Lady Katherine Leveson CE Primary School

'To learn, love and live with joy.'

Attendance Policy

Approved by LAB: October 2026

Next review due: October 2028

1. *Vision*

'To learn, love and live with joy'

'Striving to be all that we can be - academically, morally, and spiritually. Our school is a place where everyone is treated with dignity, with respect and is of equal worth.'

Jesus' joy in us and our joy complete Jn 15:11 (NIV)

"*Values*

Compassion	Reconciliation	Friendship	Joy	Community	Stewardship	Respect

We value all of our children for who they are and for the talents and interests they bring with them. Our school values are the cornerstones for our vision, helping us to nurture and develop our pupils as lifelong learners and good citizens, who will contribute to making strong communities and a better world.

2. *Rationale*

At Lady Katherine Leveson we recognise that positive behaviour and good attendance are essential to raising standards in pupil attainment and to give every child/young person the best educational experience possible. Good attendance is everyone's responsibility. It is well documented that children who attend school regularly have better outcomes in their attainment as well as their well-being and positive life experiences.

3. *Aims*

- To improve the overall attendance of children at school.
- To improve children's attainment through good attendance.
- To encourage parents to ensure that children arrive at school on time.
- To make attendance a priority for all those associated with the school including parents, pupils, teachers and governors.
- To safeguard pupils with poor school attendance as necessary in line with child protection policy and procedures

To achieve these aims for our pupils, we are committed to the following:

- a welcoming, stimulating, and safe learning environment
- for all staff to feel happy to come to school to work with pupils, developing them to their full potential
- high expectations of our pupils and all staff
- a broad, balanced, and relevant curriculum
- recognise and celebrate achievements in all areas of school life
- equal access to all aspects of the curriculum and school life
- high quality teaching using a variety of teaching strategies
- a range of resources that are effectively used to support and challenge learning
- provide experiences, which will develop our pupils' spiritual, moral, and cultural understanding
- support, guidance, and training for all those who teach and work with our children
- foster and maintain links with our wider community
- to provide an environment that complies with DFE and Public Health England Guidance

4. ***Legislative Framework***

The Education Act 1996 (section 444) states every child of compulsory school age is entitled to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education, either by attendance at a school, or by education otherwise than at a school.

When you register your child at school, you have a legal duty to ensure your child attends that school regularly. This means your child must attend every day that the school is open, except in a small number of allowable circumstances, such as being too ill to attend or being given permission for an absence in advance from the school.

The Department for Education has produced guidance for maintained schools, academies, independent schools, and local authorities: This policy is informed by the Department for Education statutory guidance Working Together to Improve School Attendance (updated February 2024) and the School Attendance (Pupil Registration) (England) Regulations 2024, which replaced previous registration regulations and introduced revised attendance codes and registration requirements.

Attendance Partnership Expectations

We expect the following from all our pupils:
- To attend school regularly.
- To arrive on time and appropriately prepared for the day, having eaten breakfast.
- To tell a member of staff about any problem or reason that may prevent them from attending school.

We expect the following from parents and carers:
- To ensure their children attend school regularly and punctually.
- To ensure contact is made with school, as soon as is reasonably practical, whenever their child is unable to attend.
- To ensure that their children arrive in school well prepared for the school day, having eaten breakfast.

Parents and pupils can expect the following from school:
- Early contact with parents when a pupil fails to attend school without providing good reason.
- Regular, efficient, and accurate recording of attendance.
- Follow up support if needed.

Parents can support regular school attendance by:
- Making sure their child leaves for school with plenty of time to arrive on time.
- Supporting and encouraging their child by attending parents' evenings and other events.
- Contacting the school to discuss any concerns regarding their child's attendance.
- Working in partnership with the school to resolve any issues that are impacting on their child's attendance.

5. ***Responsibility For Attendance In School***

- The Headteacher is responsible for attendance issues and will work closely with the pastoral manager where there are attendance concerns.
- Members of school staff both teaching and non-teaching have responsibility for attendance issues in school. See Appendix 1 for a detailed breakdown of these roles and responsibilities.
- Attendance matters are reviewed by the head and members of the attendance team.
- Attendance issues are reported at least termly to the Governing body.
- Pastoral Manager will contact parents via a letter to inform parents of their children's poor attendance (see appendix 4)

6. ***Safeguarding -Including Children Missing Education***

A child missing from education is a potential indicator of abuse or neglect. We will follow the school's procedures for dealing with children that go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation and criminal exploitation, and to help prevent the risks of their going missing in future. All schools are required to make the local authority aware of every registered pupil who fails to attend school regularly and any children who have been absent from school, where the absence has been treated as unauthorised for a continuous period of not less than 10 school days education. Schools must comply with the requirements of the School Attendance (Pupil Registration) (England) Regulations 2024 regarding admission and deletion from roll and will notify the Local Authority as required for all children missing education. Removing a child from the school roll is a very important decision. Children who fall out of the education system are likely to have poor outcomes and may be exposed to increased risk of harm.

7. ***Alternative Education Provider***

On rare occasions, a small number of pupils may be accessing an alternative education provider agreed by the school for all or part of their timetable. In this instance the pupil remains on roll at School. Attendance to approved alternative providers is monitored and reflected on school registers. The responsibility of ensuring pupils are safeguarded and receiving appropriate education remains with the School.

8. ***Procedures***

An accurate and consistent registration system is crucial both to provide a solid foundation for analysis of absence and to support any statutory interventions. The register is a legal document and must be kept accurately. Attendance registers will be kept in accordance with legal requirements, local authority guidelines and school regulations.

Procedure	Person responsible
1. Registers **must** be taken at the start of the morning session and the start of the afternoon session.	Class teachers
2. On each occasion, a school must record whether a child was present, absent or present at an approved educational activity.	Class teachers
3. Pupils should only be marked present if they are in the room when the register is called or if the teacher has seen them and sent them to an intervention.	Class teachers
4. Spaces must not be left in the register.	Office staff
5. Registers are completed electronically.	Class teachers
6. Children are not allowed to leave school during the day unless collected by a parent or person nominated by the parent. Children are signed out on the Visitor Management System by the office.	Office staff

Every half a day of absence from school must be classified by the school as either authorised or unauthorised. Authorised absence is where the Head Teacher has either given approval in advance for a pupil of compulsory school age to be away or has accepted an explanation offered afterwards as satisfactory justification for absence.

All other absences, including persistent lateness, must be treated as unauthorised. Absence can only be authorised by a person designated to do so by the Head Teacher.

School has procedures in place to resolve unexplained absences within two weeks. Attendance registers may be kept manually or electronically. School complies with the statutory attendance and absence codes set out in the School Attendance (Pupil Registration) (England) Regulations 2024 and subsequent DfE guidance. Attendance coding will be applied consistently and accurately.

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Educated off site (NOT Dual registration)	Approved Education Activity
C	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised absence
D	Dual registration (i.e. pupil attending another establishment)	Approved Education Activity
E	Excluded (no alternative provision made)	Authorised absence
G	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised absence
H	Family holiday (agreed)	Authorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J	Interview	Approved Education Activity
L	Late (before registers closed)	Present
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Unauthorised absence (not covered by any other code/description)	Unauthorised absence
P	Approved sporting activity	Approved Education Activity
R	Religious observance	Authorised absence
S	Study leave	Authorised absence
T	Traveler absence	Authorised absence
U	Late (after registers closed)	Unauthorised absence
V	Educational visit or trip	Approved Education Activity
W	Work experience	Approved Education Activity
X	Not attending in circumstances relating to Coronavirus Non-compulsory school age absence	Not counted in possible attendances
Y	Enforced closure	Not counted in possible attendances
Z	Pupil not yet on roll	Not counted in possible attendances
#	School closed to pupils	Not counted in possible attendances

9. Working In Partnership With Parents

Absence:

If a child is absent from school parents should contact the school on the first day of absence to inform the school of the reason for absence. Parents are expected to maintain contact with the school throughout the absence. At 9.30am school registers are checked for any absences where there has been no contact by parents and reason given. School staff will send an email / make a phone call to parents to ascertain a reason for the child absence from school if no reason has been given.

If staff are concerned about a child's absence or there is no response to phone calls or emails, then further action will be taken. This includes telephone calls to parents, other emergency contacts, home visits and to the police for a safe and well check. In accordance with the DfE's Working Together to Improve School Attendance guidance, staff will use professional judgement and knowledge of individual pupils when determining whether welfare concerns require escalation.

It is imperative that up-to-date contact numbers and details are provided for the school. Schools are expected to hold at least two emergency contacts for every pupil wherever possible, in line with Keeping Children Safe in Education 2025. Emergency contact numbers should be provided and updated by the parent with whom the pupil normally resides.

Illness:
Not all illness requires an absence from school. For minor childhood ailments such as coughs, colds, ear aches we would not expect children to be absent. However, when a parent makes the assessment that their child is unfit for school, they should follow the above absence process. Children should not attend school if:

- It is a school's decision whether to accept a reason for a child's absence and whether to authorise that absence. In the majority of cases,

parent's explanation of their child's illness can be accepted without question or concern. In circumstances where there are concerns about a child's attendance or reason for absence, further evidence of a child's illness may be requested. School will challenge parents' statements or seek additional evidence if they have any concerns regarding a child's attendance. In fact, it is good practice to have clear systems in place to escalate any concerns about high levels of absence due to illness, including agreements about accessing addition services in order to provide appropriate support to pupils, particularly for long term illness.

The types of scenarios when medical evidence may be requested include:

- Child is absent and there are frequent odd days absences due to reported illness
- Child is absent and the same reasons for absence are frequently repeated
- Child is absent and attendance is below expected levels and there is a concerning pattern of absence/reasons for absence.
- Where there is a medical problem and school may need evidence to seek additional support/provide support

Medical appointments:
Parents should avoid making routine medical appointments and dental appointments during the school day. In the majority of cases, appointments can be made outside of the school day/during the school holidays. Where appointments must be taken during the school day, only the time for the appointment and travel to and from will be classed as an authorised absence. Pupils are expected to return to school for the remainder of the day/attend school prior to the appointment. Parents are required to provide a copy of the appointment letter or card prior to the day of the appointment.

Other reasons for absences:
Other reasons for absence must be discussed with the school on each occasion. Notes will not necessarily be accepted as providing valid reasons. The school will follow DFE guidance and not authorise absences for shopping, birthdays, or child minding.

Requests for Leave of Absence (exceptional circumstances):
The Education (Pupil Registration) (England) (Amendment) Regulations 2013 have amended Regulation 7 of the 2006 Regulations to prohibit the proprietor of a maintained school granting leave of absence to a pupil except where an application has been made in advance and the proprietor considers that there are exceptional circumstances relating to the application.

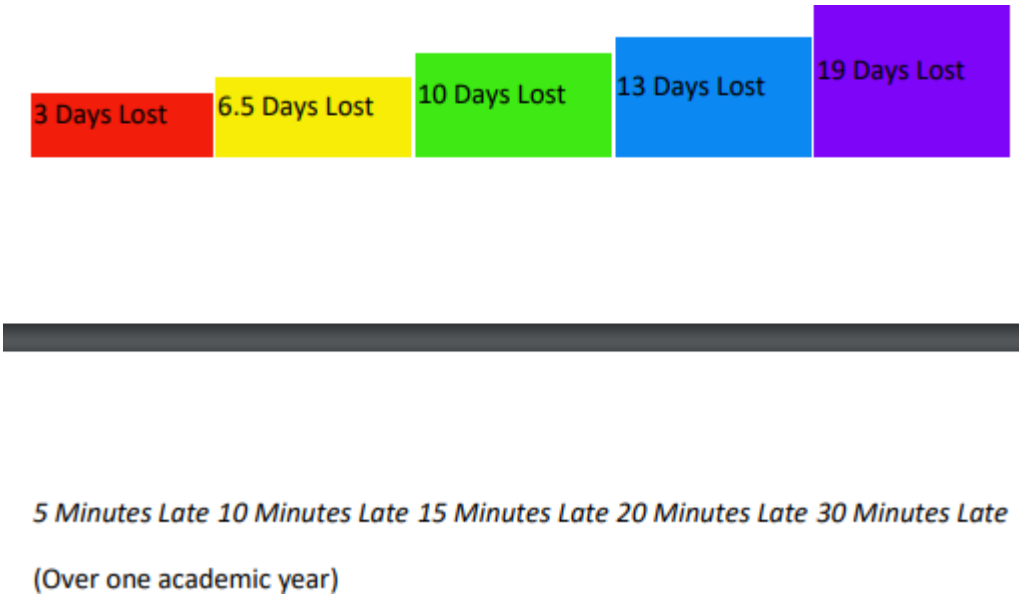
Procedure for requesting a planned absence:

- All leave of absence requests will be unauthorised unless the circumstances are exceptional. A parent/carer should complete an absence request form (Appendix 2) and submit this to the school at least two weeks prior to the date required. School will respond to the request within two weeks. If school is aware of any language difficulties that may preclude a request form being completed appropriate support will be offered to the parent/carer.
- DFE guidelines make clear that leave of absence during term-time should be regarded as exceptional. An example that can be given is that during 2012 London Olympics all police leave was cancelled. As a result, for that specific timeframe it was agreed that requests for leave for the children of Police officers affected by the cancellation of their leave would be treated as exceptional.
- If a parent/carer considers they require their child to have a leave of absences for exceptional circumstances they should complete the absence request form which can be obtained from the school office (Appendix 2). There is a requirement that parent/carers provide evidence of the exceptional circumstance and may be required to meet with the Head teacher.
- If the Head teacher deems that the reasons for the request are exceptional and authorises the absences a letter confirming that the request has been authorised will be sent to the parent/carer (appendix 3: model pro forma)
- If the Head Teacher deems that the reasons are not exceptional, and the leave of absence will not be authorised, a letter informing the parents of this decision for each child and warning of the legal implications of the absence being taken will be sent to each parent. The letter provided in this guidance (appendix 4) must be used.

Local Authority Attendance Support Services
As a school, we are required to make the local authority aware of every registered pupil who fails to attend school regularly and any children who have been absent from school, where the absence has been treated as unauthorised for a continuous period of not less than 10 school days Education (Pupil Registration) (England) Regulations 2006 regulation 12.
The Local Authority has an Attendance and EHE Advisory Team who work with schools, families, and other professionals, to reduce persistent absence and improve overall attendance.
As a parent/ carer, you are expected to work with the school and the Local Authority to address any attendance concerns. You should proactively engage with the support offered, aiming to resolve any problems together. This is nearly always successful. If difficulties cannot be resolved in this way, the school may consider more formal support and/or refer the child to the Local Authority. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex 1 Solihull Code of Conduct),

prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance. The school will endeavor, where possible, to solve attendance issues informally, before going down a formal / legal route.

Punctuality:
It is important that pupils are punctual so that they do not miss out on the beginning of each school day. Children must attend on time to be given a present mark for the session. If a pupil arrives late to school every day, their learning begins to suffer. Below is a graph showing how being late to school every-day over a school year adds up to lost learning time.



The school day starts at 8:55am with a soft start opening allowing children to arrive from 8:45am. Children arriving after 8:55am will be late for school and must report to the school office. Where a pupil arrives after the register closes this will be classed as an unauthorised absence (code U as per DFE compulsory attendance codes). School registration will close at 9.30am during this period. The registers are monitored daily to identify pupils who are arriving late and regular late arrival for school will be challenged as not acceptable. Pupils who have 10 or more U codes will be referred to the Education Enforcement Team for the issue of a penalty notice.

Reintegration of Long-Term Absentees:
Absence can significantly interrupt the continuity of students learning, and positive strategies should be employed to minimise such effects.

Key Principles:
- We should always keep in touch with a student/and his/her family during a long absence.
- We should always make sure he/she is welcomed back
- We should never make sarcastic comments about an absence – a thoughtless word can destroy hours of work by staff. Head Teacher and SENCO to consider a phased return where appropriate. This needs to be considered in line with the Solihull LA process and procedure, which includes seeking expert advice from relevant professionals and co-ordinating a multi-agency meeting. Consideration needs to be given to any special needs the pupil may have and appropriate support identified. Consideration must be given to a package of support which may include providing a mentor (staff member/student) Class Teachers should ensure that the pupil feels welcomed back to school in an appropriate way and take any necessary steps to support their re-integration.

Poor attendance:
Those children whose attendance falls below national average will be closely monitored and further action considered. School will challenge the attitude of those pupils and parents who give a low priority to attendance. All registers will be checked, and absences monitored on a regular basis. Schools will analyse individual pupil data to identify quickly patterns of absence which cause concern and parents will be informed by the school where their child's attendance causes concern (see appendix 5).

School has a clear and escalating approach to intervention where there are concerns regarding school attendance. Referrals will be made to the Education Enforcement team for the issue of penalty notices where pupils have 10 or more unauthorised absences. School has in place a system for enabling returning pupils to catch up on learning and re-integrate within the school

Good and excellent attendance:
The school will reward good and improved attendance regularly through reward schemes and incentives.

Attendance panels:
Parents of pupils whose attendance gives cause for concern may be invited to attend an attendance panel. An attendance panel is a formal meeting to discuss the child's school attendance, identify and barriers to regular school attendance and agree a target and action plan to improve school attendance. An attendance panel is chaired by a school governor or senior member of school staff. School representatives will be present this may include anyone in school who is involved with your child for an example a learning mentor.

Use of Attendance Data:
All schools must provide their attendance data to the DFE, most schools use their management information systems to send their data via school census. The figures returned are then published by the DFE as part of the annual publication of school statistics. We collect, use and store attendance information about our pupils and may receive information about you from your previous school. The information we keep regarding attendance includes name, contact details, attendance records, late records and any relevant medical information.

Appendix 1 – Roles and responsibilities for School Attendance

Name	Role	Responsibilities
	Schools Governors	• Ensure compliance with relevant legislation (eg pupil registration, attendance registers) • Setting Attendance targets • Reviewing school attendance • Agreeing and Reviewing School Policy • Chairing attendance panels
	Head Teacher / Attendance Lead	• Compliance with relevant legislation • Putting into practice school policy • Authorising/unauthorising absences • Leave of absence request • Line management • Contact with parents : overview of clear and escalating interventions • Responsibility for links with Education Enforcement Team • Attendance at attendance panels
	Head Teacher / Attendance Lead	• Compliance with relevant legislation • Putting into practice school policy • Line management • Contact with parents • overview of clear and escalating interventions • recording and evaluation of interventions • Data analysis • Responsibility for links with Education Enforcement Team • Data analysis. • Promoting school attendance • Management of reward scheme • Pupil Profiles • Planning attendance panels
	Support Staff School Office :	• First day calling • Late arrivals • Attendance targeting • Day to day responsibility for escalating approach
	Class teachers	• Marking registers • Promoting importance of regular schools attendance • Providing early warning of attendance concerns • Positive role modelling • Following policy and procedures

	School Office	• Maintaining registers
		• First day calling
		• Late arrivals
		• Attendance targeting
		  • Process for clearing registers
		  • Day to day responsibility for escalating approach

Appendix 2 – School Absence Request Form

Lady Katherine Leveson C of E Primary School
Denn End Road West
Temple Balsall
Solihull
B930AN

Absence Request Form

Form to be returned to the school office with a minimum of two weeks notice.

Please note that there is no automatic right for pupils to be granted leave of absence and requests will only be considered where there are exceptional circumstances.

Name of Pupil…….. Date of Birth……	Class ……...

Please detail below the exceptional circumstances why you are requesting to take your child out of school. You may be invited into school to discuss your request with a member of the schools Senior Leadership Team. (Please attach and supporting evidence).

……

……

……

……

……

Address……..

Please enter below the dates of the requested absence.

(first date of absence)……./……./……. (last date of absence) ……./……./…….

Number of school days that your child will be absent from school …….

Signature…….. Name of Parent/Carer …….....	Date ……...

Leave of absence which has not been agreed will be marked as unauthorised. These may be referred to Solihull MBC for issuing a Penalty Notice.

For School Use:	Arrange to meet with Parent/Carer Yes / No
Date received ……	Attendance %

Previous requests for leave of absence	Yes / No	Head Teacher decision to authorise	Yes / No Code……..
Evidence provided for exceptional circumstances	Yes / No	Date & time, address/contacts/dates checked?	Yes / No

SECTION D WHAT HAPPENS NEXT:

Once the Education Inclusion Service receives the request for a penalty notice, we will check that all the referral forms are completed correctly and accurately.

If the information complete, the referral will be processed for a penalty notice. The person who made the application, will receive a memo stating the date the penalty notice was sent.

Where an application cannot be processed due to incorrect information, the referrer will be advised by memo that the referral has been rejected and reasons why. The information will need to be corrected, and a second referral made.

We will also be notifying the attendance lead in school if the referrer was not based at the school. Therefore we will requesting up to date contact information for school attendance leads: schools should update the Education Inclusion Service if these details change.

The Education Inclusion Service are always willing to offer any further information on this guidance or any other support in relation to Education Inclusion Service that you may need.

Please do not hesitate to contact us on: **0121 704 6663** or **inclusion@solihull.gov.uk**

Appendix 3 - Authorised Exceptional Leave of Absence Standard Letter

Authorised Exceptional Leave of Absence Standard Letter

TO THE PARENTS OF:-

Dear Parents

Thank you for your recent leave of absence request form.

I write to confirm that on this occasion I am able to authorise your child's leave of absence.

Requests for leave of absence are never taken lightly and in making this decision I have accepted your reason and evidence for the exceptional circumstance.

Yours sincerely

Headteacher

cc Class Teacher/File

Appendix 4 - Unauthorised Leave of Absence Letter

Lady Katherine Leveson C of E Primary School
Fen End Road West
Temple Balsall
Knowle
Solihull
B93 OAN

'To learn, love and live with joy'

To be all that we can be - academically, morally, and spiritually.

Date:

Dear

Re Leave of absences request for DOB:

Dates applied for:

Thank you for your recent leave of absence request form in respect of the above pupil. On this occasion I am not able to authorise leave of absence.

Section 444 of the Education Act 1996 states that: if a child of compulsory school age, who is a registered pupil at school, fails to attend regularly at the school his/her parent(s) are guilty of an offence.

If you decide to go ahead with the proposed leave of absence requested for the absence will be marked as unauthorised on the school register. Unauthorised absences are referred to Solihull MBC. This may result in a Penalty Notice being served with a fine of up to £160.00 payable for failure to comply with the law.

Should you wish to discuss the matter further, please do not hesitate to contact me.

Your sincerely

L Anderson.

Mrs. Laura Anderson
Headteacher

Appendix 5 – Concerning Leave of Absence Letter

Lady Katherine Leveson C of E Primary School
Fen End Road West
Temple Balsall
Knowle
Solihull
B93 OAN

'To learn, love and live with joy'

To be all that we can be - academically, morally, and spiritually.

Date:

Re: Attendance review for

Dear

Child's attendance is currently %. This is significantly below the school target of 97% and is a cause for concern. As a result, we have set an attendance target of 100% for the next half term to ensure that this figure improves and returns to expected levels.

Whilst we appreciate that there may be a genuine reason for an absence, it is important to recognise the effect of good attendance, to limit any negative impact on ??? learning outcomes.

We will monitor ???? attendance closely and hope to see an improvement in the coming weeks, so that further action is avoided.

If there are any issues impacting on your child's attendance which you feel we should be aware of, or you have any worries or concerns regarding this letter, or any other attendance matter, please come and talk to us. Miss Vicky Russell, our Pastoral Manager will be happy to arrange a meeting to identify how we can support.

Yours sincerely,

L Anderson.

Mrs. Laura Anderson
Headteacher

Attendance and Impact on Progress	
97-100%	**No Risk**
95-96.9%	**Slight Risk**
93-94.9%	**Serious Risk**
Below 90%	**Severe Risk**

Under Section 444 of the Education Act (1996), it is an offence for your child not to attend school regularly and it is your responsibility as a parent/Carer to ensure their regular attendance. Failure to do so could result in legal action, which could include a Fixed Penalty Notice.

Annex 1 – Solihull MBC Code of conduct for issuing penalty notices for school absence.

Solihull MBC
Code of conduct for issuing penalty notices for school absence

.

October 2024

Contents

1. Introduction **1**

1.1 Consultation

1.2 Legal Basis

1.3 Section 576 Education Act 1996: Definition of a Parent

1.4 Rationale

2. When may a penalty notice for absence be appropriate? **2**

2.1 Irregular attendance

2.2 Leave of Absence

2.3 Excluded child in a public place

3. Notice to Improve **3-4**

4. National Framework for issuing Penalty Notices **4**

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

4.2 Payment of Penalty Notices

4.3 Procedures for withdrawing Penalty Notices

5. Contact Details **5**

Local code of conduct for issuing penalty notices for school absence 2024

The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across Solihull Metropolitan Borough Council (MBC). The code sets out the arrangements for administering penalty notices in Solihull. The code complies with the Education (Penalty Notice) Regulations 2007 as amended by the Education (Penalty Notices) (England) (Amendment) Regulations 2024, the 1996 Education Act and with relevant regulations and the Department for Education's national framework for penalty notices as set out in the 'Working together to improve school attendance' (29 February 2024)

1.1. Consultation

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

1.2. Legal Basis

Penalty notices may be issued to a parent as an alternative to prosecution for irregular school attendance under Education Act 1996 (legislation.gov.uk)They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, Alternative Provision academies, and certain off-site places as set out in section 444A(1)(b).

The Education (Penalty Notices) (England) Regulations 2007 (legislation.gov.uk) (and subsequent amendments) set out how penalty notices for school absence must be used.

The national framework for penalty notices is published in statutory guidance 'Working together to improve school attendance'. It provides further national guidance on the operation of penalty notice schemes for school absence in England.

1.3. Children Act 1989 (legislation.gov.uk): Definition of a Parent

- All natural parents, whether they are married or not.
- Any person who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989 (legislation.gov.uk) for a child or young person.
- Any person who, although not a natural parent, has care of a child or young person – having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child is considered to be a parent in education law.

Penalty notices will usually be issued to the parent or parents with day-to-day responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

1.4. Rationale

Regular and punctual attendance of pupils at schools is, under section 7 Education Act 1996 (legislation.gov.uk), a legal requirement. Parents are responsible for ensuring that any child of compulsory school age receives efficient full-time education that is suitable to the child's age, ability and aptitude, and to any special educational needs the child may have. Compulsory school age is defined as: commencing at the start of term commencing on or after a child's fifth birthday and concluding on the last Friday in June of the school year in which the pupil becomes 16. It is essential for pupils to attend school regularly in order to maximise the opportunities available to them. For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided. Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the DfE's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

The national framework for penalty notices is based on the principles that penalty notices should only be used in cases where:

- support is not appropriate (e.g. a term time holiday, unauthorised leave of absence) or where support has been provided and not engaged with or not worked, and
- they are the most appropriate tool to change parental behaviour and improve attendance for that particular family.

2. When may a penalty notice for absence be appropriate?

The national threshold has been met when a pupil has been recorded as absent for 10 sessions within 10 school weeks[1], with one of, or a combination of, the following codes:

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

If, in an individual case, the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

2.1. Irregular attendance

If a child meets the national threshold of 10 sessions of unauthorised absence and measures have been put into place to try and secure regular attendance but have not been successful (see further below)

2.2. Leave of Absence

The Education (Pupil Registration) (England) Regulations 2006 The Education (Pupil Registration) (England) Regulations 2006 (legislation.gov.uk) prohibits the proprietor of a maintained school from granting leave of absence to a pupil, except where an application has been made in advance and the proprietor is satisfied that there are exceptional circumstances for agreeing to that application.*(Note: Department for Education guidance confirms that such requests should only be authorised in exceptional circumstances, which will not normally include family holidays. The issue of unauthorised leave of absence was also considered by the Supreme Court in the case of* Isle of Wight Council (Appellant) v Platt (Respondent) - The Supreme Court

Only the head teacher of the school or, in certain circumstances, a member of staff delegated by the head teacher, can determine whether a leave absence is classed as exceptional and therefore authorised.

A school cannot grant a leave of absence retrospectively. If the parent did not apply in advance, leave of absence should not be granted.

2.3. Excluded Child in a Public Place

If a child of compulsory school age is excluded on disciplinary grounds, the parent of that child, provided they have been served with Notice under Section 104 of the Education and Inspections Act 2006 (legislation.gov.uk) must ensure that the child is not present in a public place during school hours during the first five days of that exclusion without reasonable justification. Where parents fail to ensure their child is not in a public place under these circumstances, a penalty notice may be issued.

[1] A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

Notice to Improve

A Notice to Improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice i s issued. If the national threshold has been met, and support is appropriate, but offers of support have not been engaged with by the parent, or have not worked, schools may refer to Solihull MBC for a Notice to Improve to be sent.

Schools can choose not to use a Notice to Improve in any individual case, including cases where support is not appropriate or where they expect that it would have no impact on a parent's behaviour (e.g. because the parent has already received one for a similar offence).

If a Notice to Improve is sent it is expected to include:

- Details of the pupil's attendance record and details of the offences.
- The benefits of regular attendance and parents' duty under Education Act 1996 (legislation.gov.uk)
- Details of the support provided so far and offers of further support appropriate.
- A recommended length of improvement period; this will usually be between 3 and 6 weeks. Schools may wish to use a flexible improvement period so that it can be varied in individual cases.
- What sufficient improvement looks like, so that a penalty notice is not issued. This might be no further unauthorised absences within the improvement period, or a sufficient amount of improvement tailored to the family.
- A clear warning that a penalty notice may be issued, or prosecution considered, if attendance improvement is not secured within the improvement period.

If there is no improvement in attendance following the Notice to Improve the school may refer to Solihull MBC for a penalty notice to be issued, even if the improvement period has not ended. For example, a Notice to Improve stated there should be no more unauthorised absences in a six-week period but the pupil is absent for unauthorised reasons in the first week.

National Framework for issuing Penalty Notices

A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and are not working to change behaviour, they are unlikely to be th e most appropriate tool. Therefore, from Autumn Term 24, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3-year rolling period and any second notice within that period is charged at a higher rate:

- The first penalty notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.

- A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days.

- A third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, Solihull MBC may consider prosecution under Education Act 1996 (legislation.gov.uk)

For the purpose of the escalation process, previous penalty notices include those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) but not those which were withdrawn.

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

Solihull MBC will assess any referrals or requests for the issuing of a penalty notice received from schools, police or other local authorities. The issue of penalty notices will only be administered by Solihull MBC in order to fully comply with current legislation and ensure a fair and consistent approach and to also ensure that a penalty notice is the best available tool to improve attendance and change parental behaviour.

In cases where support is not appropriate (for example, for holidays in term time), these will be considered upon referral from the school on a case-by-case basis.

Consideration will be given to whether it is in the public interest to issue a penalty notice in each case given the local authority would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment.
Where pupils move between local authority areas, Solihull MBC can be contacted on email address cross.border@solihull.gov.uk to find out if penalty notices have been issued previously.
Where pupils attend school in Solihull MBC but live in a different Local Authority, contact will be made to the pupil's previous local authorities to establish if any previous penalty notices have been issued in the previous 3 years.

The Local Authority will inform the school about whether penalty notices are paid, withdrawn or prosecuted for non-payment.

Payment of Penalty Notices

The truancy penalty notice includes details of how to pay.

The Local Authority will produce an auditor's statement as part of the usual audit procedure showing that income received from fines does not exceed enforcement as defined. The surplus, if any, must be surrendered to the consolidated fund.

Procedures for withdrawing Penalty Notices

A penalty notice may be withdrawn by the Local Authority in any case in which the local authority determines that:

a) Penalty Notice has been issued outside of the terms of the code of conduct
b) It ought not to have been issued or issued to the person named as the recipient
c) It appears that the notice contains material errors
d) Where after the expiry of 28 days, the penalty is unpaid and the Local Authority do not wish to bring legal proceedings under s444

Where a penalty notice has been withdrawn in accordance with the above, a notice of the withdrawal shall be given to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it.

No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under Section 444(1/1A) of the Education Act 1996 arising out of the same circumstances.

Contact details

For further information please contact the Attendance Enforcement Team:

Telephone number: 0121 704 6131

Email: attendanceenforcement@solihull.gov.uk