

Attendance Policy

Mallard Primary School

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The Importance of School Attendance

Mallard Primary School recognises that positive behaviour and good attendance are central to raising standards and pupil attainment.

This policy is based on the DFE's Working Together to Improve Attendance Guidance August 2024 and this policy ensures that Mallard Primary School:

- Promote pupils' 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 range of opportunities when they leave us

Improving attendance is everyone's business. The barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families. Good attendance begins with a school being somewhere pupils want to be and therefore the foundation of securing good attendance is that a school is a calm, orderly, safe, and supportive environment where all pupils are keen and ready to learn.

Some pupils find it harder than others to attend and therefore at all stages of improving attendance, school leaders and partners should work in partnership with pupils and parents collaboratively to remove any barriers to attendance. By building strong and trusting relationships school can ensure that the right support is put in place for pupils and families. Securing good attendance can therefore not be seen in isolation, and effective practices for improvement will involve close interaction with other schools/academies on curriculum, behaviour, bullying, special educational needs support, pastoral and mental health and wellbeing, and effective use of resources including pupil premium. It cannot solely be the preserve of a single member of staff, or organisation, it must be a concerted effort across all teaching and non-teaching staff, the governors, the local authority and other local partners.

1.1 The law on attendance and the right to full-time education

The law entitles every child of compulsory school age to an efficient, full-time educational 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 Mallard Primary School or by education otherwise than at a school.

Where parents decide to have their child registered at Mallard Primary School, they have an additional legal duty to ensure their child attends 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.

This is essential for pupils to get the most out of their educational experience, including their attainment, wellbeing, and wider life chances. The pupils with the highest attainment at the end of key stage 2, key stage 4 and key stage 5 have higher rates of attendance over the key stage compared to those with the lowest attainment. At KS2, pupils not meeting the expected standard in reading, writing and maths had an overall absence rate of 4.7%, compared to 3.5% among those meeting the

expected standard. At KS4, pupils not achieving grade 9 to 4 in English and maths had an overall absence rate of 8.8%, compared to 5.2% among those achieving grade 4. For the most vulnerable pupils, regular attendance is also an important protective factor and the best opportunity for needs to be identified and support provided.

The availability of information for parents and pupils are a key factor in engagement and excellent attendance. This policy is supported by a range of information and resources which include the following:

- Guidance on attendance through school policies
- Leaflets, posters
- School website with links to national websites, local authority and government websites and child law advice
- Social media, Facebook, Twitter etc.
- Pupil progress reports and parents' evenings
- School assemblies
- Celebration events – Reward programmes for excellent, good, or improved attendance

2. Expectations of School, Governors and Staff

Mallard Primary School has a continuing responsibility to proactively manage and improve attendance across the community. On our school senior leadership teams there is an attendance champion who leads, monitors and evaluates attendance outcomes regularly. Mallard Primary School will consistently promote the benefits of good attendance and make Mallard Primary School a place where pupils want to be. Mallard Primary School will set high expectations for every pupil, communicate those expectations to pupils and parents, systematically analyse all the data and target improvement.

To manage and improve attendance effectively school will:

- Build strong relationships and work jointly with families. Listening to and understanding barriers to attendance and working in partnership with families to remove them
- Develop and maintain a positive culture that promotes the benefits of high attendance
- Align all school procedures to the Attendance Policy and ensure that all staff, pupils and parents understand the contents of it
- Complete admissions and attendance registers and have effective day to day processes in place to follow absence
- Regularly monitor and analyse attendance and absence data to identify pupils or cohorts that require support with their attendance and put effective strategies in place
- Share information and work collaboratively with other schools in the area, local authorities, and other partners where a pupil's absence is at risk of becoming persistent or severe
- Be particularly mindful of pupils absent duties to mental or physical ill health or their special educational needs and/or disabilities, and provide them with additional support

2.1 Expectations of the school trust board and local governing board

Improving attendance requires constant focus, and effective whole school approaches to ensure that regular ongoing support, guidance and challenge is provided. Therefore, the governing body is expected to:

- Place high importance on school attendance and promote it across the school's ethos and policies
- Ensure school leaders fulfil expectations and statutory duties
- Regularly review attendance data, discuss and challenge trends, and support school leaders to focus improvement efforts on individual pupils or cohorts who require it the most
- Ensure school staff at all levels receive adequate training on attendance
- Share effective practice on attendance management and improvement across all academies

2.2 Expectations of teachers and school staff

Attendance is the essential foundation to positive outcomes for all pupils including their safeguarding and welfare and should therefore be seen as everyone's responsibility in the school. We expect all members of staff to:

- Encourage good attendance
- Ensure that registers are correctly and promptly marked
- Set a good example to pupils in matters of attendance and punctuality
- Provide a safe and secure environment in which to learn
- Provide engaging and worthwhile learning experiences that encourage pupils to attend regularly
- Ensure that pupils in the class are aware of their current attendance record and their own responsibilities for attendance
- Listen and value pupils' views
- Make initial contact with parents when concerns arise

3. Working Together to Improve Attendance

Successfully treating the root causes of absence and removing barriers to attendance should remain the key focus of Mallard Primary School working in partnership with families, and other partners.

EXPECT

Aspire to high standards of attendance from all pupils and parents and build a culture where all can, and want to be in school and ready to learn by prioritising attendance improvement across the school.



MONITOR

Rigorously use attendance data to identify patterns of poor attendance (at individual and cohort level) as soon as possible so all parties can work together to resolve them before they become entrenched.



LISTEN AND UNDERSTAND

When a pattern is spotted, discuss with pupils and parents to listen and understand barriers to attendance and agree how all partners can work together to resolve them.



FACILITATE SUPPORT

Remove barriers in school and help pupils and parents to access the support they need to overcome the barriers outside of school. This might include an early help intervention or whole family plan where absence is a symptom of wider issues.



FORMALISE SUPPORT

Where absence persists and voluntary support is not working or not being engaged with, partners should work together to explain the consequences clearly and ensure support is also in place to enable families to respond. Depending on the circumstances, this may include formalising support through a parenting contract or education supervision order.



ENFORCE

Where all other avenues have been exhausted and support is not working or not being engaged with, enforce attendance through statutory intervention or prosecution to protect the pupils right to an education.

4. Attendance Monitoring

The law requires all schools to have an admission register and an attendance register. These registers must be kept electronically. All pupils must be placed on the admissions register and have their attendance recorded in the attendance register. If academies fail to comply with these regulations, they are guilty of an offence and can be fined.

4.1 Admission register

The admission register must contain specific personal details of every pupil along with their starting date, information regarding parents, and details of the school last attended.

A pupil's name can only lawfully be deleted from the admission register if a reason set out in Regulation 9 of the School Attendance (Pupil Registration) (England) Regulations 2024 applies.

4.2 Attendance register

Mallard Primary School must take the attendance register at the start of each morning session of each school day and once during each afternoon session. On each occasion they must record whether each registered pupil is physically present in the school or, if not, the reason they are not in the school by using the appropriate national attendance and absence codes from Regulation 10 of the School Attendance (Pupil Registration) (England) Regulations 2024.

4.3 Retaining and amending registers

Effective and timely use and sharing of register data is critical to improve attendance. Mallard Primary School use an electronic management information system to keep their attendance and admission registers to improve accuracy, speed up the process of sharing and analysing information, and make returns to local authorities and Department for Education easier.

Registers are legal records and all academies must preserve every entry in the attendance or admissions register for 6 years from the date the data was entered. As the attendance register is a record of the pupils present at the time it was taken, the register should only routinely be amended where the reason for absence cannot be established at the time it is taken and it is subsequently necessary to correct the entry. Where amendments are made, all academies must ensure:

- The register shows the original entry
- The amended entry
- The reason for the amendment
- The date on which the amendment was made
- The name of the person who made the amendment

Falsifying attendance information on registers to make attendance look better is a breach of professional standards and the code of conduct which could lead to disciplinary action.

4.4 Granting leaves of absence

Mallard Primary School can grant a leave of absence when a pupil needs to be absent with permission. Mallard Primary School is expected to restrict leaves of absence to the specific circumstances set out in Regulation 11 of School Attendance (Pupil Registration) (England) Regulations 2024. These circumstances are:

- **Taking part in regulated performance or employment abroad:** in line with a license issued by a local authority or Justice of the Peace or a body of persons approval (BOPA) (Code C1)
- **Attending for an interview:** for entry into another educational institution or for future employment where requested in advance by a parent the pupil normally lives with
- **Study leave:** for public examinations as agreed in advance with a parent the pupil normally lives with. Please note this does not include any internal examinations such as mocks, as study leave should not be granted in such cases
- **A temporary, time-limited part-time timetable:** where the pupil is of compulsory school age, both the parent who the pupil normally lives with and the school agree the pupil should temporarily be educated on a part-time basis for exceptional reasons and have agreed the times and dates for when the pupil will be expected to attend the school as part of that timetable
- **Medical appointments:** Mallard Primary School will encourage parents to make appointments out of school hours. Where this is not possible, they should get the school agreement in advance by requesting a leave of absence and providing medical evidence. The pupil should only be out of the school for the minimum amount of time necessary for the appointment (general illness is not included under leave of absence)
- **Exceptional circumstances:** Mallard Primary School can grant a leave of absence for other exceptional circumstances at their discretion. This must be requested in advance by a parent who the pupil normally lives with. Mallard Primary School will consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request. If a leave of absence is granted, it is for the school to determine the length of time the pupils can be away from school

What is not a leave of absence:

- The Department for Education does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance
- Leave of absence should not be granted for a pupil to take part in protest activity during school hours

4.5 Education off-site

Mallard Primary School can allow pupils to be absent for certain educational activities or to attend other schools or settings:

- To attend an off-site approved educational activity (Code B)
- To attend another school at which the pupil is registered (dual-registration) (Code D)
- To attend provision e.g. alternative provision or as part of an Education, Health and Care Plan (Code K)
- To participate in an approved sporting activity (Code P)
- To attend an educational visit or trip arranged by the school (Code V)

- To attend work experience (Code C)

All these circumstances are part of delivering full time education, they are not classified as absences for statistical purposes.

4.6 Day to day processes

Mallard Primary School must have robust day to day processes to track and follow up absence and poor punctuality which are rigorously applied. All academies are expected to develop processes that meet the needs of their pupils and context. This should be communicated with pupils and parents in a guidance document on day to day processes. As a minimum this should include arrangements to:

- Manage lateness: set out 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**
- Expect parents to contact the school when their child is absent to explain the reason and put in place processes to contact parents on the first day of absence where a reason has not been provided. If absence continues without explanation, further contact should be made to ensure safeguarding
- Identify any absences which are not explained for each session and contact parents (foster carers and/or social workers/youth offending team workers) to understand why and when the pupil will return. Where absence is recorded as unexplained in the attendance register the correct code should be inputted as soon as the reason is ascertained, but no later than **5 working days** after the session
- Where reasonably possible, school must hold more than one emergency contact number for each pupil
- Regularly inform parents about their child's attendance and absence levels. Mallard Primary will include the amount of time missed and the impact on the pupil's learning in correspondence
- Hold regular meetings with the parents of pupils who are vulnerable or are persistently or severely absent to discuss attendance and engagement at the school
- Identify pupils who need support from wider partners and make necessary referrals. Make the statutory data returns to the local authority and secretary of state
- Support pupils back into the school following a lengthy or unavoidable period of absence and provide support to build confidence and bridge gaps (attendance support plans with identified intervention)

4.7 Analysing attendance and absence data

Poor attendance is habitual, therefore prevention and early intervention is crucial. The key to this is regular data analysis to both identify and provide immediate additional support to pupils. Mallard Primary School will also look at historic and emerging patterns in order to develop strategies to address them. To achieve this all academies are expected to:

- Monitor and analyse weekly attendance patterns and trends
- Focus on individual pupil's cohorts and year groups including punctuality to provide the most timely and effective intervention

- Provide regular attendance reports to class teachers, tutors, year group leaders and pastoral teams so that attendance support can be provided instantly
- Use analysis to respond quickly and not allow attendance barriers to become entrenched
- Half termly, termly and full year data reports should be provided to senior leaders and governors so all leaders can action appropriately, challenge and support within their roles
- The school trust will benchmark attendance data against local, regional and national levels to identify areas of focus for improvement
- Devise specific strategies to address areas of poor attendance identified through the data. This may for example include pupils in a year group with higher than average absence or for pupils eligible for free school meals if their attendance falls behind that of their more advantaged peers. By specific strategies, academies should identify in their guidance document to parents the different stages of intervention that will take place
- From monitoring the data academies will evidence the impact of school wide attendance efforts including any specific strategies implemented. The trust will also identify a timeline of collaborative events to improve attendance that all academies can take part in

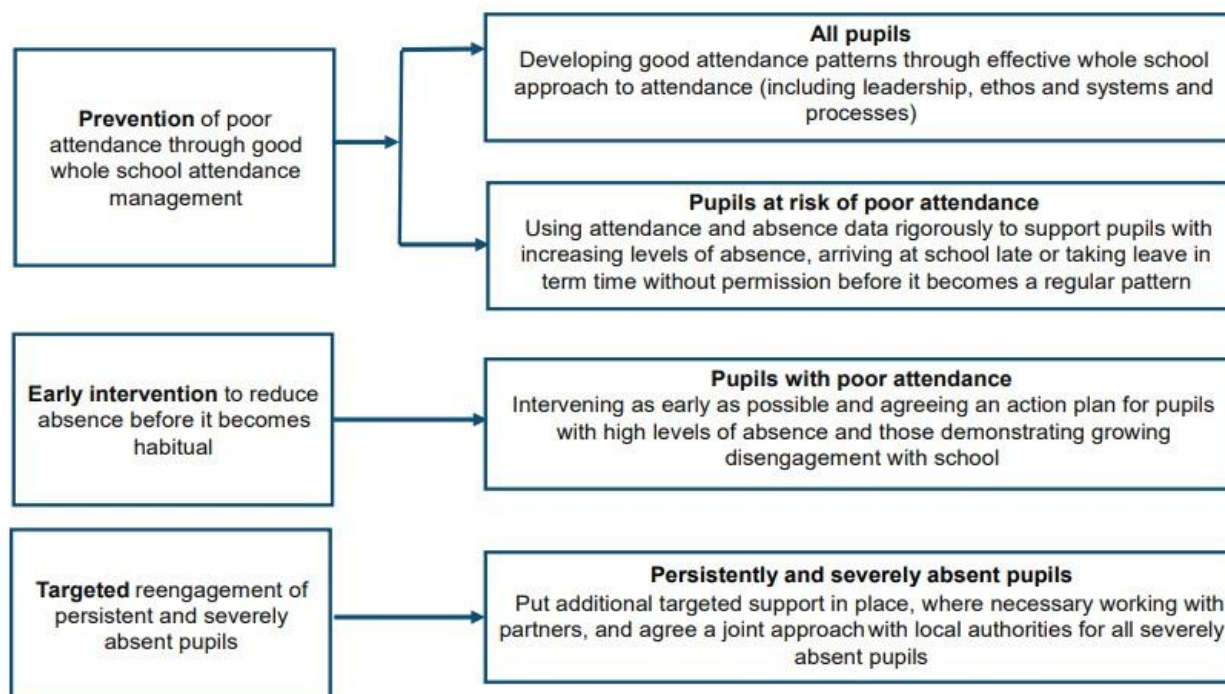
4.8 Pupils at Risk of becoming persistent or severe

Mallard Primary School will work with local communities to help remove the barriers to attendance that families experience. In some cases, families will experience the same or similar barriers to attendance for multiple children who attend different schools in the area. Schools/academies will work together where possible. This will be particularly beneficial in supporting transition between feeder schools.

Mallard Primary School will work jointly with local partners and share data on individual cases where it is of benefit to the pupil. Local authorities and schools/academies are expected to have regular targeting support meetings. As a minimum this includes:

- **New PUPIL and DELETION returns:** notifying the local authority when a pupil's name is added to or deleted from the school admission register outside of standard transition times
- **Attendance returns:** providing the local authority with the names and addresses of all pupils of compulsory school age who fail to attend regularly or have been absent for a continuous period of 10 days where their absence has been recorded with one or more of the codes statistically classified as unauthorised (Code G, N, O, and/or U)
- Local authorities must agree the frequency that attendance returns are to be provided with all schools in their area this should be no less frequently than once per calendar month
- **Sickness returns:** providing local authority with the full name and address of all pupils of compulsory school age who have been recorded with code I (illness) and who the school has reasonable grounds to believe will miss 15 days consecutively or cumulatively because of sickness. Only one sickness return is required for a continuous period of sickness in a school year. This is to help the school and local authority to agree any provision needed to ensure continuity of education for pupils who cannot attend because of health needs, in line with the statutory guidance of education for [children with health needs who cannot attend school](#).

Effective school attendance improvement and management



4.9 Absence due to mental or physical health or special educational needs and/or disabilities

Many children will experience normal but difficult emotions that make them nervous about attending the school, such as worries about friendship, school work, examinations or variable moods. It is important to note that these pupils are still expected to attend the school regularly – in many instances attendance may help with the underlying issue as being away from the issue might exacerbate it and prolong a period of absence.

School staff play a critical role in communicating these expectations to parents. They should also work alongside families to ensure such circumstances do not act as a barrier to regular attendance by mitigating anxious feelings in the school as much as possible. Academies may also find it helpful to refer to the Department for Education's non-statutory guidance on [mental health issues affecting a pupil's attendance](#).

Some pupils face more complex barriers to attendance, this can include pupils who have long-term physical or mental health conditions or who have special educational needs or disabilities (SEND). Their right to an education is the same as any other pupil and therefore the attendance ambition should be the same as it is for any other pupil but additional support may be provided. In developing this support, the usual processes relevant to any attendance case apply:

- Understand the individual needs of the pupil and family
Working in partnership with a pupil and family to put support in place and where appropriate work with other agencies
- Regularly reviewing and updating the support approach to make sure it

continues to meet individual needs

In cases of both long term physical or mental ill health, school staff are not expected to diagnose or treat physical or mental health conditions, but they are expected to work together with families and other agencies with the aim of ensuring regular attendance for every pupil. They should:

- Facilitate any relevant pastoral support with the clear aim of improving attendance as much as possible whilst supporting the underlying health issue
- Consider adjustments to practice and policies to help meet the needs of pupils who are struggling to attend school, as well as making formal reasonable adjustments under Section 20 of Equality Act 2010 where a pupil has a disability. Any adjustment should be agreed by. And regularly reviewed with the pupil and their parents.
- Ensure joined up pastoral care is in place and consider whether a time limited phased return to the school would be appropriate, for example for those affected by anxious feelings about school attendance
- Make a sickness return to the local authority if a pupil is recorded in the attendance register as absent using code I and there are reasonable grounds to believe the pupil will have to miss 15 consecutive school days or more for illness

For pupils with special educational needs and disabilities academies are expected to:

- Work in partnership with parents to develop specific support approaches for attendance for pupils with SEND including where applicable to ensuring the provision outlined in the pupil's education, health and care plan is accessed
- Work in partnership with parents to help support routines where transport is regularly being missed and work with other partners to encourage a scheduling of additional support interventions or medical appointments outside of the main school day
- Establish strategies for removing barriers that SEND pupils may face including considering support or reasonable adjustments for uniform, transport, routines, access to support during lunchtime arrangements
- Consider adjustments to practice and policies to help meet the needs of pupils who are struggling to attend school, as well as making formal reasonable adjustments under Section 20 of Equality Act 2010 where a pupil has a disability. Any adjustment should be agreed by. And regularly reviewed with the pupil and their parents.
- Ensure joined up pastoral care is in place and consider whether a time limited phased return to the school would be appropriate, for example for those affected by anxious feelings about school attendance
- If a pupil has an Education, Health and Care plan, academies must amend the plan to incorporate any additional or different attendance support identified

Medical evidence for recording absences should only be needed in a minority of cases (Code I). Where a pupils health need means they need reasonable adjustments or support because it is complex or long-term, academies can seek medical evidence to better understand the needs of the pupil and identify the most suitable provision in line with the statutory guidance [supporting pupils with medical conditions at school](#) and [education for children with health needs who cannot attend school](#)

- Where parents do not engage and support, academies should work with the local authority or other local partners to formalise that support and as a last resort, enforce attendance through legal intervention
- Mallard Primary School will ensure data is regularly monitored for pupils with long term illnesses or SEND including reporting to governors, the trust board and the local authority

4.10 Part-time timetables

All pupils of compulsory school age are entitled to a full-time education suitable to their age, aptitude and special educational needs they may have. In some circumstances their education may be provided partially at school and partially at another educational setting or through education otherwise than at a school in line with Section 19 of the Education Act 1996 or section 42 or 61 of the Children or Families Act 2014. Time away from the school to receive education in other ways must be recorded in the attendance register using the appropriate codes

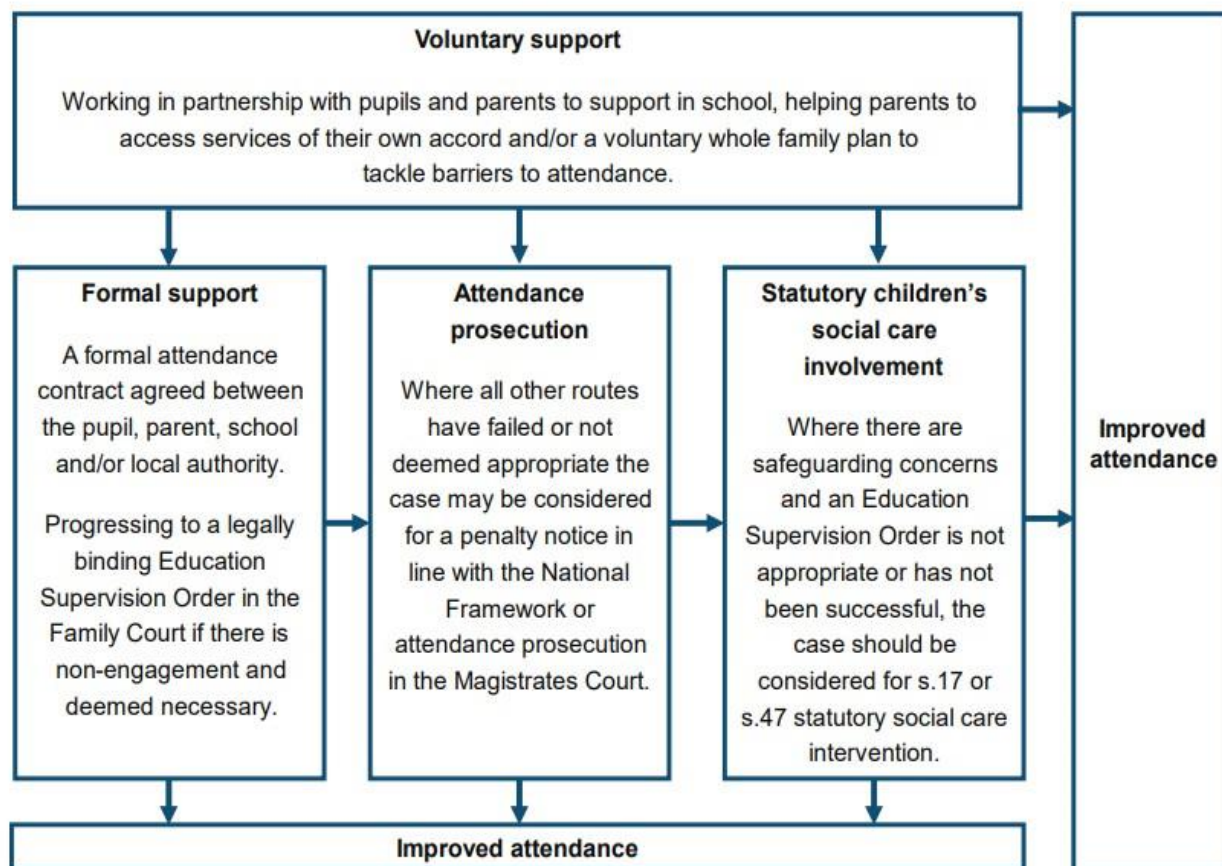
In very exceptional circumstance where it is in a pupil's best interest, there may be a need to provide a temporary part-time timetable to meet individual needs or phasing a return after a period of suspension to ensure a successful reintegration of a pupil. A part-time timetable should:

- Have the agreement of both the school and the parent the pupil normally lives with
- Have a clear ambition and be part of the pupil's wider support, health care or reintegration plan
- Have regular review dates which include pupil and parents to ensure it is only in place for the shortest time necessary
- Have a proposed end date which takes into account the circumstances of the pupil after which the pupil is expected to attend full time, either at the school or an alternative provision. As part of the review process it can due to individual circumstances be extended for a prolonged period
- Where a pupil has a social worker, the school is expected to keep them informed and involved in the process. If the pupil has an Education, Health and Care Plan the school should discuss the part-time timetable with the local authority so that any support package that is in place can be reviewed as swiftly as possible
- In agreeing to a part-time timetable, the school has agreed to a pupil being absent for part of the week or day and therefore must record the attendance accordingly (Code X or C2)

5. Attendance Legal Intervention

Absence is so often a symptom of wider issues therefore it is important to understand the barriers to attendance and provide support. Where this is not successful, or is not engaged with, the law protects pupils' right to an education and provides a range of legal interventions to formalise attendance improvement efforts. Where all other avenues have been exhausted, enforcement procedures will be applied. Attendance legal intervention can only be used for pupils of compulsory school age and decisions will be made on an individual case by case basis.

Providing support first before attendance legal intervention



5.1 Outline of legal intervention

Mallard Primary will work together with other schools/academies and make use of the full range of legal interventions. It is for each school and the local authority to decide whether to use them in an individual case after considering the individual circumstances of a family. These are:

- Attendance contracts
- Education supervision orders
- Attendance prosecution
- Parenting orders
- Penalty notices

Where these interventions are used, it should be clear that it is the most appropriate intervention to change parental behaviour and in making the decision to use an intervention, principals and local authority officers should take into account their safeguarding duties as set out in the statutory guidance on [Keeping Children Safe in Education](#).

Mallard Primary School and the local authority will decide which parent(s) to involve in attendance legal intervention but this should usually be the parent or parents who have allowed the absence.

5.2 Attendance contracts

An attendance contract is a formal written agreement between a parent and the school. Its intention is to address irregular attendance at the school.

- An attendance contract is not legally binding
- An attendance contract is to secure engagement with support
- An attendance contract is an offer of an alternative strategy to prosecution
- Parents cannot be compelled to enter an attendance contract, and they cannot be agreed in a parent's absence
- There is no obligation on the school or local authority to offer an attendance contract but it is best practice to explore this
- Attendance contracts should involve both parents and where appropriate the pupil and it should identify what type of support would be most helpful to secure regular attendance

Contents of an attendance contract

All attendance contracts should contain:

- Details of the requirements the parent(s) is expected to comply with
- A statement from the school and/or local authority agreeing to provide support to the parent(s) to meet the requirements and setting out details of the support
- A statement by the parent that they agree to comply with the requirements for the period of time specified by the contract
- Attendance contracts do not have a minimum or maximum duration, most are between 3 and 12 months

Requirements specified and support provided may include:

- Measures to ensure the pupil attends the school or alternative provision punctually and regularly
- Requiring the parent to attend meetings with the school and/or local authority
- Accessing or partaking in the support or programmes offered
- Working with or accessing other separate support provided to the pupil at school level (e.g. being on report)
- The support provided will be outlined by each school in specified guidance documents

Non-compliance with an attendance contract

The school and/or local authority should work in partnership with the parent to gain their cooperation and compliance throughout the attendance contract process.

Where a parent does not comply with the requirements:

- The lead practitioner should contact the parent, seek an explanation and decide whether it is reasonable
- Where appropriate, further meetings should be arranged with the parent to review and amend the contract

- Where no explanation is given, the lead practitioner should serve the parent with a warning to explain that the attendance contract is not working and may be terminated. This is in the form of a letter and a record of it should be kept
- In instances of further non-compliance, the school should arrange a meeting with the parent. Following this meeting, the school and/or local authority should decide whether the non-compliance is undermining the contract to the extent it is no longer useful in which case an alternative course of action would need to be decided upon. **The decision and reason should be recorded**

Failure by the parent, the school, or local authority to keep to the terms of the attendance contract cannot lead to action for breach of contract or for civil damages. There is no criminal sanction for a parent's failure to comply with, or refusal to sign, an attendance contract.

5.3 Education supervision orders

An education supervision order (ESO) can be a useful alternative to provide formal legal intervention without criminal prosecution. In deciding whether to progress to an ESO, the school should have exhausted voluntary support and be clear that making the order would be beneficial for the pupil and parent. Where safeguarding concerns exist, the lead practitioner should also discuss with the school's designated safeguarding lead and agree an ESO would be a more suitable option than a s.17 (Children in Need) or s.47 (Child Protection) plan.

ESOs are made through the Family or High Court, rather than Magistrates Court. They give the local authority a formal role in advising, helping and directing the pupil and parent(s) to ensure the pupil receives an efficient, full-time, suitable education. For the duration of the ESO, the parent's duties to secure the child's education and regular attendance are superseded by a duty to comply with any directions given by the local authority under the ESO.

The order initially lasts for one year, but extension can be secured within the last 3 months for a period of up to 3 years at a time.

Contents of an ESO

If decided to progress:

- The local authority should notify parents in writing of the intention and set up a meeting to discuss with the parent
- Following this the local authority should make its decision and inform the parent and pupil of whether the case will be taken forward to court or not
- Where decision is to proceed, this can be combined with the service of an **application notice**

Once ESO secured:

- An office of the local authority will be chosen to act as a supervisor of the order
- This does not need to be an attendance officer, rather it should be whichever lead practitioner is working with the family

- The school should work in partnership with the local authority and whilst the designated supervisor retains overall responsibility (the LA), the school can and should provide support and supervision where appropriate

The supervisor must determine any requirements the parent must adhere to, this may include:

- Requiring the parent(s) to attend support meetings
- Requiring the parent(s) to attend a parenting programme or counselling
- Requiring the parent(s) to access support services
- Requiring an assessment by an educational psychologist
- Review meetings involving all parties (including the school) should be held every 3 months throughout the period the ESO is in force. At these meetings any actions and directions should be discussed and added or amended

Non-compliance with an ESO

Failure to comply with the directions given under the ESO may lead to parents being guilty of an offence. Local authorities can prosecute in the Magistrates Court for persistent non-compliance with the Order and parents (upon conviction) will be liable to a fine of up to £1,000.

The lead officer will also raise persistent failure to comply with children's social care services and work to investigate the circumstances of the pupil and decide whether it is appropriate for any further action to be taken (including statutory social care involvement) to secure their welfare.

5.4 Attendance prosecution

If a child of compulsory school age fails to attend regularly at the school, their parents may be guilty of an offence and can be prosecuted by the local authority. Prosecution should be the last resort where all other forms of intervention with support applied have been deemed inappropriate. Only local authorities can prosecute parents and they must fund all associated costs, including the preparation of court documentation.

Local authorities have the power to prosecute:

- Parents who fail to comply with a school attendance order issued by the local authority to require a parent to get their child registered at a named school (under section 443 of the Education Act 1996). This may result in a fine of up to level 3 (£1,000)
- Parents who fail to secure their child's regular attendance at a school, for which there are 2 separate offences: section 444(1) where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly and fails to ensure the child does so. The section 444(1) offence may result in a fine of up to level 3 (£1,000) and the section 444(1A) offence may result in a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months
- Parents who fail to secure the regular attendance of their child at a place where the local authority or governing body has arranged alternative provision (under sections 444 and 444ZA). This may result in a fine of up to level 3 (£1,000), or if the parent is found to have known the child was not attending regularly and failed to ensure that they did so, a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months

- Parents who persistently fail to comply with directions under an ESO (under Schedule 3 to the Children Act 1989) or breach a Parenting Order or directions under the order (under section 375 of the Sentencing Act 2003). These may result in a fine of up to level 3 (£1,000)

The decision to prosecute rests solely with the LA as an independent prosecuting authority.

The 1996 Act also sets out the circumstances in which a pupil has not failed to attend school regularly and therefore the parent has not committed an offence under section 444(1) or (1A) of the Act (the statutory defences).

Investigations and court presentation

Any prosecution case must be laid before the Court within 6 months of the alleged offence. In taking forward a prosecution and preparing for court, local authorities will consider all guidelines. Local authorities must also conduct all investigations in accordance with the Police and Criminal Evidence (PACE) Act 1984. This includes fully considering public interest tests and duties under the Equality Act 2010.

Expectations of schools in legal proceedings

- Parents will be given a formal written notification of legal proceedings explaining the process and potential consequences
- School records and all documentation will be used in evidence at court proceedings therefore all information held by the school should present factually accurate information with specific details. Schools should ensure that no personal feelings or emotions are included when capturing this information
- The local authority may call the school senior leader for attendance as a witness in the case
- Prosecution may be taken forward because a parent has already reached the limit of penalty notices
- If the parent is found guilty, a community order or parenting order may be considered as an alternative to a fine
- Parenting orders are an ancillary order that can be imposed by the Court following conviction for non-attendance. The parenting order requires a parent to comply with the arrangements specified in the order. Any breach of the order could lead to a fine of up to level 3 (£1,000)

5.5 National framework for penalty notices

Penalty notices are issued to parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school. Penalty notices can be used by the school where the pupil's absence has been recorded with one or more of the unauthorised codes and that absence(s) constitutes an offence. A penalty notice can be issued to each parent liable for the offence or offences. They should usually only be issued to the parent or parents who have allowed the absence.

- Penalty notices should be used where it is deemed likely to change parental behaviour and support to secure regular attendance has been provided and has not worked

- Penalty notices must be issued in line with the Education (Penalty Notices) (England) Regulations 2007 and can only be issued by the Principal (or someone authorised by them), local authority or the police
- The school is expected to check with the local authority before sending them copies of any penalty notice issued
- A penalty notice may 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 fixed period or permanent exclusion

Issuing a penalty notice

All academies must consider whether a penalty notice is appropriate in each individual case where one of their pupils reaches the national threshold for considering a penalty notice. The thresholds are:

- 10 sessions of unauthorised absence in a rolling period of 10 school weeks
- A school week means any week in which there is at least one school session
- This can be met with any combination of unauthorised absence (e.g. 4 sessions of holiday taken in term time plus 6 sessions of arriving late after the register closes all within 10 school weeks)
- These sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence taken in 1 week or 1 per week for the next 4 weeks)
- The period of 10 school weeks can also 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)

When the threshold has been met the school should make the following considerations:

Is support appropriate in this case?

- If yes, the school is expected to continue with existing support without a penalty notice or issue a Notice to Improve if that support is not working or is not being engaged with. A penalty notice can be issued if either has not worked.
- If no, for example a holiday in term time, a penalty notice should be issued subject to the other conditions below.
- Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would further support or 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 2020 such as where as pupil has a disability?

Notices to improve

A Notice to Improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. A Notice to Improve should usually be sent to give parents a final chance. A Notice to Improve does not need to be issued in cases where support is not appropriate and an authorised senior leader can choose not to use one in any case.

Two penalty notice limit and escalation in cases of repeat offences

A penalty notice is an out of court settlement with an intend to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and they are not working to

change behaviour, they are unlikely to be the most appropriate tool. **From Autumn Term 2024, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3 year rolling period and any second notice within that period is charged at a higher rate:**

- The first penalty notice issued to a parent will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days
- A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days
- A third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, alternative action should be taken instead. This will include considering prosecution but may include other tools such as one of the other attendance legal interventions
- In cases where a pupil has moved school or local area in the previous 3 years an additional check should be made by the school to try and ascertain whether previous penalty notices have been issued to the parent in respect of the pupil
- If the penalty is not paid by the end of the 28 period, the local authority must decide either to prosecute for the original offence to which the notice applies, or withdraw the notice

Local code of conduct for issuing penalty notices

Every local authority must draw up and is expected to publish on their website a Local Code of Conduct for issuing fixed penalty notices which must be adhered to by all academies, the police and any local authority officer issuing a penalty notice. See LA website for Local Code of Conduct.

Supporting school documents to this policy

Each school will ensure that this policy is visible on the school website for parents to view. Each school must also have in place two supporting documents which outline the day to day processes that they will be implementing as a result of this statutory guidance outlined in this policy.

- Parental Guidance Information Guide
- Attendance Information Handbook

The Trust will provide templates of all day to day processes that the school can use to implement both as support and challenge to improve attendance.

Each half term an Attendance Network will be implemented to review attendance across all academies within the Trust. The senior leader for attendance will be present at this network or an appropriate person delegated to attend will be sent. The network will make decisions based on the analysis of data whether any additional support is required and this will be commissioned by the Trust.

Monitoring of this policy

The Governing Body is responsible for ensuring all areas of this policy are implemented. The policy will be updated on the release of any new statutory guidance