

KING HENRY VIII SCHOOL



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Attendance Policy

2015 – 2016

*Approved by the Governing Body
on 25 January 2016*

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Attendance Policy

Introduction

At King Henry VIII the Governors and Staff are committed to providing a full and effective education for all of our students.

Regular attendance at school is essential if pupils are to succeed and fulfil their potential. King Henry VIII School employs a whole school approach towards attendance with Subject Leaders, Curriculum Leaders, Form Tutors, Leaders of Learning, Assistant Headteachers, Attendance Administrators and the Education Welfare Officer, all fully involved in monitoring pupil attendance.

Good attendance is given a high profile throughout the school as the school recognises that poor attendance disadvantages children. We aim to ensure that the students in our school attend regularly and on time, and where this is not the case, staff follow a staged procedure designed to encourage consistent attendance. There is a strong partnership with parents and close liaison with a variety of external agencies.

Aims

1. To maximise pupil attendance through valuing high attendance rates.
2. To encourage students to take full advantage of their educational opportunity by attending regularly.
3. To recognise the external factors which influence pupil attendance and work in partnership with parents, the Education Welfare Service and other agencies to address difficulties.

Objectives

1. To implement the Attendance Framework ensuring effective and efficient systems for monitoring attendance.
2. To identify patterns of non-attendance at an early stage and work to resolve difficulties.
3. To create high expectations in terms of attendance and to reinforce good attendance through a process of acknowledgement and reward.

Attendance Policy Guidance and Procedures

The oversight of attendance will be the responsibility of a member of the School Leadership Team (currently M Stockham – Assistant Headteacher). Support will be given by the attendance administrator who will act as co-ordinator of the SIMS system. Specific responsibilities include:

- **Attendance Administrator**

- To attempt to contact all pupils on the first day of absence by email, phone or letter.
- To update attendance data daily from parental returns.
- To produce attendance statistics as required by Leaders of Learning, Leadership Team and the EWO.
- To maintain and distribute lists of pupils who have arrived late at school.
- To monitor the SIMS system and report faults to the Assistant Headteacher MSM.

- **Form Tutors**

- To monitor attendance of their form daily and ensure records are updated.
- To collect information from pupils regarding absence.
- To monitor the attendance of the form group as a whole and on an individual basis.
- To implement early intervention by the use of the school's attendance framework.
- To raise the profile of student attendance in line with school policy.

- **Leaders of Learning**

- To monitor attendance and punctuality.
- To ensure the Attendance Framework is being implemented correctly.
- To work with the Education Welfare Officer.
- To arrange suitable detentions for students who are late.
- To distribute rewards for attendance and ensure attendance receives a high profile in assemblies.
- To arrange the coordination of work for long term absentees.
- To identify students whose attendance is causing concern and issue personal attendance plans (PAPs), setting appropriate targets and employing various strategies to rectify difficulties and support improved attendance.
- To meet with parents as appropriate.
- To use attendance rewards to improve attendance.
- To inform Assistant Headteachers of pupils' unauthorised attendance which could lead to the issuing of fixed term penalties.

- **Assistant Headteachers**

- To monitor attendance.
- To liaise with Leaders of Learning and implement further strategies with a pastoral support programme (PSP) to support and improve pupil attendance.
- To meet regularly with the Education Welfare Officer to ensure resources are used effectively and monitored appropriately.
- To meet with parents as appropriate.
- To provide Leaders of Learning with individual students attendance data as required.
- To oversee the administration of the attendance process.
- To advise Headteacher with regards to fixed term penalty notices.

- **Education Welfare Officer**
 - To liaise with the Attendance Administrator regarding daily telephone calls and attendance data.
 - To meet with Leaders of Learning and Assistant Headteacher to discuss attendance issues.
 - In partnership with Leaders of Learning, meet with the parents of pupils whose attendance is causing concern and to devise suitable plans for their reintegration to school.
 - To implement legislation and statutory procedures, including fixed term penalties where appropriate, and in consultation with the Assistant Headteacher (inclusion and well-being) and Headteacher.

- **Attendance Officer**
 - To liaise with the Attendance Administrator, Leaders of Learning and Assistant Headteachers regarding pupils attendance.
 - To have daily contact with identified pupils, working to reduce barriers and improve attendance.
 - To further develop relationships with identified families.
 - To support the mentoring of vulnerable pupils in the school, whose attendance is affecting progress.

- **Pupils and family Engagement Officer**
 - To liaise with Leaders of Learning and Assistant Headteachers.
 - To further develop strategies to develop community links, encouraging family engagement with the school.
 - To provide opportunities that support learning for vulnerable families.
 - To work with and foster close relationships within the community, ensuring families feel supported by the school.

Daily

- Attendance will be monitored on the SIMS system.
- All staff will take a register during subject lessons and registration periods.
- The attendance administrator will contact the parents of pupils on their first day of absence either by telephone or letter. The results of this contact will be logged and appropriate changes made to attendance registers.
- The attendance administrator will record all absence and lateness on SIMS.
- Parents are expected to contact the school on the first day of their child's absence, with a suitable reason for that absence.

Weekly

- Attendance figures will be monitored by Assistant Headteachers and Leaders of Learning.
- Assistant Headteachers will meet with the Education Welfare Officer to discuss individual pupils' attendance. This information will be recorded and distributed to relevant Leader of Learning.
- Detentions will be set for pupils arriving late.

Monthly

- Individual students' attendance data will be distributed to all staff.
- Students receive monthly attendance data and targets for input in their planners.
- Form Tutors display tutor attendance and targets.
- Attendance notice boards will be updated, and school TV monitors will display attendance successes.

Yearly

- Attendance targets to be displayed during all parent consultation evenings and also included in parental documentation where appropriate.
- Attendance figures are recorded on reports and discussed at parents' evenings.
- Excellent, Very Good and Improved attendance is recognised in a special rewards assembly.

Appendix 1

King Henry VIII School Attendance Framework



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Attendance		What will happen (Outcomes)
Well Done 96% or Above Attendance		<p>WELL DONE your attendance is above the school target.</p> <ul style="list-style-type: none"> You will be involved in end of year school trips, prize draws and other attendance rewards. This means that you have missed less than 9 days across the whole school year. This level of attendance will help you achieve your full potential in lessons, and not miss out on important information or activities.
Form Tutor 90 up to 96% Attendance		<p>Your Form Tutor will monitor your attendance on a regular basis</p> <ul style="list-style-type: none"> You will meet with your Form Tutor to discuss concerns and strategies to help you improve your attendance. This attendance means that you have missed between 10 and 20 days of your education. If your attendance does not improve your parents will be invited to meet with Leader of Learning.
Leader of Learning 85 up to 90% Attendance		<p>Your Leader of Learning will meet with you and your parents to create an action plan to improve your attendance.</p> <ul style="list-style-type: none"> Leaders of Learning will create an action plan to improve your attendance. This will be monitored regularly. This attendance means that you have missed between 20 to 28 days of your education. If your attendance does not improve you will be referred to an Assistant Head or the Educational Welfare Officer.
Assistant Head 80 up to 85% Attendance		<p>An Assistant Head will meet with you and your parents</p> <ul style="list-style-type: none"> The Assistant Head will create an action plan to improve your attendance, meeting with you regularly to monitor progress. This attendance means you have missed between 29 to 38 days of your education. If your attendance does not improve it is likely you will be referred to the Educational Welfare Officer.
EWO 80% or Below Attendance		<p>You will automatically be referred to the Educational Welfare Officer for monitoring and possibly the Governor Attendance Panel.</p> <ul style="list-style-type: none"> Your attendance means that you have missed a fifth of your education, this will have serious impact on your learning. Failure to improve your attendance could lead to your parents being prosecuted or a fixed penalty fine given.

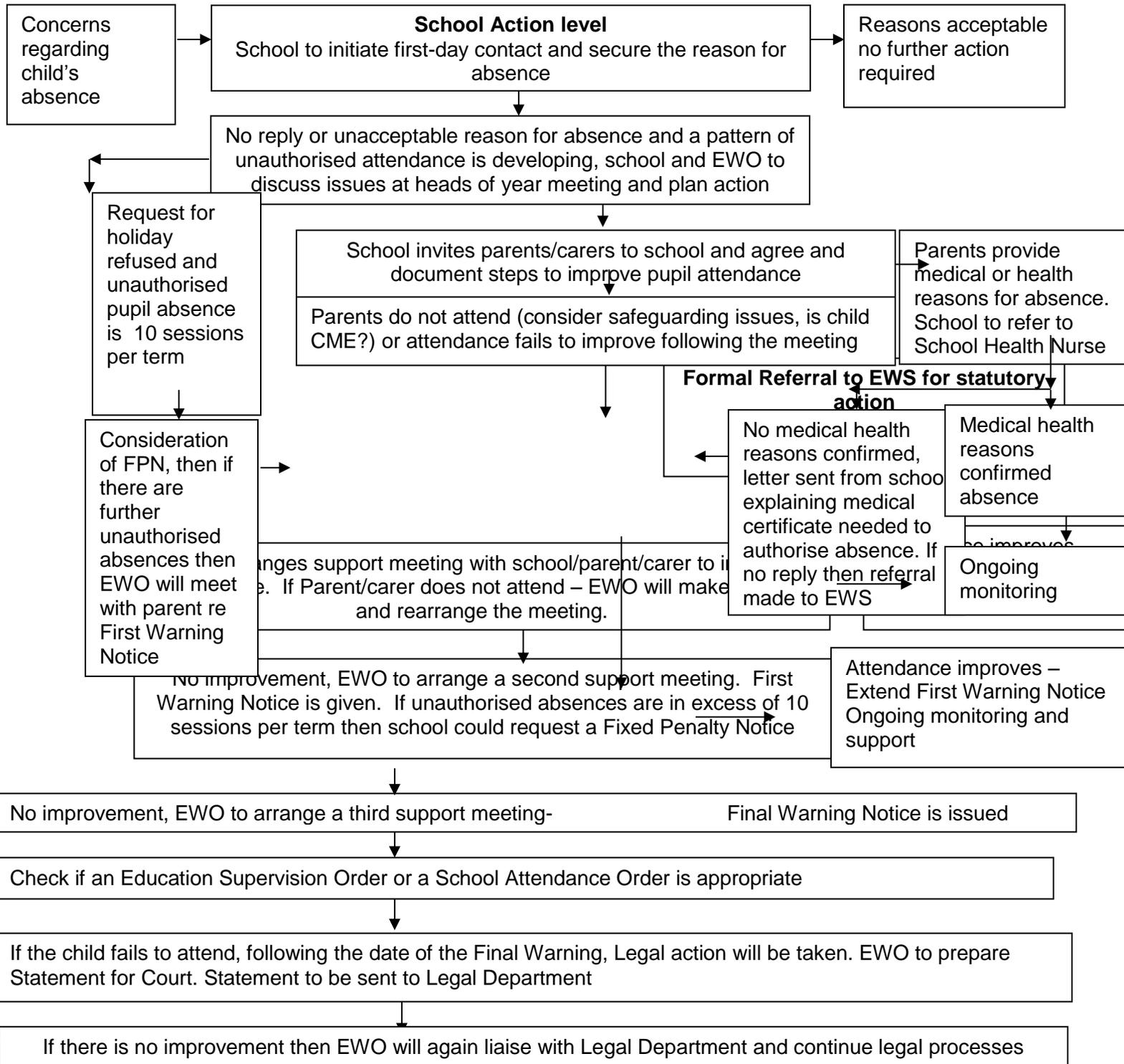


Appendix 2

Monmouthshire Procedures for Non-Attendance

PROCEDURES FOR NON ATTENDANCE (Sept 2014)

In conjunction with Welsh Government Guidelines – September 2011



Appendix 3

Monmouthshire Education Welfare Service – Roles and Responsibilities

Monmouthshire Education Welfare Service- Roles and Responsibilities

The Education Welfare Service supports the Local Authority's Single Improvement Plan by ensuring that "People have access to practical and flexible learning". The Education Welfare Service has identified actions which contribute towards the Inclusion Service and Head of Service improvement actions which link directly to the Local Authority's Single Improvement Plan.

The Education Welfare Service in Monmouthshire is committed to providing a service which:-

- Provides Head Teachers, schools and their governing bodies with advice , guidance, support and challenge to ensure that schools have appropriate attendance processes in place
- Ensures that the Local Authority fulfills its statutory responsibilities relating to attendance and child protection
- Tracks vulnerable cohorts of pupils such as LAC, Minority Ethnic and Gypsy Travelers
- Works proactively with other agencies to address underlying issues which may impact upon pupil attendance

All of the above contribute towards raising attendance and increasing learning opportunities for young people in Monmouthshire.

The Education Welfare Service is committed to promoting regular attendance and wellbeing of all Monmouthshire pupils as irregular and disrupted attendance can have a negative impact on future career and employment prospects. The Education Welfare Service follows Local Authority's Child Protection and Safeguarding Policies where they have professional concerns. The Education Welfare Service works extensively with other agencies to address issues which may impact upon pupil attendance at school.

Responsibilities

In order to promote regular attendance, all parties have responsibilities. The responsibilities of parents/carers, pupils, schools and Educational Welfare Officers are outlined below.

Parent (Person who has parental responsibility):

A Parent/carer is responsible in law for ensuring that their child(ren) attend regularly and arrive on time at the school at which they are registered.

A Parent/carer can support the regular and punctual attendance of their child(ren). They should:-

- take an active interest in their child(ren)'s school life and work;
- attend parents' evenings and other school events;

- ensure that their child(ren) completes his/her homework
- be aware of letters from school which their child(ren) may bring home;
- ensure that their child(ren) arrives at school on time and remains in school each day;
- ensure that their child(ren) only misses school for reasons which are unavoidable or justified, such as illness or days of religious observance;
- always notify the school on the first morning of any absence, giving a reason for the absence and confirm this in writing when their child(ren) returns to school;
- avoid booking family holidays during term-time and where the family feel that there are exceptional circumstances then they should consult with the child(ren)'s head teacher prior to booking;
- talk to the school if they are concerned that their child(ren) may be reluctant to attend for any reason; especially if they feel there is an issue either of bullying or safeguarding.;
- Provide the school with a current contact number where the school can make contact with the parent/carer at any time during the school day;

Pupil:

A pupil should:-

- attend school regularly and be on time
- attend all lessons punctually
- turn up, be prepared to learn, be dressed appropriately and have the correct equipment.
- be aware of the appropriate member of staff they can contact/speak with if there are issues which may impact upon attendance

Schools

Schools are responsible for supporting the attendance of their pupils and for responding to difficulties and issues which might lead to non-attendance.

Schools which adopt a positive and proactive approach towards attendance and encourage parent/carers to take an active role in the schooling of their child(ren), play a major role in improving levels of attendance, punctuality and in reducing both absenteeism and truancy which all contribute towards securing greater pupil attainment.

Schools should:-

- be open to all pupils for 380 sessions each school year
- create an ethos and culture via the development and maintenance of positive relationships which encourages good attendance, addressing school-based causes of poor attendance such as bullying, racism, and any curriculum based issues
- involve and identify a role for governors
- identify a key senior member of staff with overall responsibility for attendance who ensures that good practice is identified and disseminated and regularly monitored and reviewed
- provide clear guidance to staff on the practice of registration to enable them to maintain accurate attendance registers in accordance with the legal requirements under the Education (Pupil Registration) (Wales) Regulations 2010 to take an attendance register twice a day; at the start of the morning session and again during the afternoon session
- provide clear guidance to staff on the categorisation of absence and accurately record and monitor all absenteeism and lateness in line with the Welsh Government's guidance on codes as "the accuracy of the register is important in order to support any statutory interventions that may be required. **It should be noted that it is an offence not to maintain accurate registers" Point 70 All Wales Attendance Framework.**
- ensure that first-day of absence contact procedures are in place and followed, particularly in relation to pupils who may be considered to be at risk

- recognise the crucial importance of early intervention identifying clear procedures to follow up all absence and lateness allocating individual staff roles and responsibilities where appropriate; this should involve monitoring post-registration truancy and specific lesson absence/internal truancy through the taking of class registers and spot checks (especially in the afternoons) and ensure that the parents of any post-registration truants are promptly informed and where necessary actively involved
- identify a range of both proactive and reactive strategies to promote attendance and address absenteeism, especially persistent absenteeism, this could include, development of pro-active pastoral support approaches, use of Emotional Literacy strategies such as SEAL, restorative approaches and use of attendance audits as part of school's self-evaluation processes
- distinguish clearly between absence which is authorised and absence which is unauthorised according to criteria as identified in the All Wales Attendance Framework
- remind parent/carers that it is the decision of the head teacher to determine whether or not an absence will be authorised and stress to parents the importance of continuity of learning, particularly in relation to requests for family holidays during term-time (schools should grant leave for term-time holidays sparingly, if at all and only after considering a pupil's prior attendance and any other exceptional circumstances); The All Wales Attendance Framework allows for schools "to grant leave for the purpose of an annual family holiday and, in law, have to apply for permission in advance." (Point 316 page 74)
- make effective use of attendance data to monitor progress/trends and set targets for improvement – for individuals, classes, year groups and the whole school paying particular attention to critical times (e.g. Key Stage 2/3 transfer) and vulnerable groups in order to comply with the Children Act (2004) requirements
- establish regular structured meetings between identified school staff and the Education Welfare Officer to ensure that the school has taken all reasonable steps in line with the All Wales Attendance Framework before a referral is made to the Education Welfare Service (see Monmouthshire Education Welfare Service flowchart).
- establish effective multidisciplinary networks for liaising with other involved agencies and services such as Education Welfare Officers, Social Services, Youth Service, the Police, Health, etc;

- liaise with the police and the Education Welfare Officer when truancy sweeps are undertaken locally
- establish procedures for reintegrating long-term absentees and pupils who may, for specific reasons, have been on a reduced timetable underpinned by a pastoral support plan which clearly identifies the timescales when pupils will return to full time provision. It is expected that a Pastoral Support Plan would have involved all relevant agencies including a Local Authority Officer.
- submit regular absence returns to the Welsh Government and Local Authority returns as are required or requested
- publish information relating to their own levels of attendance and absence as well as including details of these in the school's website/prospectus/newsletters/parents evenings and annual report to their governing body or as often as required as some governing bodies request more frequent and regular update reports.
- set annual targets in liaison with the Local Authority/EAS to reduce absence and submit these targets in accordance with the relevant regulations.

Schools within Monmouthshire are strongly encouraged to develop their own whole school policy on attendance in discussion with staff, governors, parents and pupils taking account of relevant guidance issued by Welsh Government and good practice identified by their Local Authority.

Education Welfare Officers

The fundamental purpose of the Education Welfare Service is outlined in the All Wales Attendance Framework (bullet Points 10-14). The Education Welfare Service (EWS):-

- Provide professional, quality support to children, young people, families and school so that children and young people living in Wales benefit from the educational opportunities provided to them.
- Investigate the reasons behind school absence, offer information and guidance, undertake planned interventions, advise families about specialist support services and make referrals to appropriate services when required.
- Treat children and young people as individuals who have a right to equal opportunities, whatever their ability, race, culture, religion, gender, sexual orientation or social background.

- Recognise that children and young people with Additional Learning Needs (ALN) and families who are socially disadvantaged may, at times, require extra support.
- Work alongside and where appropriate engage other agencies in order to support all children and young people with specific emphasis placed on child protection issues.

The Education Welfare Service:-

- discharges the Council's legal duty to ensure that all pupils of compulsory school age are in receipt of suitable education.
- improves attendance rates for individual pupils and schools
- promotes pupil well-being by assisting in removing barriers which may prevent a child receiving education. This often involves liaison with other agencies.

The Education Welfare Service employs a range of strategies to ensure that registered pupils of compulsory school age attend school regularly and punctually.

This can include:-

- monitoring attendance (as authorised representatives of the Local Authority) through the regular inspection of registers and liaison with designated school staff; (In order to comply with the law, these registers must be available for designated public officials, including the police and courts, to inspect. Failure to do so can lead to head teachers being fined by the courts)
- undertaking individual casework with non-attending pupils and their parents upon receipt of an appropriate referral from school (referred to as an EWS 1)
- offering strategic advice, support and challenge to enable schools to develop improved systems and practices for managing attendance and improving school attendance
- arranging and attending regular meetings on pupils' attendance both in and out of school as well as issues on attendance and related issues within their designated school/s
- providing feedback to schools on the results of court hearings or proceedings, casework and case conferences, including inter-disciplinary work
- participating in regular data analysis and feedback exercises including, as necessary, the provision of specialist reports

- undertaking participation in such training or feedback as may be required for selected school staff
- undertaking all requisite duties on managing and improving school attendance as may be required by the Local Authority

Education Welfare Officer (EWO) Casework

The majority of pupils are referred to the Education Welfare Service by schools. There may be some occasions when other agencies/services, pupils, parents or the police may contact the Education Welfare Officer (EWO). When a pupil with attendance difficulties is referred to an EWO, the EWO will ask the school for evidence of school based intervention that has been undertaken with the family prior to referral. It would be expected that the school would have undertaken a number of steps to address the pupil's non-attendance. These would include:-

- action by the class teacher/form teacher;
- action by the relevant key member of staff (eg Head of Year/Deputy Head/Assistant Head (secondary) or Head or Deputy Head (primary) as well as by Middle and Senior Management teams;
- preliminary contact with parents including first day absence and to ascertain the reasons and causes for the pupil's absence.

The overwhelming majority of referrals to EWOs are made on the basis of non-attendance and well-being issues. Referrals are accepted in relation to any attendance concerns.

- Referrals may be made when:-
 - a) a pattern of irregular attendance has developed and communication by the school to the parents has met with little or no response;
 - b) there is evidence of a lack of parental co-operation in ensuring their child(ren)'s regular attendance
 - c) a pattern of persistent lateness has developed whereby the pupil is recorded as unauthorised absent as they have arrived after the register has closed (this would be coded U)
 - d) there are safeguarding concerns;

- e) following regular register checks especially when a pupil's attendance has fallen below an agreed acceptable level;
- f) there are specific and identifiable welfare issues which are preventing a pupil from accessing his or her schooling appropriately.

If a pupil moves schools then the school cannot take the pupil off roll until the Local Authority confirm that the pupil has a placement at their new school.

If a school suspects that a pupil has left the school with no reason provided, and has been continuously absent from the school for a period of not less than four weeks and the proprietor of the school has failed, after reasonable enquiry, to locate the pupil, the school should immediately contact the EWO who will liaise with the school to place the pupils' name on the missing Children Database. Only then can the school take the pupil off roll.

- Upon acceptance of referral, the EWO will then engage in such individual casework or follow up action as required. Casework is normally undertaken with school, parent/carers and pupils in order to bring about a pupil's return to regular attendance. The EWO will recognise and take account of individual circumstances and will respond accordingly. The prompt re-engagement of the pupil at his or her school with improved attendance will however, always be the main aim. The EWO will employ a range of practice and strategies in their casework and will, when necessary, utilise such other appropriate services as may be available and, if required, progress the case through such appropriate legal processes.
- All EWO casework will involve liaising with the school to keep them informed of progress and the impact the intervention is having on the pupil's attendance. There may be a range of responses required; this could include a home visit in order to remind parents of their legal responsibilities or to help resolve a particular and identified difficulty. In other instances, there may be complex and deep-seated reasons why the pupil is not attending the EWO will negotiate a plan of support (which could involve referral to, or the involvement of, other agencies)
- All EWO casework will involve a close and continuous liaison with the pupil's school. EWOs ensure that schools receive regular feedback on pupils with whom work is being undertaken.

- In cases where the main causes of the non-attendance may be school-related (e.g. alleged bullying, cyber-bullying or racism, peer pressure, difficulties with a particular lesson or teacher), the EWO will discuss these issues with the appropriate post holder/s at the school in order for the school to meet with the pupil and develop specific strategies to overcome these alleged difficulties.
- All referrals to EWOs are recorded via centrally-agreed systems in order to comply with the Data Protection Act. These referrals are normally made to EWOs during regular consultation visits. The frequency of these visits will be in accordance with an individual school's identified level of need and may be followed by a written letter or home visit. Urgent referrals may be made by telephone outside of these visits.
- If a school has any reason to be dissatisfied with the level or quality of service provided by its EWO, it should contact the appropriate officer responsible for the Education Welfare Service in the first instance.

Richard Austin

Principal officer Inclusion

Appendix 4

**Fixed Penalty Notices
A Guide for Parents and Carers**

Fixed Penalty Notices - a guide for parents and carers

Improving regular attendance at school is a key priority, both locally and nationally.

The Welsh Government has introduced important amendments to legislation surrounding school attendance. The Education Act 1996 makes it a criminal offence for a parent to “fail to secure their child’s regular attendance at the school”

The new amendments include a penalty notice scheme. This means that a Head teacher can request the issue of a Fixed Penalty Notice for irregular attendance of a child or young person registered in their school. This includes pupils who attend an alternative education provision arranged by the Local Authority.

Some examples of when a Fixed Penalty Notice can be issued:

- **Unauthorised absences** - Where at least 10 sessions (5 schools days) are lost to unauthorised absences; these do not need to be consecutive. You will receive a formal notification from the Head teacher explaining the actions that may be taken.
- **Holidays in term time** - A Fixed Penalty Notice can be issued for an unauthorised leave of absence for at least 10 sessions (five school days) during term time; these have to be consecutive school days.

Should a parent/carer wish to take a holiday during term time they must apply in writing to the school explaining the circumstances for the leave of absence. The Head Teacher must be satisfied that the circumstances warrant the granting of leave and that the child’s attendance is not below the school’s attendance target for that year.

If the holiday goes ahead after the application has been declined the absence will be recorded as unauthorised. The school will inform the Local Authority who will then issue the penalty notice on their behalf.

- **Late arrivals** – at least 10 sessions of late arrival at school after the register has closed. (there are two sessions in a school day, morning and afternoon)
- **Truancy** – where a child or young person comes to the attention of the Police during school hours for being absent from their registered school without an acceptable reason.

Where both parents have responsibility for their child, each parent will receive a fixed penalty notice.

The definition of “parent” includes all natural parents, whether they are married or not; and includes any person who, although not a natural parent, has parental responsibility and/or care for a child or young person.

Timeline	One child	Two children
Paid within 28 days	£60 per parent	£60 per child = £120 per parent
After 28 days and before 42 days	£120 per parent	£120 per child = £240 per parent
After 42 days	You will receive a summons to appear before the Magistrates' Court on the grounds you have failed to secure your child's regular attendance	You will receive a summons to appear before the Magistrates' Court on the grounds you have failed to secure your children's regular attendance

Section 444 of the Education Act 1996, makes it a criminal offence for a parent to fail to secure their child's attendance at the school at which they are registered and where that absence is not authorised by the school. Therefore if the penalty notice is paid within the time limits above, no further action will be taken in connection with the offence. If the fixed penalty notice remains unpaid the parent/carer will be prosecuted in magistrate's court for the offence.

Appendix 5

**SEW Consortium
Fixed Term Penalty Notices**

**SOUTH EAST WALES CONSORTIUM-
Monmouthshire**

**Local Code of Conduct
Education Fixed Penalty
Notices**

1. Legal Framework

- 1.1. The law empowers designated Local Authority (LA) Officers, head teachers, including their nominated deputies and the Police to issue Fixed Penalty Notices to the parents of children who have unauthorised absence from schools that fall within the South East Wales Consortium (SEWC) area. In Monmouthshire if Head Teachers wish to issue a Fixed Penalty Notices they will discuss this with an Education Welfare Officer who will liaise with the Principal Officer Inclusion.

The rules governing the implementation of these powers and the factors that should be taken into account when issuing a Fixed Penalty Notice are outlined In:

- The Education Act 1996;
- The Education & Inspections Act 2006;
- The Education (Penalty Notices) (Wales) Regulations 2013

The South East Wales Consortium is responsible for developing a protocol with which all the partner agencies named in legislation will work.

2. Rationale

- 2.1. Section 7 of the Education Act 1996 states that:
“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise”
- 2.1.1. Regular and punctual attendance at school or alternative provision is a legal requirement and is essential to enable children to maximise their educational attainments and opportunities available to them.
- 2.1.2. Evidence shows that children with poor attendance are unlikely to succeed academically and they are more likely not to be in education, employment or training (NEET) when they leave school. NEET young people are likely to have a history of non- attendance and persistence absences in years 10 and 11.
- 2.1.3. Section 444 of the Education Act 1996, makes it a criminal offence for a parent’s failure to secure their child’s attendance at the school at which they are registered and where absences are not authorised.
- 2.1.4. The definition of “parent” includes all biological parents, whether they are married or not and includes any person who, although not a biological parent, has the parental responsibility and/or care for a child or young person.
- 2.1.5. Targeted intervention plays a vital role in resolving issues of poor school attendance, however where this fails to have the desired effect there are a number of sanctions available to Local Authorities (LAs) to try and secure improvements.
- 2.2. Fixed Penalty Notices are one of the sanctions available for this offence and offer a means of suitable and effective intervention for improving levels of unauthorised absences, before they become entrenched and persistence absences, whilst reducing the need for lengthy and costly prosecutions.
- 2.3. Fixed Penalty Notices and other sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem.

They will be used as a means to support parents to meet their legal responsibilities and only where there is a reasonable expectation that their use will secure improved school attendance.

3. Policy and Publicity.

- 3.1. School Attendance Policies will include information on the issuing of Fixed Penalty Notices and this will be brought to the attention of parents.

4. Monitoring and review.

SEWC and LAs will monitor and evaluate the effectiveness of Fixed Penalty Notices annually and amend its general enforcement strategy as appropriate. Reports will be made available to Consortium Directors, Local Authority Heads of Service and Strategy Committee and the Welsh Government as required.

Appendices

Appendix 1	Personal Action Plan
Appendix 2	Protocols and procedures in relation to Fixed Penalty Notices
Appendix 3	Advisory letter for issue by schools
Appendix 4	Fixed Penalty Notice request check list (to be submitted with Request)
Appendix 5	Penalty Notice request - Unauthorised Holiday
Appendix 6	Penalty Notice request - Unauthorised Absence
Appendix 7	Penalty Notice pro-forma
Appendix 8	Relevant legislation



Personal Attendance Plan Review

Name: Tutor Group: Date:

Your current attendance is: %
Your target attendance was: %

Review comments:

The following actions have been agreed

Action	When will it happen?	What will be the outcomes?	Who will be involved?

I agree to these actions:

	Name	Signature	Date
Student:			
Parent/Guardian:			
School:			



Personal Attendance Plan

Name: Tutor Group: Date: Review Date:

This plan is being put in place to improve your attendance at school

Your current attendance is: %
Your target attendance is: %

Reason for absence

The following actions have been agreed to help you meet your attendance target

Action	When will it happen?	What will be the outcomes?	Who will be involved?

I agree to these Actions

	Name	Signature	Date
Student:			
Parent/Guardian:			
School:			

Protocols and procedures in relation to Fixed Penalty Notices

Issue of a Fixed Penalty Notice

- A Fixed Penalty Notice can only be issued in cases of unauthorised absence;
- Fixed Penalty Notices will be restricted to one notice per parent of a pupil in an academic year;
- In cases where there is more than one poorly-attending pupil in a family, notices may be issued for more than one child;
- There will be no restriction on the number of times a parent may receive a formal warning of a possible Fixed Penalty Notice

Fixed Penalty Notices may be considered appropriate when:

- At least 10 sessions (5 school days) are lost due to unauthorised absence during the current term. These do not need to be consecutive;
- Unauthorised absences of at least 10 sessions (5 school days) due to holidays in term time or delayed return from extended holidays; or
- Persistent late arrival at school, i.e. after the register has closed, in the current term. "Persistent" means at least 10 sessions of late arrival;
- Truancy, where the child has come to the attention of the Police or public during school hours for being absent from school, without an acceptable reason.

With regard to a request from a school for a Fixed Penalty Notice linked to a holiday related unauthorised absence, Monmouthshire Local Authority will only issue a Notice where the school has provided the necessary paperwork and evidence. This paperwork should comprise:

- A copy of newsletter or letter sent to all parents during the current Academic year which clearly states that parents may receive a Fixed Penalty Notice for an authorised holiday in term time. (The LA will not need a hard copy of this newsletter/letter each time a school applies for an unauthorised holiday Fixed Penalty Notice, just on the first occasion each academic year);
- A copy of the holiday request form submitted by a parent, and a copy of the response sent to the parent by school. In the event of the holiday request is being denied the school's response should state the reason why the holiday is unauthorised and should again advise the parent that they may receive a Fixed Penalty Notice if they take their child out of school;
- A copy of the letter sent by school to the parent advising that the school has referred the matter to the Local Authority and that a Fixed Penalty Notice may be issued;
- Signed registration certificate from the Head Teacher or their nominated deputy confirming that non-attendance during the period was unauthorised;

Considerations and Assessment as to whether a Fixed Penalty Notice should be issued.

Head Teachers, their nominated deputies and the Education Welfare Service (EWS) will take into account the following when determining whether a Fixed Penalty Notice should be issued:

- Level of absence;
- Any Equalities considerations relating to the child or family (as listed in the Council's Strategic Equality Plan);
- Any Special Educational Needs and or Additional Learning Needs (ALN). LAs should consider whether attendance problems may be related to a pupil's ALN. Schools should be able to demonstrate that they have made appropriate provision for the pupil's needs, which may include consideration to support through School Action, School Action Plus or in collaboration with the LA, carry out a statutory assessment.
- History of the attendance issues and action taken;
- Welsh Government (WG) Guidance;
- Likely effectiveness of Fixed Penalty Notice as a tool for obtaining compliance;
- Level of parent engagement/cooperation;

Procedure for Issuing Fixed Penalty Notices

The designated officer within the Local Authority will be the only individuals permitted to issue Fixed Penalty Notices, which will ensure consistent and equitable delivery and allow schools to maintain good relationships with parents and ensure that they reinforce any other enforcement sanctions.

Fixed Penalty Notices will never be issued as an instant action, e.g. during a Truancy Sweep. This will enable officers to ensure that all evidential requirements are in place and limit the health and safety risks to individuals.

Requests for issue of a Fixed Penalty Notice

Where schools, Police or neighbouring LAs request the issue of a Fixed Penalty Notice, their request will be investigated and actioned by the EWS, provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct;
- The pupil is registered within a school within the SEWC area;
- All necessary evidence is provided to the EWS to establish whether an offence under Section 444(1) or 444(1A) of the Education Act 1996 or Section 108 of the Education and Inspections Act 2006 has been committed;
- Issuing a Fixed Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed and there is a reasonable expectation that the use of a Fixed Penalty Notice would improve the child's school attendance.

Responding to requests for the issuing of a fixed penalty notices

Following the warning notice issued by the school or Police, parents have a period of 15 school days within which to respond. During this time, the pupil must have no unauthorised absence. This information can be included in the formal written warning letter, where one has been issued.

The Education Welfare Service will respond to all requests from schools or Police within 10 school days of receipt of a request. When satisfied that all of the relevant criteria have been met the Local Authority will then issue a fixed penalty notice.

Fixed Penalty Notices for unauthorised holidays.

Where the requested Fixed Penalty Notice is in response to a holiday related unauthorised absence, or is in relation to an offence under section 108 of the Education and Inspections Act 2006, the formal warning letter and 15 day improvement period will not apply.

Monitoring and Review

All Fixed Penalty Notices will be entered onto a database maintained by individual Local Authorities to ensure that no duplicate Fixed Penalty Notices are issued and to evaluate the effectiveness of the process.

Excluded Pupils

The basis of the fixed penalty notice powers, do not extend to excluded pupils. Section 108 of the Education and Inspections Act 2006 came into force in October 2010 and amends section 16 of the Crime and Disorder Act 1998 to extend Police powers for the removal of excluded pupils to designated premises, if a child or young person excluded from school is found in a public place in a specified area during a specific period and during school hours.

Procedure for the Withdrawal of Fixed Penalty Notices

Once issued, a Fixed Penalty Notice can only be withdrawn if the EWS is satisfied that:

- The Fixed Penalty Notice was issued to the wrong person;
- The use of the Fixed Penalty Notice did not conform to this Code of Conduct;
- The Fixed Penalty Notice was delivered to the wrong address;
- The circumstances of the case warrant its withdrawal (reasonable justification).

Right of appeal

There is no statutory right of appeal, but where a parent contests the issuing of a Fixed Penalty Notice, they can submit any complaints to the EWS and/or opt to face proceedings in the Magistrates' Court under section 444 of the Education Act 1996, where all of the issues relating to their Fixed Penalty Notice can be fully debated heard.

Payment of Fixed Penalty Notices

Arrangements for payment will be detailed on the Penalty Notice. Payment of a Fixed Penalty Notice discharges the parent's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Fixed Penalty Notice.

If the Fixed Penalty Notice is paid within 28 days, the penalty payable is £60, or £120 if within 42 days. Payments will not be accepted from parents after 42 days has elapsed and cannot be paid either by instalments.

Individual Local Authorities will only be able to retain enough revenue from the Fixed Penalty Notices, to cover administration costs for the process of issuing Fixed Penalty Notice, the surplus is to be surrendered to the Welsh consolidated fund.

Non-Payment of Fixed Penalty Notices

Non-payment of a Fixed Penalty Notice will result in prosecution for the period covered by the Fixed Penalty Notice under Section 444 of the Education Act 1996.

Equalities and Welsh Language

The issuing of Fixed Penalty Notices must comply with other related legislation and regulations, in order to ensure that they are used in a fair and consistent manner and have paid due regard to the circumstances of the child/children and families involved. These include, but are not limited to the following:-

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Welsh Language (Wales) Measure 2011
- Human Rights Act 1998

Councils' Strategic Equalities Plan covers the full range of issues that may need to be considered, depending on the individual case.

ADVISORY LETTER FOR SCHOOLS

Dear (Parent name)

Name of pupil:

Date of birth:

Date:

I have reviewed your child's attendance record and am concerned to note that he/she has incurred at least 5 sessions (2.5 school days) of unauthorised absence in the current term.

I enclose a copy of your child's attendance record and remind you that as a parent/carer of a child who is a registered pupil at this school, you have the legal responsibility for ensuring your child attends regularly.

All schools share the Welsh Government's determination to raise levels of pupil attendance and achievement in order to ensure the best possible start in life for our children.

Under the Antisocial Behaviour Act 2003, the Local Authority has the power to issue parents/carers with a Fixed Penalty Notice for each of their children, who fail to attend school regularly.

A Fixed Penalty Notice is an early deterrent intended to prevent more extended periods of unauthorised absence developing and incur a fine of £120, reduced to £60 if paid within 28 days of the notice being served. Failure to pay a penalty notice will result in prosecution under the Education Act 1996.

I can therefore advise you that the school will be closely monitoring your child's attendance from the date of this letter and should the level of unauthorised absence reach 10 sessions this term, then consideration will be given to the issue of a Fixed Penalty Notice.

Support and guidance regarding attendance is available from school or the Local Authority, however should you have any specific queries in relation to this letter, please contact me on the above telephone number.

Yours sincerely,

Head Teacher

**FIXED PENALTY NOTICE
UNAUTHORISED HOLIDAY PROCESS**

1. Who has parental responsibility over the pupil? Please name the person who has day to day care if different

Parental Responsibility.....

Day to Day care.....

2. Has the period of absence meant the pupil has missed at least 10 school sessions?

Yes/ No

3. Has the parent named in response to question 1 previously received a Fixed Penalty Notice?

Yes/No

If yes please give details:

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4. Was a request made to the school by the parent for holiday leave during the period you wish to issue a Fixed Penalty Notice for?

If 'yes' what was the reason for refusal? Please attach copies of the correspondence exchanged.

If 'no' please explain why an unauthorised holiday is suspected.

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5. What is the pupil's attendance history?

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6. Does the pupil have any Additional Educational Needs (ALN) and is s/he maintained on a Statement of ALN?

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7. Does the pupil have a Disability under the Equality Act 2010?

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8. What is known of the pupil's personal circumstances?

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9. Are there any exceptional circumstances that the Council should be aware of?

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10. Has the pupil had a previous holiday or long period of absence in the academic year the unauthorised holiday was taken in?

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11. Has parent been in contact with the school in relation to the absence?

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12. Has SEWC's Code of Conduct been considered?

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Education Welfare Officer

Date

Principal Officer Inclusion

Date

**FIXED PENALTY NOTICE REQUEST
UNAUTHORISED HOLIDAY ABSENCE**

Registered pupil at:School

Pupil Details:

Name:MALE/FEMALE

D.O.B.

Address:

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Postcode:

Telephone No:

Mobile No:

Parent/Carer

Name:

.....

Address (if different from above):

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Postcode:

Telephone No:

Mobile No:

Name:

.....

Address (if different from above):

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.....

Postcode:

Telephone No:

Mobile No:

Dates of Absence:

The above named pupil was absent from school on the following dates and are recorded in the school register as unauthorised. (Please attach a registration certificate showing the period)

Declaration

I am the Head teacher/Acting Head Teacher of the School named. I certify that this holiday request has been considered in line with the School Attendance Policy. To the best of my knowledge there are no exceptional circumstances to consider.

Did parents request authorisation prior to holiday: Yes / No.

| School response in writing to decline authorisation of holiday: Yes / No.

If no authorisation, the school will be referring the case to the Education Welfare Service/Legal Team for consideration of a fixed penalty notice

PLEASE ATTACH COPIES OF ALL CORRESPONDENCE.

Name:

Signature:Date:

Designation.....

**FIXED PENALTY NOTICE REQUEST
UNAUTHORISED ABSENCE - Section 444, Education Act 1996**

Information contained in the form will be used in legal action under the above Act relating to non-attendance at school in the event that an Education Penalty Notice is issued and remains unpaid. I request that the Local Authority consider issuing a Penalty Notice to the parent(s)* of the following pupil:

Pupil Details

Registered

School.....

Name of Pupil DOB Year

Address.....

.....

Parent 1

Full name DOB.....

Address.....

Parent 2

Full name..... DOB.....

Address.....

The expression “parent”, in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for him or her, or who has care of the child.

In making this request, I confirm that such action would not conflict with other intervention strategies already in place or other enforcement measures already being processed. I can also confirm that the governing body of this school has reviewed its attendance policy and agreed that this school will request the Local Authority to issue a Fixed Penalty Notices in appropriate cases.

How has the parent been contacted regarding the unauthorised absences?

School Meeting Letter Telephone Call

Is the family known to other Services, eg: Children's Services, YOS, CAMHS?

Yes / No

Are there any notable circumstances to consider, eg: mental health, bereavement, family dynamics/domestic violence? Yes / No

If yes, please give full details:

Signed Designation Date:.....

Please enclose an up to date registration certificate.

FIXED Penalty Notice [S.444A EDUCATION ACT 1996]

Please read the notes below carefully.

Part 1

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, or fails to attend regularly at alternative provision, the child's parent/guardian is guilty of an offence under s.444 Education Act 1996.

To: (Title)

(Forenames)

(Surname)

Of: (address)

(Postcode)

You are a parent/guardian of (name and address of child) (called in this notice "the pupil") who is a registered pupil at (name of school) and has been directed to attend alternative provision/ is not registered at a school but for whom the local authority has made arrangements to attend alternative educational provision.

On (date/dates)/ between (date) and (date) the pupil (name) failed to attend regularly at the (Name of) school. This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £60. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 28 days. If paid after 28 days but within 42 days the penalty is doubled to £120. Payment should be made to **Monmouthshire County Council**, for payment and can be made in person during office opening hours between **9 and 5 in Magor @Innovation House, Wales 1, Magor NP263DG** or by posting this notice with a cheque or postal order to **Mrs D Mountfield, @Innovation House, Wales 1, Magor NP263DG**.

Late or part payments will not be accepted and no reminders will be sent. If payment is not received by (insert date 42 days from date of issue), you will be prosecuted for the offence and could be subject to a fine of up to £2,500.

This notice is issued by **Richard Austin, Principal Officer Inclusion** within **Monmouthshire**.

Date of issue:

Part 2

Please complete the following and return this notice with your payment to:

Mrs D Mountfield, Head of Achievement and Learning Infrastructure, @Innovation House, Wales 1, Magor, NP26 3DG

Name:

Address:

I attach payment in the sum of £.....

Signed:

Date:

NOTES

Contact details

If you have any queries about this notice, please contact Mr R Austin, Principal Officer Inclusion, Directorate of Children and Young People, @Innovation House, Wales 1, Magor, NP26 3DG via email Richardaustin@monmouthshire.gov.uk or by telephone 01633 644559 or 07799034670.

Amount of penalty

The amount of the penalty is as follows:

If paid within 28 days £60 If paid within 42 days £120.

Code of conduct

This notice is issued in accordance with a local code of conduct (we should include the full title together with its date or Edition) drawn up by The South East Wales Consortium and **Monmouthshire**. Any questions or correspondence about the code should be addressed to Richard Austin, Principal Officer Inclusion, Directorate of Children and Young People 01633 64459..

Withdrawal

This notice may be withdrawn by **Monmouthshire** if it is shown that it should not have been issued to you or has not been issued to you in accordance with the SEWC code of conduct. If you believe that the notice was wrongly issued you must contact the issuing

Local Authority as soon as possible to ask for it to be withdrawn, stating why you believe the notice to have been incorrectly issued.

The issuing Local Authority will consider your request and contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence.

Payment

You should complete the notice above and send or deliver it to the address given a.

Prosecution

If you do not pay the penalty, and the notice is not withdrawn, you will be prosecuted for the offence of failing to ensure your child's regular attendance at school.

You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be able to defend yourself and you would be advised to seek legal representation;.

Relevant legislation that relates to Fixed Penalty Notices includes:

The Children Act 1989

The definition of “parent” means all biological parents, whether they are married or not; and includes any person who, although not a biological parent, has parental responsibility and/or care for a child or young person.

The Education Act 1996

Section 7	Duty of parents to secure education of children of compulsory school age;
Section 8	Definition of compulsory school age;
Section 444(1)	Offence: Failure to secure regular attendance at school of registered pupil;
Section 444A	Penalty notice in respect of failure to secure regular attendance at school of registered pupil;
Section 444B	Penalty notices: supplemental;
Section 444ZA	Application of section 444 to alternative educational provision
Section 576	Meaning of “parent”

Education & Inspections Act 2006

Section 108	Duty of parent in relation to excluded pupil.
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