Attendance Policy

Confidence, respect and a love of learning

Article 3: The best interests of a child must be a top priority in all things that affect pupils.

Article 28: Every child has the right to an education.

Article 29: Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Article 30: Every child has the right to learn and use the language, customs and religion of their family.

Article 31: Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

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Contents

1. Aims 2
2. Legislation and guidance 3
3. Roles and responsibilities 3
4. Recording attendance 6
5. Authorised and unauthorised absence 9
6. Strategies for promoting attendance 12
To support and encourage good attendance the school will take the following measures to promote attendance: 12
7. Attendance monitoring 12
Daily phone calls are made by the Admin Officer to discuss the reason for each pupil's absence 12
8. Monitoring arrangements 14
9. Links with other policies 15
Appendix 1: attendance codes 15
Appendix 2: Tower Hamlets Penalty Notice Scheme Protocol 19

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1. Aims

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

- Promoting good attendance
- Reducing absence, including persistent and severe absence
- Ensuring every pupil has access to the full-time education to which they are entitled
- Acting early to address patterns of absence
- Building strong relationships with families to ensure pupils have the support in place to attend school

We will also promote and support punctuality in attending lessons.

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.

2. Legislation and guidance

This policy meets the requirements of the working together to improve school attendance from the Department for Education (DfE), and refers to the DfE's statutory guidance on school attendance parental responsibility measures. These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of The Education Act 1996
- Part 3 of The Education Act 2002
- Part 7 of The Education and Inspections Act 2006
- The Education (Pupil Registration) (England) Regulations 2006 (and 2010, 2011, 2013, 2016 amendments)
- The Education (Penalty Notices) (England) (Amendment) Regulations 2013

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

3. Roles and responsibilities

3.1 The governing board

The governing board is responsible for:

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

3.2 The Headteacher

The Headteacher is responsible for:

- Offering a clear vision for attendance improvement
- Implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors
- Supporting staff with monitoring the attendance of individual pupils

- Monitoring the impact of any implemented attendance strategies
- Issuing fixed-penalty notices, where necessary

3.3 The Senior Learning Mentor

Working alongside the headteacher The senior learning mentor is responsible for:

- Taking a lead on attendance
- Evaluating and monitoring expectations and processes
- Having an oversight of data analysis
- Devising specific strategies to address areas of poor attendance identified through data
- Arranging calls and meetings with parents to discuss attendance issues
- Delivering targeted intervention and support to pupils and families
- Providing regular attendance reports to school staff and reporting concerns about attendance to the designated the headteacher
- Working with Attendance and Welfare Advisors to tackle persistent absence

3.4 The Attendance and Welfare Advisor

Bonner works in partnership with Tower Hamlets Behaviour & Attendance Support Service (BASS) who allocate the school an Attendance and Welfare Advisor.

The school's Attendance and Welfare Advisor is responsible for:

- To make sure the school is using available tools to maximise attendance. This includes checking the registers are marked correctly with appropriate codes etc.
- Work closely with school Attendance Lead (Louise) to track children of concern
- Provide advice/guidance for school where necessary
- Meet with parents/carers where a concern is raised or level of absence/punctuality seems unreasonable
- Support parents/carers who may be facing difficulties getting children to school
- Work with the school/parents/carers when disputes arise to try to mediate
- Respond to Fix Penalty notice referrals
- Follow with Children Missing from Education
- Make Home visit/calls to parents
- Make CME referrals to other Local Authorities when children leave the school without a school place

- Attended CP/CIN meetings where appropriate
- Liaise with agencies to support parents/carers and families
- Take legal action where necessary

3.5 Class Teachers

It is the responsibility of class teachers to:

- Have day-to-day conversations with parents or pupils regarding absences and/or lateness.
- Ensure the register for your class is submitted correctly and in a timely manner (10 minutes after the registration period starts).
- Complete the daily attendance card and display it on the classroom door.
- Notify the Admin officer if the reason for absence is shared with you by parents.
- Promote attendance in your class and implement whole school incentives.
- Update parents/carers on their child's attendance and absences at parents' evening and on end of year reports.

3.6 School Admin Officers

There is an Admin Officer on each school site whose role it is to support the attendance processes of the school.

Attendance Admin Officers will:

- Ensure day-to day communication takes place with families to ascertain reasons for absences and to support families with attendance and wider issues.
- Identify any absences that are not explained for each session and contact parents/carers to ascertain reasons and clarify when a pupil will return.
- Amend codes in the register to ensure all absences are coded correctly within 3 working days after the absence.
- Complete afternoon registers for classes who are on whole day trips.

3.7 Parents/carers

Parents/carers are expected to:

- Make sure their child attends every day on time

- Call the school to report their child's absence before the start on the day of the absence and each subsequent day of absence, and advise when they are expected to return
- Provide the school with more than 1 emergency contact number for their child
- Show the school admin team documentation (appointment letters, emails, texts or cards).
- Ensure that, where possible, appointments for their child are made outside of the school day
- Work with the school, Senior Learning Mentor and Attendance and Welfare Advisor to help them understand your child's barriers to attendance.
- Proactively engage with the support offered by the school and Attendance and Welfare Advisor.

3.8 Pupils

Pupils are expected to:

- Attend school every day on time

4. Recording attendance

4.1 Attendance register

We will keep an attendance register, and place all pupils onto this register.

We will take our attendance register at the start of the first session of each school day and once during the second session. It will mark whether every pupil is:

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

Any amendment to the attendance register will include:

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

See appendix 1 for the DfE attendance codes.

We will also record:

- Whether the absence is authorised or not
- The nature of the activity if a pupil is attending an approved educational activity
- The nature of circumstances where a pupil is unable to attend due to exceptional circumstances

We will keep every entry on the attendance register for 3 years after the date on which the entry was made.

Pupils must arrive in school by 8:50am on each school day. The school opens its doors at 8:50am. The school will close its main entry gates at 8:58am. The school has a breakfast club that all families can access if they need to.

The register for the first session will be taken at 9am and will be kept open until 9:05am. The register for the second session will be taken at the end of the specific year groups lunch break and will be kept open until 10 minutes after the end of lunch break.

4.2 Unplanned absence

The pupil's parent/carer must notify the school of the reason for the absence on the first day of an unplanned absence before the start of the school day or as soon as practically possible by calling the school admin office.

We will mark absence due to illness as authorised unless the school has a genuine concern about the authenticity of the illness.

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

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

4.3 Planned absence

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

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

4.4 Lateness and punctuality

A pupil who arrives late:

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

The Senior Learning Mentor will contact the parents of children who arrive regularly late to school and discuss their child's punctuality issues and any barriers. If punctuality does not improve then the Attendance and Welfare Advisor will arrange a meeting with parents and look at strategies to support.

4.5 Following up unexplained absence

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

- Call the pupil's parent/carer on the morning of the first day of unexplained absence to ascertain the reason. If the school cannot reach any of the pupil's emergency contacts, the school may undertake a home visit.
- Identify whether the absence is approved or not
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained – this will be no later than 5 working days after the session
- Call the parent/carer on each day that the absence continues without explanation to ensure proper safeguarding action is taken where necessary. If absence continues, the school will consider involving the Attendance and Welfare Advisor.
- A home visit will be made by the Attendance and Welfare Advisor, Senior Learning Mentor or the Headteacher on the third day of absence without a valid reason or contract from parents or carers.
- The school will make a home visit on the first day of absence for children on a Child Protection Plan or where the school has a safeguarding concern. Home visits may also be made to vulnerable families where necessary.

4.6 Reporting to parents/carers

The school reports to parents on their child's attendance record every term via parents evenings and end of year reports.

4.7 Persistent and severe absenteeism (PA and SA)

A child is defined by the Government as a 'persistently absent' when their attendance is 90% or below and 'severely absent' when attendance is 50% or below, this can be authorised or unauthorised absence.

Absence at these levels will cause considerable damage to any child's education and we need the full support and co-operation of parents to resolve this. For children who are severely absent we are likely to involve outside agencies to support the school and family to overcome barriers to attendance and each child will have an individual support plan.

5. Authorised and unauthorised absence

5.1 Holidays in term time

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". In LBTH the LA considers 96% attendance or above as regular school attendance.

Headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" .

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. 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, a penalty notice may be requested by this school to the Local Authority.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday.

At Tower Hamlets Infant School and Tower Hamlets Junior 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. The headteacher will take into account the child's overall attendance figure when making a decision regarding the application for leave of absence.
- 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.

5. 2 Deletion from Roll

Parents of pupils leaving Tower Hamlets Primary School other than at the end of Year 6 are required to complete a 'In-year Admission/School transfer' form which can be obtained from the school office or Pupil Services. This provides school and the LA with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. The school will need to complete a 'School History' section and sign the form before this can be submitted to Local Authority. 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.

Every removal from the school register must be notified to the Local Authority, as soon as the ground for removal has been met in relation to that pupil, and in any event no later than the time at which the pupil's name is removed from the register.

5.2 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 attendance 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 specific special educational needs and disabilities (SEND), or other vulnerabilities which may impact attendance. 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.

5.3 Tower Hamlets Behaviour and Attendance Support Service

Local Authority Attendance Welfare Advisors (AWAs) work strategically by offering support to schools, families, and other professionals to reduce persistent and severe absence and improve overall attendance for all pupils.

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 Tower Hamlets Code of Conduct for Penalty

Notice Scheme) or prosecution in the Magistrates Court. Legal proceedings are designed to strengthen parental responsibilities and ensure improved attendance.

5.4 Legal sanctions

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 or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £1000. Repeated or 'aggravated offences' could result in a fine of £2500 or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

Refer to Appendix 2 for detailed information regarding the Penalty Notice Scheme Protocol

6. Strategies for promoting attendance

To support and encourage good attendance the school will take the following measures to promote attendance:

- Whole school assemblies praising the classes and individuals with good attendance
- Whole class weekly attendance reward to be presented in Community Matters assemblies
- Extra playtime given to classes with consistently good attendance
- End of term rewards to children with consistently good attendance.

7. Attendance monitoring

Daily phone calls are made by the Admin Officer to discuss the reason for each pupil's absence.

It is the responsibility of parents to provide the school with a reason on the day of absence

The Admin Officer needs to ensure that where an absence is recorded as unexplained, the correct code should be inputted as soon as a reason is ascertain, and no later than 5 working days after the session.

If parents do not provide a reason within 5 working days, the absence may be recorded as unauthorised.

The Senior Learning Mentor, Attendance and Welfare Advisor and Headteacher regularly monitor and analyse attendance and absence data to identify pupils and families who may need support.

Medical evidence may be required to authorise future absence. Support strategies will be offered and evaluated.

If a pupil's attendance drops below 90%, they will be considered **persistently absent** and will be referred to the Attendance and Welfare Advisor. Parents/carers will be notified by a letter or a phone call. The Attendance and Welfare Advisor will invite parents to a face-to-face meeting or telephone consultation to discuss the absence.

Parents/carers of pupils who are persistently absent or pupils whose attendance has not improved after a range of interventions will be asked to meet with theHeadteacher and Attendance and Welfare Advisor and an immediate and sustained improvement in attendance will be expected.

The school and Attendance and Welfare Advisor will make referrals for Fixed Penalty Notices (FPN) to be issued in line with Tower Hamlets guidance where absence is unauthorised and support has been provided but has not worked or engaged with.

Home visits may be carried out by the school or Attendance and Welfare Advisor if there is concern about the lack of communication or if the school deems the family may benefit from a visit. Although home visits can be arranged with the parent/carer, occasionally unannounced home visits may be deemed necessary.

7.1 Monitoring attendance

The school will:

- Monitor attendance and absence data half-termly, termly and yearly across the school and at an individual pupil level
- Identify whether or not there are particular groups of children whose absences may be a cause for concern

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

7.2 Analysing attendance

The school will:

- Analyse attendance and absence data regularly to identify pupils or cohorts that need additional support with their attendance, and use this analysis to provide targeted support to these pupils and their families
- Look at historic and emerging patterns of attendance and absence, and then develop strategies to address these patterns

7.3 Reducing persistent and severe absence

Persistent absence is where a pupil misses 10% or more of school, and severe absence is where a pupil misses 50% or more of school.

The school will:

- Use attendance data to find patterns and trends of persistent and severe absence
- Hold regular meetings with the parents of pupils who the school (and/or local authority) considers to be vulnerable, or are persistently or severely absent, to discuss attendance and engagement at school
- Provide access to wider support services to remove the barriers to attendance
- Make referrals to the Attendance and Welfare Advisor
- Hold a Team Around the Child (TAC) or Team around the Family (TAF) meeting as a supportive measure.

8. Monitoring arrangements

This policy will be reviewed as guidance from the local authority or DfE is updated, and as a minimum annually. At every review, the policy will be approved by the full governing board.

9. Links with other policies

This policy links to the following policies:

- Child protection and safeguarding policy
- Behaviour policy

Appendix 1: attendance codes

The following codes are taken from the DfE's guidance on school attendance.

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration
\	Present (pm)	Pupil is present at afternoon registration

L	Late arrival	Pupil arrives late before register has closed
B	Attending any other approved educational activity	Pupil is at a supervised off-site educational activity approved by the school
D	Dual registered	Pupil is attending a session at another setting where they are also registered
J1	Interview	Pupil has an interview with a prospective employer/educational establishment
P	Sporting activity	Pupil is participating in a supervised sporting activity approved by the school
V	Educational trip or visit	Pupil is on an educational visit/trip organised, or approved, by the school
W	Work experience	Pupil is on a work experience placement

Code	Definition	Scenario
Authorised absence		
C	Leave of absence for exceptional circumstances	Pupil has been granted a leave of absence due to exceptional circumstances
C1	Leave of absence for the purpose of participating in a regulated performance or undertaking regulated employment abroad	Pupil has been granted a leave of absence for the purpose of participating in a regulated performance or undertaking regulated employment abroad
C2	Part-time timetable	Compulsory school age pupil has granted a leave of absence as they are subject to a part-time timetable

E	Suspended or permanently excluded	Suspended or permanently excluded and no alternative provision made
H	Authorised holiday	Pupil has been allowed to go on holiday due to exceptional circumstances
I	Illness	School has been notified that a pupil will be absent due to illness
M	Medical/dental appointment	Pupil is at a medical or dental appointment
R	Religious observance	Pupil is taking part in a day of religious observance
S	Study leave	Year 11 pupil is on study leave during their public examinations
T	Parent traveling	Parent traveling for occupational purposes
Unauthorised absence		
G	Unauthorised holiday	Pupil is on a holiday that was not approved by the school
N	Reason not provided	Pupil is absent for an unknown reason (this code should be amended when the reason emerges, or replaced with code O if no reason for absence has been provided after a reasonable amount of time)
O	Unauthorised absence	School is not satisfied with reason for pupil's absence
U	Arrival after registration	Pupil arrived at school after the register closed

Code	Definition	Scenario
X	Not required to be in school	Pupil of non-compulsory school age is not required to attend

Y1	Unable to attend	Unable to attend due to transport normally provided not being available
Y2	Unable to attend	Unable to attend due to widespread travel disruption
Y3	Unable to attend	Unable to attend due to part of the school premises being closed
Y4	Unable to attend	Unable to attend due to the whole school site being unexpectedly closed
Y5	Unable to attend	Unable to attend as pupil is in criminal justice detention
Y6	Unable to attend	Unable to attend in accordance with public health guidance and law
Y7	Unable to attend	Unable to attend because of any other unavoidable cause
Z	Pupil not on admission register	Register set up but pupil has not yet joined the school
#	Planned school closure	Whole or partial school closure due to half-term/bank holiday/INSET day

Appendix 2: Tower Hamlets Penalty Notice Scheme Protocol

TOWER HAMLETS

BEHAVIOUR & ATTENDANCE SUPPORT SERVICE

Penalty Notice Scheme Protocol

1. Introduction:

1.1 The Education (Penalty Notices) (England) Regulations 2007 came into force on 1st September 2007. The DfE updated its Guidance Working Together to improve attendance which will become statutory on 19th August 2024.

1.2 This legislation is governed by Section 23 of the Anti Social Behaviour Act 2003 and Section 105 of the Education and Inspections Act 2006.

1.3 These pieces of legislation empower designated Local Authority Officers, Head Teachers (& Deputy and Assistant Headteachers, authorised by their Headteacher) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

1.4 In addition, Section 103 of the Education and Inspections Act 2006 placed a duty on parents from 1st September 2007 to ensure that their child is not present during school hours in a public place when they are excluded.

1.5 Section 105 of the Act enables a Penalty Notice to be issued where an offence is committed under section 103. Parents are allowed a defence of reasonable justification under section 103(4).

1.6 Statutory Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices in relation to the use of these measures is contained in 'School attendance: Guidance for maintained schools, academies, independent schools and local authorities' (DfE, February 2024) and in 'School attendance parental responsibility measures - Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police' (DfE, January 2017) which outlines the Government's approach to school attendance and the use of parental responsibility measures.

1.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Equalities.

1.8 The LA has the prime responsibility for developing the protocol within which all partners named in the Acts will operate.

1.9 The purpose of this protocol is to ensure that powers are applied consistently and fairly in accordance with Tower Hamlets Inclusion and Equalities policies to support children and young people in mainstream education and ensure that no individuals/groups within the community are either treated more favourably or unfairly discriminated against compared to any other individual/groups.

1.10 LBTH considers 96% or above as regular attendance. Hence will only consider administering the issuing of Penalty Notice if the overall attendance below 96%.

2. The Legal Requirements related to School Attendance:

2.1 It is required that the Penalty Notice Scheme Protocol is detailed to the School Governing Body so that they are fully aware of it. The use of Penalty Notices must also be detailed in the school prospectus or notification sent to all parents/carers so that they are fully informed and aware of it.

2.2 Regular and punctual attendance at school is both a legal requirement and essential for pupils to obtain the maximum benefit from their educational opportunities.

2.3 In law an offence occurs under section 444 (1) of the 1996 Education Act, if a parent/carer fails to secure a child's attendance at a school at which the child is a registered pupil and that absence is not authorised by the school.

2.4 When prosecution is undertaken in the Magistrates Court the sentencing options available to Magistrates upon conviction of a parent, are a fine, conditional discharge, absolute discharge, a parenting order, or in some cases a combination of the options listed.

2.5 Penalty Notices supplement the existing sanctions currently available under Section 444 (1) of the 1996 Education Act.

2.6 Penalty Notices are not meant to replace current practice but to add another option to Schools and the LA to secure regular and punctual attendance. The LA will only administer the issuing of FPN if the overall attendance is below 96%.

2.7 In Tower Hamlets, the Behaviour & Attendance & Support Service (THBASS) undertakes this responsibility on behalf of the LA.

3. Possible Benefits offered by Penalty Notices

There are a number of possible advantages and benefits offered by the use of Penalty Notices:

3.1 Speed and efficiency in dealing with emergent patterns of poor attendance and punctuality and lack of cooperation and engagement from the parent/carer(s);

3.2 Sending a very clear message to parents/carers regarding the importance of regular school attendance and punctuality and the immediacy with which action can be taken to address it.

3.3 Emphasising the need for schools to address (i) poor attendance and punctuality, and (ii) lack of cooperation and engagement from parents/carers.

3.4 Offering another stage of intervention as part of the tiered 'levels of intervention' approach to addressing school non-attendance and punctuality and leading to more effective use of the resources and powers available to schools and the THBASS;

3.5 Establishing greater parity and equality in terms of responses to challenging casework where parents/carers fail to cooperate and work in partnership to re-engage children with the education system.

4. Criteria where a Penalty Notice may be considered:

A Penalty Notice may only be issued in cases of unauthorised absence or lateness or where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school.

The issue of a Penalty Notice may be considered appropriate in any of the following circumstances:

4.1 In instances of the deliberate taking of unauthorised leave/holidays in term time, where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given and where this has created a period of unauthorised absence of 10 sessions or more.

4.2 Where parents/carers fail to attend without reasonable cause LA led In-School Attendance Panels, to which they have been invited to discuss their child's unauthorised absences and/or lateness.

4.3 In cases of pupils identified as having Persistent Absence i.e., attendance of 90% or less (as defined by DfE from 1.9.15 onwards) over a period of a school term with 10 or more unauthorised sessions (half-days) of absence and with substantial evidence of failure on the part of the parent/carer to work in cooperation and partnership to address and improve the situation.

4.4 In cases of persistent late arrival at school (10 minutes after the attendance register has closed) with 10 avoidable late marks or more over the period of 10 school week period and after normal school procedures and sanctions have been followed and applied. The journey involved and particular issues such as adverse weather conditions and disruptions to transport should be taken account of as necessary.

4.5 Where there is a combination of unauthorised absence and avoidable lateness (10 minutes after the attendance register has closed) amounting to 10 sessions or more over the period of 10 school week period.

4.6 Where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification.

5. Circumstances for issuing Penalty Notices:

To ensure consistent and fair delivery of Penalty Notices, the following criteria for their use shall apply:

5.1 Penalty Notices are issued on an individual child per parent/carer basis. Where families have more than 1 child who fits the criteria, multiple issuing of Penalty Notices may occur – 2 parents/carers who have 3 children who fit the criteria will therefore be liable to receiving 3 Penalty Notices each. In these circumstances issuing should be subject to careful consideration and co-ordination.

5.2 Other than in those specific circumstances, detailed in point 4.1 related to (i) the taking of unauthorised leave/holidays in term time, and in point 4.6 (ii) where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, each liable parent/carer shall receive a formal Notice To Improve Letter of the possibility of a Penalty Notice being issued.

5.3 Schools and their Attendance & Welfare Advisor / Attendance Support Provider must scrutinise every aspect of a pupil's case in preparation for consideration for the issue of a Penalty Notice. This must include discussions with and any other agencies and professionals who have knowledge of or involvement with the family.

5.4 There shall be no restriction on the number of times a parent/carer may be issued with formal Notice to Improve letter of a possible Penalty Notice.

5.5 Reasonable justification for a pupil to be present during school hours in a public place during the first five days of exclusion includes: the pupil having a pre-arranged medical appointment or a medical emergency requiring immediate attention; and, there being a pressing need for the parent/carer to seek medical help and it being inappropriate to leave the pupil alone in the home unattended and it not being possible to make alternative arrangements for the pupil such as leaving him/her with a relative or friend .

6. Consideration of circumstances in which a Penalty Notice may be issued

6.1 When considering whether to issue a Penalty Notice attention should be given to the issues of whether it is likely to be effective in helping to re-engage and improve the attendance and punctuality of the child/young person at school, and whether there is substantive evidence of non-cooperation and/or collusion on the part of the parents/carers that justify its use.

6.2 Full consideration must be given to the circumstances affecting the child/young person and their family and the reasons given for the non- attendance and poor punctuality.

6.3 Recognition of the family's financial/material living conditions and whether serving a Penalty Notice would affect their safety and wellbeing and put them at risk of severe adversity and hardship.

6.4 Direct liaison must also be undertaken with the key worker where the child/young person is designated as vulnerable i.e., the subject of a Child Protection Plan, is a Child in Need, is a Child in Public Care, has a Statement of Special Educational Need, is a Young Carer, has been affected by Domestic Violence or is Privately Fostered.

7. Administration of the Penalty Notice Scheme:

The LA will administer the Penalty Notice Scheme and will issue all Penalty Notices to ensure:

7.1 Consistent and equitable delivery of the Penalty Notices.

7.2 Ensure consistent administration and monitoring of the system.
7.3 Avoid duplication.
7.4 Schools will not be burdened with excessive administration.
7.5 It will prevent relationships between schools and families being unnecessarily strained.
7.6 Penalty Notices will only be issued by post/email and never as an on-the-spot action.

8. Requirement on schools to notify parents/carers of the LBTH Children and Culture Directorate Penalty Notice Scheme Protocol

The Statutory Guidance related to Penalty Notices requires that a school's Governing Body formally notify all parents/carers of pupils at the school about the Penalty Notice Scheme.

8.1 A letter is sent to all parents/carers by the school signed by the Headteacher.
8.2 The Information Leaflet for Parents on the Penalty Notice Scheme should also be sent to all parents/carers together with the letter from the Headteacher.

9. Procedure

When a school is concerned about the unauthorised absence or lateness of a pupil then the normal procedures within school that would usually be followed should be initiated. If the concern continues, then the school can initiate the Penalty Notice procedures.

9.1 The school formally refers the pupil to Tower Hamlets Behaviour & Attendance Support Service (THBASS) and all relevant information must be supplied on the THAWS 1 Attendance Referral Form in the specified manner
9.2 The referral of a pupil with a view to a Penalty Notice being issued must not adversely affect any other ongoing strategies already in place to improve school attendance and punctuality.
9.3 In those specific circumstances related to (i) the taking of 10 sessions or more of unauthorised leave/holidays in term time where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given, and (ii) where parents fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, the pupil should be referred immediately to the Attendance & Welfare Service for issue of the Penalty Notice.

10. The Role of the LA/BASS in issuing Penalty Notices:

Upon receipt of an appropriately completed THAWS 1 Attendance Referral Form:

10.1 The THBASS will act upon all referrals within 10 school days of receipt of the referral and where all criteria are met.
10.2 Penalty Notices will be issued and sent by 1st class post/email where the criteria for doing so are met
10.3 Where a Penalty Notice is issued and attendance improves, the LA is still expected to prosecute the parent/carer if the Penalty Notice remains unpaid
10.4 When a Penalty Notice is issued and paid within the timescales identified earlier but attendance levels do not improve, the Penalty Notice cannot be used as evidence in any subsequent prosecution of parents/carers under S.444 of the Education Act 1996.

11. Criteria for withdrawing Penalty Notices:

11.1 The Penalty Notice was issued to the wrong person.

11.2 The Penalty Notice was issued outside the agreed criteria.

11.3 If parent/s provide evidence to the LA which confirms the unauthorised holiday was taken under emergency circumstances, for example a close relative has died, and tickets were booked thereafter, and relevant evidence provided. Or if the family is visiting a seriously ill and close relative who later died before the family return back to the UK and evidence is provided then the Local Authority will not proceed.

12. Payment of Penalty Notices:

12.1 Arrangements for payment will be included on the Penalty Notice.

12.2 Payment of a Penalty Notice within the established time period discharges the parent/carer of liability for the period of absence/lateness for which the Penalty Notice was issued.

12.3 Once the Penalty Notice has been paid the parent/carer cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.

12.4 The cost of the Penalty Notice is £80 payable within 21 days.

12.5 If the Penalty Notice is not paid within 21 days, then the cost increases to £160 which must be paid within a further 7 days i.e., by 28 days after the original date of issue.

12.6 Where it is deemed appropriate to issue a second penalty notice to the same parent for the same pupil within 3 years of the first notice, the second notice is charged at a flat rate of £160 if paid within 28 days.

12.7 A third penalty notice must not be issued within a 3-year period. Therefore, in cases where the threshold is met for a third (or subsequent) times within those 3 years, a penalty notice cannot be issued, and alternative action should be taken instead. This will often include considering prosecution but may include other tools such as one of the other attendance legal interventions. In these cases, once 3 years has elapsed since the first penalty notice was issued to the parent a further penalty notice can be issued if appropriate, but in most cases, it will not be the most effective tool for changing what may have now become an entrenched pattern of behaviour.

12.8 Local authorities must ensure their existing processes record where a penalty notice has been issued to an individual parent in respect of an individual pupils. They will also need to retain records for at least 3 years from the date of issuing any penalty notice in order for the escalation procedures to be followed.

12.9 If the Penalty Notice is not paid then the parent/carer will be summoned to appear before the Thames Magistrates Court, under section 444(1) of the Education Act 1996, 'failure of a child to attend school regularly'.

12.10 The THBASS retains any revenue from Penalty Notices to cover administration and enforcement costs (collection and prosecution in the event of non-payment).

13. Non-payment of Penalty Notices:

13.1 Non-payment of a Penalty Notice will result in the withdrawal of the Notice and will trigger the prosecution process under the provisions of Section 444(1) of the 1996 Education Act.

14. Policy and Publicity:

14.1 The LA will include information on the use of Penalty Notices and other initiatives to improve school attendance and punctuality in promotional/public information material.

14.2 When the Tower Hamlets Penalty Notice Scheme is adopted by school, the school should include details of the Scheme in their Attendance Policy, and this should be brought to the attention of all parents/carers.

15. Reporting and Reviewing:

15.1 Monitoring of the operation of the Penalty Notice Scheme will be reported to the Director for Education in the LA on a regular basis and an annual report produced at the end of each academic year detailing the development and progress of the scheme.

16. Appeals

16.1 There is no right of appeal identified within the guidance pertaining to 'School Attendance parental responsibility measures – statutory guidance for local authorities, school leaders, school staff, governing bodies and the police' (DfE, January 2017).

16.2 In those specific circumstances related to (i) the taking of 10 sessions or more of unauthorised leave/holidays in term time where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given, and (ii) where parents fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, the pupil should be referred immediately to the Tower Hamlets Behaviour & Attendance Support Service (THBASS) for issue of the Penalty Notice.

16.3 In relation to the other criteria no Penalty Notices can be issued until parents/carers have received a warning letter (Notice to Improve) from the school/allocated Attendance & Welfare Adviser (AWA) for the school warning of the possibility of such a Notice being issued unless parents/carers show improvements in their child's attendance levels and punctuality. If a parent/carer disagrees with the school over this matter, they should put their concerns and objections in writing to the school within 10 school days of the date of issue of the warning letter (Notice to Improve).

16.4 Similarly, if a parent/carer receives the Penalty Notice and does not agree with the conditions under which it has been issued, they may write to identify their concerns, and this must be received within 14 days of the issue of the Penalty Notice. No correspondence after this point will be entered into and the parent/carer must pay the Penalty Notice or face the possibility of proceedings for non-payment in the Magistrates Court for failure to ensure regular and punctual attendance at school.

16.5 All such correspondence should be addressed to the:

Attendance Legal Manager
Tower Hamlets Behaviour & Attendance Support Service
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

PENALTY NOTICES

New National Framework for Penalty Notices for poor school attendance and unauthorised leave in term time effective from 19 August 2024.

TOWER HAMLETS

Per Parent, Per Child

Penalty Notices will still be issued to each parent for each absent child.

For example – 2 siblings being absent for unauthorised leave in term time, will result in each parent receiving two separate fines.

Penalty Notices will be issued for:

- Term Time Leave: 5 consecutive days or more
- 10 sessions of unauthorised absence and/or lateness in a 10 week period

First Offence

The first time a penalty notice is issued, the amount will be £160 per parent, per child, if paid within 28 days.

(Reduced to £80 per parent, per child, if paid within 21 days.)

Second Offence

The second time a penalty notice is issued, the amount will be £160 per parent, per child, if paid within 28 days.

(There is no reduction for any early payment.)

Third Offence

The third time a penalty notice is issued, the case will be presented straight to the Magistrates Court.

Fines of up to £2500 per parent, per child, can be issued by the courts.

BEHAVIOUR AND ATTENDANCE SUPPORT SERVICE
London Borough of Tower Hamlets, Town Hall, 160 Whitechapel Road, London E1 1BJ

Email: LBTHAttendance&.WelfareServiceAdmin@towerhamlets.gov.uk **Telephone: 020 7364 3450**

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