

# KING HENRY VIII SCHOOL



*UT PROSIM*

## Attendance Policy 2019

Headteacher/Prifathro: Mrs E Lewis BA (Hons) MA Ed

Old Hereford Road  
Abergavenny  
NP 7 6EP

Tel: 01873 735373

Fax: 01873 735305

*"King Henry VIII School Community will work together to create an inclusive, safe and happy learning environment in which all are challenged and supported to achieve their potential. Everyone is committed to learning today for a fulfilling life tomorrow."*



# Attendance Policy

## Introduction

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

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, involving all staff at all levels. The EWS compliments this process.

Excellent attendance is given a high profile throughout the school as the school recognises that poor attendance disadvantages children. We aim to ensure that the pupils 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.

Establishing good attendance patterns from an early age can help children later on in life. Evidence suggests that children who attend school more regularly achieve better educational outcomes than those with poor attendance.

In addition to missing academic work, children with poor attendance will also miss the social side of school life. This, especially in the first few years of education, can affect their ability to make and maintain friendships.

If regular attendance patterns are not established, research has indicated that some young people who regularly miss school for no good reason may be drawn into anti-social behaviour or crime.

By law, all children of compulsory school age (between 5 and 16) must receive a suitable, full-time education, at school or otherwise. Parents are responsible for making sure this happens. Parents are responsible for making sure that, if registered, their children attend school regularly. Schools and the Local Authority, along with other agencies, help support high levels of school attendance.

## Aims

1. To maximise pupil attendance through valuing high attendance rates.
2. To encourage pupils 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 KHS 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 excellent 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 Mr J Parkinson, Assistant Headteacher – Wellbeing and Equity). 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 WBSOs, WBLs, the Senior Leadership Team and the EWO;
- To maintain and distribute lists of pupils who have arrived late at school;
- To monitor lesson attendance;
- To monitor the SIMS system and report faults to the Assistant Headteacher, Mr J Parkinson.

- **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 be responsible for recording and monitoring of attendance files to support pupils with 90-96% attendance;
- To implement early intervention by the use of the school's attendance framework;
- To raise the profile of pupil attendance in line with school policy.

- **Wellbeing and Learning Support Officers**

- To support WBLs in monitoring attendance;
- To make phone calls to Persistent Absentees to support attendance;
- To collect work for pupils who make be absent for an extended period;
- To support with arrangements of detentions for lateness;
- To support with distribution of attendance rewards;
- To make AM and PM attendance phone calls;
- To run Mental Health First Aid interventions to support pupil resilience and attendance;
- To meet with parents to discuss attendance if an when necessary and appropriate.

- **Wellbeing Leaders**

- To monitor attendance and punctuality;
- To ensure the KHS Attendance Framework is being implemented correctly;
- To work with the Education Welfare Officer;
- To arrange suitable detentions for pupils 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 pupils 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 inform Assistant Headteacher – Wellbeing and Equity of pupils' unauthorised attendance which could lead to the issuing of fixed term penalties.

- **Assistant Headteacher (Wellbeing and Equity)**

- To monitor attendance;
- To liaise with Wellbeing Leaders 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 Wellbeing Leaders with individual pupil's attendance data as required;
- To oversee the administration of the attendance process;
- To produce weekly attendance reports to SLT and the wider staff body;
- 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 Wellbeing Leaders and Assistant Headteacher (Wellbeing and Equity) to discuss attendance issues;
- In partnership with Wellbeing Leaders, 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 (Wellbeing and Equity) and Headteacher.

The main aim of the Education Welfare Service is to improve school attendance to ensure that all pupils are able to access and engage with all opportunities available to them.

The Education Welfare Service works closely in partnership with schools, other Local Authorities and all agencies to promote both the attendance and engagement of referred pupils.

The Education Welfare Service plays a critical role in supporting the well-being of young people. All staff within the Education Welfare Service adhere to the principles of confidentiality and follow the All Wales Child Protection Processes and the MCC Safeguarding Policy. If supportive intervention does not impact positively upon the attendance of the pupil then the Education Welfare Service can progress formal processes in line with provision in the Education Act 1996 (Section 444 and 444A).

Referrals to the Education Welfare Service need to be sent to the Education Welfare Service which will be operating a referral panel process. The panel will operate on a fortnightly basis. Once a referral is accepted by the panel, actions will be identified for each individual Education Welfare Officer.

### **Daily**

- Form Tutors and teachers have a statutory requirement to complete registers in an accurate and timely basis for all lessons and registration periods. This is especially important for P5.

- WBLSOs to track attendance of PAs / potential PAs on a daily basis, calling home for pupils not in school in the morning and running a comments report to contact the parents of those pupils who are absent;
- WBLs to monitor and track attendance of vulnerable pupils each day.
- Attendance Administrator to monitor attendance on a lesson-by-lesson basis, placing first day absence calls by 10am in the morning and monitoring registers for unexplained absences to lessons during the school day, contacting staff and parents as necessary.
- Attendance Administrator to follow missing pupil protocols on a daily basis, under the advice of Assistant Headteacher – Wellbeing and Equity.

### **Weekly**

- Form Tutors to track and share attendance of their tutees on a weekly basis and share this data with their tutees. This will include punctuality data;
- Assistant Headteacher (Wellbeing and Equity) to analyse key attendance data and share with Headteacher, SLT and staff body. This analysis should include overall attendance by year group (compared with targets and previous year's attendance, boy/girl difference, FSM attendance and PAs);
- Wellbeing Twitter account shares weekly attendance data and targets with school community;
- Attendance foci shared with all staff in Briefing and Pupil Confidential Update;
- Wellbeing Leaders to meet with Educational Welfare Officer on a weekly basis to monitor, track and agree on actions to improve attendance.

### **Monthly**

- Monthly attendance percentages, targets and stickers distributed to Form Tutors and pupils.
- Monthly attendance analysis completed by Assistant Headteacher (Wellbeing and Equity) and information shared through assemblies, attendance boards and video screens throughout the school alongside e-communications.
- Monthly attendance rewards and celebrations of success shared with pupils, focussing especially on girls at KS4 and pupils eFSM.

### **Half-termly**

- Half-termly attendance analysis to be completed by Assistant Headteacher (Wellbeing and Equity) to identify patterns and areas of focus for the coming half-term which is reported to LA.

### **Yearly**

- Attendance figures are recorded on reports and discussed at Parents' Evenings.
- Excellent, Very Good and Improved attendance is recognised in a special rewards assembly.

## **Lateness**

Parents play a significant role in promoting attendance and engagement by ensuring that their child arrives at school on time. Arriving late at school can be disruptive for the child, the teacher and other children in the class. If a child is late for registration then they will be coded with a late mark. In line with Welsh Government Guidance, the Local Authority advises that registers remain open for 30 minutes in both morning and afternoon sessions.

If a child arrives after the register closes the child's absence should be recorded as an unauthorised absence for that session.

How the school starts the school day can make a significant difference to a pupil's wellbeing (Estyn: Healthy and Happy, 2019). Ensuring the form room is a safe, welcoming environment that is purposeful and adds value is key to ensuring pupils attend registration punctually and regularly. Teachers are responsible for the punctual attendance of pupils to their lessons. Where lateness becomes a pattern, teachers will be supported by Form Tutors, WBSOs and WBLs.

Lateness data will be sent to Form Tutors weekly. Form Tutors can use SIMS to run a Lateness Report.

- If a pupil is late to your class or form, welcome them in with a smile. A restorative enquiry should take place later, in which form our class teachers explore reasons for lateness and barriers to attendance. Mark the pupil as **L and add the minutes late** to the SIMS register. This discussion should not make a pupil late for a subsequent lesson where at all possible.
- Members of SLT will monitor school entrances throughout registration, exploring reasons for lateness and giving the names of late pupils and the number of minutes late to the Attendance Administrator who will enter on SIMS.
- If a pupil has more than three late marks in one week, they will be placed on Lateness Report for one week. They will have a 'Lateness Catch-Up' at lunch time of the following week and parents will be contacted.
- If a pupils' punctuality does not improve after one week on punctuality report, parents will be contacted by a member of staff. This will be decided upon factors such as to which lessons lateness occurred and relationships with parents. A meeting may be held in school.
- Continued and persistent lateness may result in late marks being recorded as U codes and therefore parents may be subject to court proceedings through the EWO.

## **Absences from school**

There are TWO types of absence from school:-

- Authorised absence:
- Unauthorised absence

The Local Authority would advise that the following absences are not authorised by the school. These can include:-

- i) Children who arrive at school after registers have closed;
- ii) Absences which have never been properly explained to the school;
- iii) Parents keeping their child off school unnecessarily;
- iv) Truancy before or during the school day;
- v) Holidays during term time (schools will decide on the circumstances of each case).

### **Holidays during term time**

Parents can support engagement with education by taking holidays in the published holiday periods. The school and Local Authority strongly discourages the taking of holidays in term time. The Pupil Registration (Wales) Regulations 2010 gives Headteachers *discretionary* power to grant up to ten days leave for the purpose of an annual family holiday during term time. In exceptional circumstances a school may authorise a holiday of more than ten days.

At King Henry VIII School the Headteacher does not authorise holidays in term time unless there are exceptional circumstances.

### **Fixed Penalty Notices**

The Welsh Government has published Guidance on the use of Fixed Penalty Notices, Circular 116/2013. This requires each Local Authority to develop a Code of Conduct for the imposition of Fixed Penalty Notices. Monmouthshire has developed a Code of Conduct and this allied to the Local Authority Attendance Policy enables schools to request the imposition of a Fixed Penalty Notice.

The Welsh Government Guidance allows each Local Authority to impose a Fixed Penalty Notice if a child's unauthorised absence is in excess of 10 sessions per term. A session is defined as half a day. Hence it is vital that parents inform schools of reasons behind their child's absence. It is then up to the Headteacher who will decide whether to authorise the child's absence or not.

### **Legal Processes**

The Local Authority would need to follow the guidance as contained in Section 444 and 444A of the Education Act 1996. The Local Authority would issue a First Warning Notice and if there were no improvement, a Final Warning Notice would be issued.


After issuing a Final Warning Notice and there was no improvement, a statement would be sent to Monmouthshire's Legal Department, highlighting interventions and actions undertaken by the Education Welfare Officer as evidence towards a prosecution.



It is vitally important that registers are accurate and the coding reflects the child's engagement with any provision provided as schools could be called to give evidence in court.

## Appendix 1

### King Henry VIII School Attendance Framework

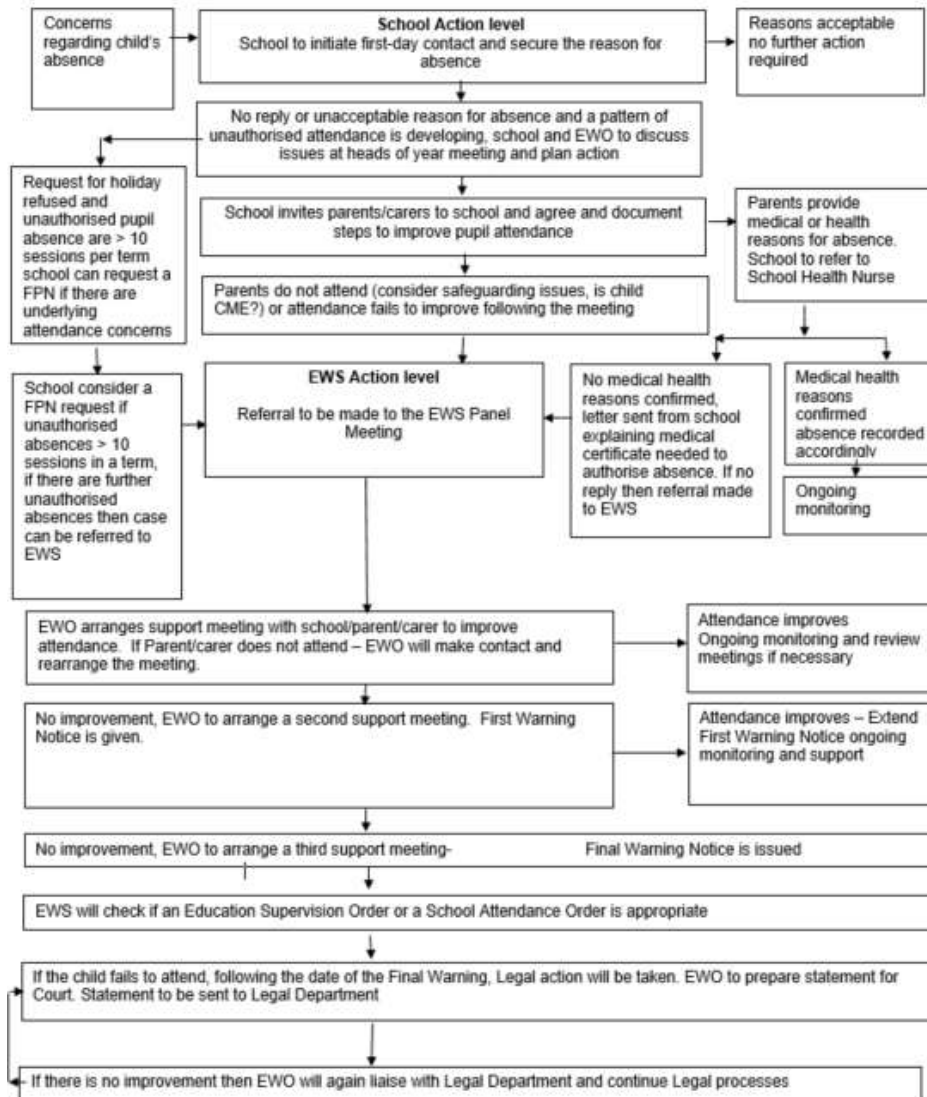
<small>RESPECTING TRADITION PARENTS' TRADITIONS</small>  <small>EMBRACING THE FUTURE LEARNING THROUGH THE POTENTIAL</small>	
Attendance	What will happen (outcomes)?
<b>96% or Above</b>  Form Tutor	<ul style="list-style-type: none"> <li>You will be involved in end of year school prize draws and other 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.</li> </ul> <p><b>Your Form Tutor will monitor your attendance on a regular basis</b></p>
<b>90 up to 96% Attendance</b>  Wellbeing Leader	<ul style="list-style-type: none"> <li>You will meet with your Form Tutor to discuss concerns and strategies to help you improve your attendance.</li> <li>This attendance means that you have missed the equivalent of between 10 and 20 days of your education across the whole school year. If your attendance does not improve your parents will be invited to meet with your Wellbeing Leader.</li> </ul> <p><b>Your Wellbeing Leader will meet with you and your parents to create an action plan to improve your attendance.</b></p>
<b>85 up to 90% Attendance</b>  Assistant Head – Wellbeing and Equity	<ul style="list-style-type: none"> <li>WBL/WBLSO will create an action plan to improve your attendance. This will be monitored regularly.</li> <li>This attendance means that you have missed the equivalent of between 20 to 28 days of your education across the whole school year. If your attendance does not improve you will be referred to the Assistant Headteacher for Wellbeing and Equity or the EWO.</li> </ul> <p><b>An Assistant Headteacher – Wellbeing and Equity will meet with you and your parents</b></p>
<b>80 up to 85% Attendance</b>  EWO	<ul style="list-style-type: none"> <li>The Assistant Head will create an action plan to improve your attendance, meeting with you regularly to monitor progress.</li> <li>This attendance means you have missed the equivalent of between 29 to 38 days of your education across the whole school year. If your attendance does not improve it is likely you will be referred to the Educational Welfare Officer.</li> </ul> <p><b>You will automatically be referred to the Educational Welfare Officer for monitoring and possibly the Governor Attendance Panel.</b></p>
<b>80% or Below Attendance</b>	<ul style="list-style-type: none"> <li>Your attendance means that you have missed a fifth of your education across a whole school year. This will have serious impact on your learning.</li> <li>Failure to improve your attendance could lead to your parents being prosecuted or a fixed penalty fine given.</li> </ul>

## Appendix 2

### Monmouthshire Procedures for Non-Attendance

#### **PROCEDURES FOR NON ATTENDANCE (Sept 2019)**

*In conjunction with Welsh Government Guidelines – September 2011*



## Appendix 3

### 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.

# **SOUTH EAST WALES CONSORTIUM- Monmouthshire**

## **Appendix 4**

**SEW Consortium  
Fixed Term Penalty Notices**

**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.



## KHS Documents

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

**Personal Attendance Plan Review**

Name: \_\_\_\_\_ Tutor Group: \_\_\_\_\_ Date: \_\_\_\_\_

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

Review comments:
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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
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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:

.....  
.....  
.....

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?

.....



.....  
.....

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

.....  
.....  
.....

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

.....  
.....  
.....

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

.....  
.....  
.....

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

.....  
.....  
.....

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

.....  
.....  
.....

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

.....  
.....  
.....

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

.....  
.....  
.....

**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:

.....  
.....  
.....

Postcode: .....

Telephone No: .....

Mobile No: .....

**Parent/Carer**

Name: .....

Address (if different from above):

.....  
.....

Postcode: .....

Telephone No: .....

Mobile No: .....

Name:

.....

Address (if different from above):

.....

.....

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](mailto: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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