their attendance needs to improve. Persistently absent pupils are tracked and monitored carefully. We also combine this with academic tracking as increased absence affects attainment.

We share information and work collaboratively with other schools in the area, local authorities, and other partners when absence is at risk of becoming persistent or severe.

Summary

The school has a legal duty to publish its absence figures to parents and to promote attendance. Equally, parents have a duty to make sure that their children attend school, on time, every day.

All school staff and the Governing Body are committed to working with parents and pupils as this is the best way to ensure as high a level of attendance at our school as possible.

Annex A: DfE guidance Summary table of responsibilities for school attendance. Sept 2022

All pupils

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

Pupils at risk of becoming persistently absent

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered to prevent the need for more formal support.</p>	<p>Proactively use data to identify pupils at risk of poor attendance.</p> <p>Work with each identified pupil and their parents to understand and address the reasons for absence, including any in-school barriers to attendance.</p> <p>Where out of school barriers are identified, signpost and support access to any required services in the first instance.</p> <p>If the issue persists, take an active part in the multi-agency effort with the local authority and other partners. Act as the lead practitioner where all partners agree that the school is the best placed lead service. Where the lead practitioner is outside of the school, continue to work with the local authority and partners.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Hold a termly conversation with every school to identify, discuss and signpost or provide access to services for pupils who are persistently or severely absent or at risk of becoming so.</p> <p>Where there are out of school barriers, provide each identified pupil and their family with access to services they need in the first instance.</p> <p>If the issue persists, facilitate a voluntary early help assessment where appropriate. Take an active part in the multi-agency effort with the school and other partners. Provide the lead practitioner where all partners agree that a local authority service is best placed to lead. Where the lead practitioner is outside of the local authority, continue to work with the school and partners.</p>

Persistently absent pupils

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

Severely absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>Agree a joint approach for all severely absent pupils with the local authority.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>All services should make this group the top priority for support. This may include a whole family plan, consideration for an education, health and care plan, or alternative form of educational provision.</p> <p>Be especially conscious of any potential safeguarding issues, ensuring joint working between the school, children's social care services and other statutory safeguarding partners. Where appropriate, this could include conducting a full children's social care assessment and building attendance into children in need and child protection plans.</p>

Support for pupils with medical conditions or SEND with poor attendance

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Maintain the same ambition for attendance and work with pupils and parents to maximise attendance.</p> <p>Ensure join up with pastoral support and where required, put in place additional support and adjustments, such as an individual healthcare plan and if applicable, ensuring the provision outlined in the pupil's EHCP is accessed.</p> <p>Consider additional support from wider services and external partners, making timely referrals.</p> <p>Regularly monitor data for such groups, including at board and governing body meetings and with local authorities.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Work closely with relevant services and partners, for example special educational needs, educational psychologists, and mental health services, to ensure joined up support for families.</p> <p>Ensure suitable education, such as alternative provision, is arranged for children of compulsory school age who because of health reasons would not otherwise receive a suitable education.</p>

Support for pupils with a social worker

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Inform the pupil's social worker if there are any unexplained absences and if their name is to be deleted from the register.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Regularly monitor the attendance of children with a social worker in their area.</p> <p>Put in place personal education plans for looked-after children.</p> <p>Secure regular attendance of looked-after children as their corporate parent and provide advice and guidance about the importance of attendance to those services supporting pupils previously looked after.</p>



KENT COUNTY COUNCIL

EDUCATION PENALTY NOTICES

CODE OF CONDUCT

From 19th August 2024

1. 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 Kent County Council. The code sets out the arrangements for administering penalty notices in Kent County Council 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

2. This code has been drawn up in consultation with the headteachers and governing bodies of state-funded schools in Kent.

Legal basis

3. 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).
4. The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.
5. A penalty notice can only be requested by an authorised officer: that is, a headteacher or a deputy or assistant head authorised by them. Kent County Council is the issuing authority.
6. 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.
7. The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in Section 576 of the Education Act 1996. This defines 'parent' as:
 - All natural parents, whether they are married or not.
 - Any person who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person.
 - Any person who, although not a natural parent, has care of a child or young person.Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is a parent in education law.

Under this code of conduct, a penalty notice can be issued to each parent believed to be liable for the offence or offences. **Rationale**

8. Research published by the Department for Education in May 2022 found pupils with higher attainment at KS2 and KS4 had lower levels of absence over the key stage compared to those with lower attainment.
 - Pupils who did not achieve the expected standard in reading, writing and maths in 2019 had an overall absence rate of 4.7% over the key stage, compared with 3.5% among pupils who achieved the expected standard and 2.7% among those who achieved the higher standard.
 - Pupils who did not achieve grade 9 to 4 in English and maths GCSEs in 2019 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who

achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and maths.

9. For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.

10. Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the DfE's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

11. 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
- they are the most appropriate tool to change parental behaviour and improve attendance for that particular child.

When may a penalty notice for absence be appropriate?

12. When the national threshold has been met: when a school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not. The national threshold has been met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks¹, with one of, or a combination of the following codes:

- code G (the pupil is absent without leave for the purpose of a holiday or unauthorised leave of absence.
- code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies), and
- code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

13. If repeated penalty notices are being issued and they are not working to change behaviour they are unlikely to be most appropriate tool. The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be used. Kent County Council will consider applying for summons for prosecution in the Magistrates' Court for such cases.

14. 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.

15. A penalty notice may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first 5 days of a suspension or permanent exclusion. The school must have notified the parents of the days the pupil must not be present in a public place. This type of penalty notice is not included in the National Framework and therefore not subject to the same considerations about support being provided or count towards the limit as part of the escalation process in the case of repeat offences for non- attendance.

¹ A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week 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).

Key considerations prior to the issue of a Penalty Notice for school absence

16. The following considerations will be made before issuing (or requesting that another authorised officer issues) a penalty notice to ensure consistency of approach:

- Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010?
- Is it in the public interest to issue a penalty notice in this case given Kent County Council would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment?
- In cases where support is appropriate, consider on a case-by-case basis: Has sufficient support already been provided? Sufficient support will usually include: Correspondence and telephone calls with parents, inviting parents to a meeting to discuss attendance and supportive intervention to improve attendance? .This may include support from KCC services, health services, and partners in the voluntary and community sectors (VCS)

If the answer to the above questions is 'yes', then a penalty notice (or a notice to improve in cases where support is appropriate) will usually be issued.

In cases where support is not appropriate (for example, for holidays in term time), consider on a case by case basis:

Notice to improve

17. A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a notice to improve should usually be sent to give parents a final chance to engage in support.

Kent schools will issue a notice to improve for parentally-condoned absence and unauthorised absence.

It will not be necessary to issue a notice to improve for term time holidays or leave of absence.

The Notice to Improve must include:

- Details of the pupil's attendance record and details of the offences (a copy of the registration certificate should be included).
- The date range in which 10 or more unauthorised absences occurred.
- The benefits of regular attendance and parents' duty under section 7 of the Education Act 1996.
- Details of the support provided so far.
- Opportunities for further support and the option to access previously provided support that was not engaged with.

- A clear warning that a penalty notice may be issued or prosecution considered if attendance improvement is not secured within the improvement period.
- A clear timeframe for the 20 school day improvement period detailing to and from dates.
- Details of what sufficient improvement within that timeframe will look like.

At the end of an unsatisfactory monitoring period, schools may request a penalty notice to be issued if this is considered this is the best course of action to improve attendance. The referral should include evidence of support offered by the school prior to issuing the notice to improve. The notice to improve must comply with Department for Education requirements.

18. Kent County Council (as the issuing authority) will issue a penalty notice if all aspects of the Code of Conduct have been met and as the independent prosecutor, will check reasoning on whether a penalty notice should be issued or not, including whether sufficient support has been provided before issuing a penalty notice.

19. Kent County Council has stringent systems in place to record penalty notices issued in relation to each child to ensure that no more than 2 in 3 years are issued.

Payment of Penalty Notice fines

20. Arrangements for payment will be detailed within the Penalty Notice.

- The first penalty notice issued to the parent for a child will be charged at

£80 if paid within 21 days, rising to £160 if paid between days 22 and 28.

- 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 offence, the second notice is charged at a flat rate of £160 and is payable within 28 days. **There is no reduced sum available in this instance.**

- Part payments or payment plans are not acceptable and fines must be paid in full within 21 or 28 days, at the rate specified within the penalty notice.

- Payment after the deadline may be accepted in exceptional circumstances. In this situation, the higher amount of £160 is usually payable and must be paid immediately and in full.

- When paying a penalty notice fine, parents are essentially agreeing to an out of court settlement in respect of the unauthorised absences to which the notice refers. Payment in full against the penalty notice discharges the parent's legal responsibility for the period of unauthorised absence outlined in the Notice and the parent cannot be subsequently prosecuted for that period.

- Any revenues collected through the system must be ring-fenced to administer the penalty notice system and prosecute for the original offence in cases of non-payment. If a surplus remains after the system has been administered and any non-payers have been prosecuted, this can be spent on the local authority's attendance support offer.

21. When a third or subsequent period of unauthorised absence occurs during a 3 rolling year period and the school wish legal action to be considered, a penalty notice request should be made as usual including supporting documentation. Information regarding previous penalty notices should be provided if known.

22. Kent County Council will not issue a penalty notice but will contact the Headteacher to request additional evidence. The matter will be considered for prosecution via the Single Justice

Procedure. This process is only to be used for absence due to term-time holidays or unauthorised leave of absence. For instances where 2 penalty notices have been issued within a 3 year period for parentally condoned absence or persistent lateness after the register has closed, the school must consult with Kent PRU and Attendance Service.

23. Kent County Council will inform the school when penalty notices are withdrawn. If prosecution is being considering following non-payment, Kent County Council will contact the school for pre-prosecution checks.

24. If the school is not contacted following a penalty notice request, an assumption can be made that the penalty notice has been issued and paid. If schools wish to enquire about penalty notices, they should email attendance.enforcement@kent.gov.uk ensuring Penalty Notice status request is inserted in the title of their email.

25. Where pupils move between local authority areas, Kent County Council can be contacted at **crossborder.penaltynotice@kent.gov.uk** to find out if penalty notices have been issued previously.

26. Where pupils attend school in Kent but live in a different local authority, Kent County Council will liaise with the home Local Authority in cases where a penalty notice is being considered and support is appropriate, and that support is being provided by the home Local Authority.