



Yenton Primary School

Attendance policy

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YENTON PRIMARY SCHOOL

ATTENDANCE POLICY

Aims and Targets

The Governing body of Yenton Primary School places a high priority on achieving standards and feel that excellent pupil attendance and punctuality are essential. In order for children to achieve their potential, pupils must be highly motivated to learn and keen and eager to attend school.

Regular, punctual attendance will establish good habits that will support them throughout their lives. To achieve this, the Governors and staff are committed to working in partnership with parents to ensure that the school achieves a MINIMUM of 96% attendance throughout the school.

The Government expects us to:

- Promote good attendance and reduce absence, including persistent absence (any child with an attendance of less than 90% is classed as persistent absence);
- Ensure every pupil has access to full-time education, to which they are entitled; and,
- Act early and robustly to address any patterns of absence.

Procedures

PARENTS will:

- Ensure that their children attend school regularly
- Notify school on the first day of absence before 8.30am by phone/letter
- Complete a Leave In Term Time request form for absence in term time for exceptional circumstances at least two weeks before they are due to leave.
- Contact the school and allow the school to consider their application before booking flights or leaving the country, even when unforeseen events occur (e.g. family bereavement)

- Ensure when their child returns to school they bring in written confirmation of why they were absent
- Hand in medical evidence for 4 or more days absence due to illness and meet with the Deputy Head Teacher (or lead attendance teacher) to discuss their child's attendance when necessary
- If a child has attendance below 90%, medical evidence will be needed for all incidents.

CLASS TEACHERS will:

- Complete e-portal register at the start of each session (morning and afternoon)
- Monitor daily patterns of attendance and report any concerns that arise to the Phase Leaders/Deputy Head Teacher/lead attendance teacher (LAT)
- Make parents aware of concerns over poor attendance

OFFICE STAFF will:

- Input attendance data on CMIS system using correct codes and ensuring all N codes are replaced after two weeks.
- Print off official reports for each calendar month for monitoring purposes
- Complete the absence record book
- Monitor alongside the Deputy Head Teacher/LAT , patterns of attendance and lateness
- Make first day absence calls and record reasons for absence
- Aid the Deputy Head Teacher and Attendance Officer in administering Fast Track/Penalty Notice procedures with parents of children whose attendance is of a concern

DEPUTY HEAD TEACHER/LAT (working alongside INDEPENDENT ATTENDANCE OFFICER) will:

- Monitor official registers and take actions where concerns have been identified
- Meet weekly with independent Attendance officer

- Carry out Home visits and health and well- being checks as appropriate, working alongside outside agencies
- Inform Governors of attendance records (through termly reports to the Curriculum and Standards committee, and through the Headteachers report to the Full Governing board)
- Inform parents of individual pupils attendance record, each term at Parents' Evening and in the end of year schools report
- Inform/Meet with parents whose children's attendance causes concern using Early Help resources to capture the children's voice.
- Make referrals to the Education Legal Intervention Team (ELIT)
- Make referrals to the School Nurse team.
- Carry out Fast Track to Attendance and Leave in Term Time Penalty Notice procedures with parents of children whose attendance is of a concern . (See Appendices for Procedures Letters)

ATTENDANCE AND WELFARE OFFICER will:

- Support the school in achieving its targets and addressing concerns.
- Support families in ensuring their child/ren attend school regularly.
- Prepare and facilitate school attendance review meetings for punctuality and organise Late Gate sessions to monitor pupil punctuality
- Contact parents/carers by phone, letter or home visit to discuss the schools concerns and how attendance and punctuality can be improved
- Offer/initiate Early Help Multi Agency guidance and support

GOVERNING BOARD will:

- Monitor whole school attendance termly and take appropriate action should it affect standards.
- Nominate a named Governor for Attendance.

Late Procedures

Children who arrive late (after the registers have closed at 9:25am) and have gone to the office entrance, must be signed in by their parent/carer or appropriate adult, a reason for the lateness is also requested.

The admin staff will update the CMIS system with their mark.

Children who frequently arrive late will be monitored; parents will be contacted and a referral to the Attendance Officer considered.

The Attendance Officer/DHT is to carry out unannounced and announced 'Late Gate' sessions to challenge parents over reasons for poor punctuality.

Children who arrive late after the registers have closed due to a medical appointment will be marked M (in). For regular (e.g. once a week) medical issues causing lateness the child will have their code moved from M to / (present).

Any child arriving after 09.25 for any reason other than medical will be marked U (late after registers closed).

Children who have to leave for any reason throughout the day should be signed out at the main office by their parent/carer or appropriate adult. Parents taking children out during the school day is strongly discouraged. Parents are requested to make dental or medical appointments outside of school hours. Proof of appointments will be asked for.

Requests for Leave of Absence During Term Time

The Government issued new regulations in September 2013 regarding Leave of Absence; The Education (Pupil Regulations) (England) Regulations 2006 as amended by Education (Pupil Regulations) (England) (Amendment) Regulations 2013

- Head teachers **shall not grant any** Leave of Absence during term time **unless they consider** there are **exceptional** circumstances relating to the application.
- Parents do not have any entitlement to take their children on holiday during term time. Any application for leave must establish that there are **exceptional circumstances** and the Head Teacher must be satisfied that the circumstances warrant the granting of leave.
- Head Teachers will determine how many school days a child may be absent from school if the leave is granted.
- The school can only consider applications for Leave of Absence which are made by the resident parent. i.e the parent with whom the child normally resides.
- Applications for Leave of Absence must be made in advance and failure to do so will result in the absence being recorded as "unauthorised". This may result in legal action against the parent, by way of a Fixed Penalty Notice.

- Applications for Leave of Absence which are made in advance and refused will result in the absence being recorded as "unauthorised". In this case the school will follow it's usual absence procedures.
- The Children Missing In Education procedures, for safeguarding purposes, jointly making reasonable enquiries to try and locate the child, will also be followed. The outcome may result in legal action against the parent, by way of a Fixed Penalty Notice, if the child is absent from school during that period.

Fixed Penalty Notices will be issued in accordance Birmingham City Councils Code of Conduct. Each application for a Leave of Absence will be considered on a case by case basis and on its own merits.

Deletion from Register

Pupils will only be deleted from the register in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended in the 2016 Pupil registration regulations.

Yenton Primary School will follow Birmingham City Council's Children Missing Education Protocol when a pupil's whereabouts is unknown.

It is important that if families decide to send their child/children to a different school that they inform our school staff as soon as possible. A pupil will not be removed from our school roll until the following information has been received and investigated:

- The date the pupil will be leaving our school and starting the next
- The address of the new school
- The new home address, if it is known

The pupil's school records will then be sent on to the new school as soon as possible. Failing to notify Yenton Primary School will result in a referral to Birmingham City Council's Children Missing Education Service.

If a child cannot be located after 21 days, the school can take them off roll.

Strategies for Monitoring Good Attendance

- Individual certificates and prizes are presented termly where full attendance (100%) has been gained.

- Individual prizes/reward afternoons are presented each half year where good attendance (96%-100%) for this period has been gained.
- 100% attendance for the year is rewarded with an individual certificate.
- Trip to Conkers Activity Park for ALL children who achieve 100% attendance for the whole school year.
- Weekly assembly to award the best attending class and rewards given.
- Each class with the highest attendance in KS1 and KS2, receive a pizza the following week.
- Weekly attendance shared with whole school and written on attendance notice board outside the Head Teachers Office
- Deputy Head Teacher/LAT will monitor attendance and any child with below 96% attendance will trigger concern and an action plan put in place.
- Children with attendance below 90% (Persistent Absenteeism) will be monitored by the Deputy Head Teacher/Attendance Officer//LAT and Court Section.
- No Lates Challenge weeks will be held each term and results monitored alongside class overall attendance data

School attendance, Safeguarding and Children Missing Education

A child going missing from education is a potential indicator of abuse or neglect. School staff should 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 to help prevent the risks of their going missing in future (Keeping Children Safe in Education 2015, updated in 2016).

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 (Pupil Registration) (England) Regulations 2006 regulation 12. This attendance policy is part of broader suite of Safeguarding policies including the school's Safeguarding Policy.

Illness

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 a parents' note explaining that their child was ill can be accepted without question or concern (we expect medical

evidence to be provided for absences of more than 4 days). In exceptional circumstances further evidence of a child's illness may be requested especially if the child's overall attendance is of concern and/or they are on the Attendance Caseload List, of which the parents would have had prior information from the Attendance Officer.

Appendices

Appendix A - examples of exceptional circumstances

The importance of school attendance is such the law has now changed and Head teachers may now only grant leave in term time where the circumstances are

exceptional. This is in line with Birmingham Local Authority's 'Leave in term Time Guidance' and the 2013 Amendment to the Education (Pupil Registration) (England) Regulations.

For example:

- death of parent/carer or sibling of the pupil
- life threatening or critical illness of parent or sibling of the pupil
- parent/carer recuperation and convalescence from critical illness or surgery (leave request to be made within 6 months of recovery and medical evidence required)
- Leave for armed forces personnel who are prevented by operational duties to take their leave at any other time
- Leave of absence already granted by a previous school or L.A. (granted within the last 6 months and supported by documentation from the previous school)

Family emergencies need careful consideration. It is not always in the best interest of the child; nor appropriate for them to miss school for family emergencies that are being dealt with by adult family members. Being at school, friendships and support from staff can provide children with stability and care during difficult times. The routine of school can provide a safe and familiar background during times of uncertainty.

If you have exceptional circumstances which have lead you to request leave in term time for your child/ren, please complete the required form, which you can obtain from School. The Head Teacher will then make a decision on whether or not the leave can be lawfully authorised and will do so only if there is a genuine, exceptional and urgent reason for a child to be absent during term time. If a child is taken out of school without the Head Teachers authorisation, it will be recorded as unauthorised absence. School must then follow the Children Missing In Education procedures for safeguarding purposes. This may lead to the issuing of a penalty notice and legal action being taken where there are at least 10 sessions of unauthorised absence over 12 calendar months. This could include O,G or U codes.

For pupils who have taken unauthorised leave in term time for four weeks or more, penalty notices may not be issued as cases may proceed straight to court. The decision for this course of action lies with the Education Legal Intervention team.

If leave is granted it is the Head Teacher who determines the number of school days a child can be away from school.

Appendix B - Codes

PRESENT / Present (AM) \ Present (PM)

L Late (before registers closed)

AUTHORISED ABSENCE C

Other Authorised Circumstances (not covered by another appropriate code/description)

E Excluded (no alternative provision made)

F Extended family holiday (agreed)

H Family holiday (agreed)

I Illness (NOT medical or dental etc. appointments)

M Medical/Dental appointments

R Religious observance

S Study leave

T Traveller absence

UNAUTHORISED ABSENCE

G Family holiday (NOT agreed or days in excess of agreement)

N No reason yet provided for absence

O Unauthorised absence (not covered by any other code/description)

U Late (after registers closed)

APPROVED EDUCATION ACTIVITY -

PRESENT B Educated off site (NOT Dual registration)

D Dual registration (i.e. pupil attending other establishment)

J Interview

P Approved sporting activity

V Educational visit or trip

W Work experience

NOT COUNTED IN POSSIBLE ATTENDANCES

X Non-compulsory school age absence

Y Enforced closure - whole school or partial

Z Pupil not yet on roll

School closed to pupils

Appendix C - Fast Track To Attendance

'*FAST-track to Attendance*' is an Early Help approach to improving pupil attendance which also seeks to act quickly where there is unauthorised absence. It is for all schools, academies and alternative providers. There are no specific timelines to follow, the process can be used at a time which is right for the individual pupil (rather than

waiting for a 'campaign' to start), and schools have only one formal letter they will need to send to each parent.

The process aligns the thresholds for taking legal action for ongoing unauthorised absence with the Leave in Term Time (Penalty Notice) process, and the Local Authority 'Code of Conduct'

We know from Department for Education studies into the effects of absence on pupils' progress and attainment levels that absence has a statistically significant negative link to attainment - i.e. every extra day missed was associated with a lower attainment outcome. It's clear from the data that being absent from school for any reason has an impact on a child's progress in school.

Where schools are concerned about a child's absence levels, whether absence is authorised or unauthorised, it is important that the school act to improve attendance levels.

In terms of legal action, the Local Authority can only prosecute where there is unauthorised absence. In Birmingham this duty is delegated to the Education Legal Intervention Team (ELIT).

The Birmingham Penalty Notice Code of Conduct states that there must be at least 20 sessions of unauthorised absence within a rolling 12 month period for legal action to be taken.

Quick Guide to Fast Track Procedure for schools-

- Concerning levels of pupil absence either authorised or unauthorised
- **Step One** - Early help including 'Signs of Safety and Wellbeing' (3 houses form) with the child
- At least one session of unauthorised absence
- **Step Two** - Invite parents to a School Attendance Review Meeting (SARM) and hold the SARM
- Further unauthorised absence adding up to 10 sessions in total over the previous 12 calendar months whether the parent attended the SARM or not
- **Step Three** - Send 'Formal Warning Notice' to each parent individually with an up to date attendance printout
- At least 10 further sessions of unauthorised absence within 12 school weeks of the warning notice being issued

- Step Four - Refer to ELIT

Appendix D - Attendance Letters

**Fast-track to Attendance
Formal Warning Notice**

Dear «ParentTitle» «ParentLastName»

Re: «ChildFirstName»_«ChildLastName» - D.O.B. «ChildDOB»

Yr «YearGroup» at «SchoolName»

DO NOT IGNORE THIS LETTER. TAKE IMMEDIATE ACTION

Your child, «ChildFirstName» has been identified as having poor attendance at «SchoolName».

To assist you, the school have offered you the opportunity to access additional support such as Early Help etc.; have invited you to attend a formal School Attendance Review Meeting; and have provided you with advice to improve your child's attendance.

Despite this, there is now a significant amount of unauthorised absence. Section 444 of the Education Act 1996 states that:

'If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school his/her parent(s) are guilty of an offence.'

This is a formal notice advising you that the School and the Local Authority may consider issuing a penalty notice/taking legal action against you should there be further unauthorised absence.

To avoid this you **must** prevent any further unauthorised absence.

I would strongly advise that you read the attached leaflet which will provide further guidance on getting your child to school and advice as to your legal responsibilities.

Most attendance problems can be sorted out by parents. **If your child is having any difficulties that you wish to discuss contact the school immediately.**

Yours sincerely,

«School_Representative»

Job Title

Letter 2- Concern letter

Dear «ParentTitle» «ParentLastName»

Re: «ChildFirstName»_«ChildLastName» - D.O.B. «ChildDOB» Yr «YearGroup»

I'm writing to you to express concern about «ChildFirstName»_attendance in school. As you may be aware, it is the legal responsibility of parents to ensure children attend school regularly.

We work with parents to improve school attendance. Good attendance will mean that your child is able to achieve the best grades for their ability and have real opportunity in further education and the world of work. Absence disrupts the education of the individual pupil and the whole class. Children who do not attend regularly:

- do not achieve well in exams
- find it difficult to maintain friendships
- miss out on social events
- are more likely to become involved in crime

If you feel that your child has ongoing or unresolved medical issues you are advised to approach your doctor urgently.

If you wish to discuss the contents of this letter or your child's attendance please contact the school. If you call and there is no one available, please leave a message and contact telephone number.

Yours sincerely,

Head teacher

Letter 3 - medical concern letter

Dear «ParentTitle» «ParentLastName»

Re: «ChildFirstName»_«ChildLastName» **- D.O.B.** «ChildDOB» **Yr** «YearGroup»

Your child's poor attendance at school this year is causing serious concern as *he/she* has been absent for *number* of sessions out of a possible *number* of sessions and this will make it much harder for your child to achieve good results in their school work. **Most/ All** of the absence has been due to illness or for medical reasons.

It has been decided that due to the high level of your child's absence, **the Head Teacher will no longer authorise any absence for medical reasons unless supported by medical evidence.**

I have to advise you that we monitor all pupils with poor school attendance and will take action when absence is unauthorised; this may lead to prosecution.

Therefore should *Pupil's name* have any further sessions of absence because of illness or medical reasons you are strongly advised to provide one of the following which may enable the Head Teacher to authorise your child's absence:

- Medical appointment card with one appointment entered
- Letter from a professional
- Medical note
- Medication prescribed by a GP
- Copy of prescription
- Print screen of medical notes
- Letters concerning hospital appointments
- Slip with date, pupils name and surgery stamp, signed by Receptionist

Please be aware that telephone calls and handwritten notes from a parent/carer are **not** acceptable as medical evidence when attendance is of serious concern.

I have to advise you as a parent/carer of a child of statutory school age, you have a legal responsibility to ensure full time education suitable to the child's age, ability and aptitude and any special educational needs the child may have, either by regular attendance at school or otherwise (Education Act 1996 Section 444).

We work with parents to improve school attendance. Good attendance will mean that your child is able to achieve the best grades for their ability and have real opportunity in further education and the world of work. Absence disrupts the education of the individual pupil and the whole class. Children who do not attend regularly:

- do not achieve well in exams
- find it difficult to maintain friendships
- miss out on social events
- are more likely to become involved in crime

If you feel that your child has ongoing or unresolved medical issues you are advised to approach your doctor urgently.

If you wish to discuss the contents of this letter or your child's attendance please contact me. If you call and I am not available, please leave a message and contact telephone number.

Yours sincerely,

«School Representative»

Letter 4 - invitation to SARM meeting

«ParentTitle» «ParentFirstName» «ParentLastName»

«AddressLine1»

«AddressLine2»

«City»

«PostCode»

**FAST-track to Attendance
Invitation to a School Attendance Review Meeting**

Dear «ParentTitle» «ParentLastName»

Re: «ChildFirstName»_«ChildLastName» - D.O.B. «ChildDOB»

Yr «YearGroup» **at** «SchoolName»

There have been continuing difficulties concerning the attendance of your child «ChildFirstName» «ChildLastName» at «SchoolName».

You have been offered advice and support to improve «ChildFirstName»'s attendance and prevent the need for legal action.

In an attempt to resolve issues regarding attendance, a School Attendance Review Meeting has been arranged at «SchoolName» **on** «AppointDate» **at** «AppointTime».

It is very important that you attend. Your co-operation is essential.

This meeting is an opportunity for you to discuss any matters of concern.

Failure to attend this meeting and further unauthorised absence could result in you being prosecuted in court and/or a penalty notice being issued.

I have to advise you as a parent/carer of a child of statutory school age, you have a legal responsibility to ensure full time education suitable to the child's age, ability and aptitude and any special educational needs the child may have, either by regular attendance at school or otherwise (Section 444, Education Act 1996).

Please contact me urgently on the telephone number provided if you are unable to attend. If I am not available, please leave a message and contact telephone number.

Yours sincerely

«School_Representative»

Letter 5- Punctuality letter

«ParentTitle» «ParentFirstName» «ParentLastName»

«AddressLine1»

«AddressLine2»

«City»

«PostCode»

Dear «ParentTitle» «ParentLastName»

Re: «ChildFirstName» «ChildLastName»

Your child, «ChildFirstName» «ChildLastName» has been identified as having poor punctuality at «School_name» School.

As you may be aware, the law treats some persistent lateness in the same way as irregular attendance and parents may be prosecuted by the Local Authority if late arrival is not resolved.

I have to advise you as a parent/carer of a child of statutory school age, you have a legal responsibility to ensure full time education suitable to the child's age, ability and aptitude and any special educational needs the child may have, either by regular attendance at school or otherwise. (Education Act 1996)

Minutes late per day during the school year	Equals days worth of teaching lost in a year
5 mins	3.4 days
10 mins	6.9 days
15 mins	10.3 days
20 mins	13.8 days
30 mins	20.7 days

Poor punctuality can lead to your child...

- *Feeling embarrassed in front of their friends*
- *Missing the beginning of vital lessons*
- *Missing important instructions for the rest of the school day*
- *Learning bad habits which could affect their employability in the future*

If your child is having any difficulties that you wish to discuss, contact me immediately. Your child's punctuality must now improve or the school may have no option but to take further action against you.

If you call and I am not available please leave a message and telephone number.

Yours sincerely,

«School_Representative»

Job Title

Appendices E

Leave in Term Time, Fixed Penalty Schools Guide

Leave in Term Time (Penalty Notice) Process - Step by Step Guide

Step-by-Step Guide

Leave in Term Time (Penalty Notice) Process

Please note that this process is in relation to children of compulsory school age only

Schools are responsible for monitoring their pupils' attendance and, where appropriate, the Local Authority has a duty to prosecute parents in the Magistrates Court for failing to ensure their child's regular attendance at school. A Penalty Notice is an alternative to a prosecution. It requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance to avoid a court appearance.

The Leave in Term Time (Penalty Notice) Process was developed to work **in conjunction** with other legal processes such as FAST-track to Attendance (which aims to reduce on-going absence), in order to reduce the unauthorised leave taken by pupils in term time.

Who do we prosecute?

Definition of Parent: Section 576 of the Education Act 1996:

A 'parent' in relation to any child or young person, includes any person:-

- a) all natural parents, whether they are married or not;
- b) who is not a parent but who has parental responsibility for him; or
- c) who has care of him.

Parental partners can be included (whether or not they are married or the natural parent of the child) as they have 'care of' the child. If a pupil lives with a grandparent or older sibling as their main carer they can also be included.

For this process only, separated parents who do not accompany the other parent on the unauthorised leave should not be included

When does the Local Authority take legal action under this Process?

- a pupil's absence is marked as an **unauthorised absence (UA) coded G**, i.e. a family holiday - NOT agreed or days in excess of agreement; and
- a pupil has been absent either:
 - for a minimum of five continuous school days of G codes and has had five school days of other unauthorised absence in the previous 12 calendar months; or
 - for at least ten school days of G codes, where there has been no other unauthorised absence in the previous 12 calendar months.

Head teachers should ensure within their school:

- all staff are aware of the Leave in Term Time (Penalty Notice) Process;
- all attendance registers are completed accurately;
- accurate and quality personal data is created, used and shared with the Local Authority, e.g. the correct details of children and parents, etc.;
- the outcomes of the Leave in Term Time (Penalty Notice) Process are publicised, without breaching data protection rules.

December 2017 **Leave in Term Time (Penalty Notice) Process** - Step by Step Guide

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Please Note: All requests for legal action should be forwarded to the Education Legal Intervention Team who will then decide whether to issue a penalty notice, or in the case of unauthorised leave of four weeks or more, whether the case should proceed directly to Court.

Getting Started

The whole school 'School Attendance' letter – sent once per academic year:

- the whole school letter should be sent to all of the school's parents. It may be used in evidence but mainly it is good practice that parents understand the expectations of the school;
- **the letter should be sent out to each household via email' or 'pupil post'**. If parents live at different addresses and the school hold this information, send a copy of the letter to each address;
- the school should post the letter on their website and consider including it in any prospectus and information for new parents
- this is the ONLY letter that can be signed electronically by the Head Teacher
- the school should be prepared to answer any parental queries arising from this letter
- letters can only be signed by the Head teacher but all other parts of the process can be undertaken by the member of staff who usually liaises with the Education Legal Intervention Team (the designated liaison person)

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The Process

Step One – send a ‘Leave Denied’ letter. Either:

- ✓ LD1 Letter – If the parent has applied in writing for leave and the school cannot authorise that leave, the Head Teacher should send the ‘Head Teacher request denied’ letter as soon as possible;
- ✓ LD2 Letter – If the parent has spoken to the Head Teacher by telephone, or has not completed the application form, or has not returned from leave on the dates agreed, the Head Teacher should send the ‘leave taken’ letter immediately.

IMPORTANT

- Whichever LD letter is used, it should be on a school letterhead, signed by the Head Teacher only, and include the contact telephone number;
- Do not use electronic signatures, letters **must not** be signed on someone’s behalf (p.p.)
- Send a separate letter to each parent in a separate envelope and address letters using parents full names, do not address them to the ‘parent of’ or ‘Mr and Mrs XXX’;
- Make sure the school has or obtains the parents full names and that addresses and postcodes are correct; the Local Authority will also require the parents DOBs, which can be found:
 - on free school meal forms;
 - from the School Nurse; or
 - the parents themselves, either in person or via telephone.

If the school is unable to obtain the DOBs prior to requesting a Penalty Notice, do not allow this to delay the Process, as the school can send this information later, via email.

- All letters must be signed then photocopied along with other relevant documents sent to the parent. The originals should be posted (first class not recorded delivery) to the parent and the copies retained for evidence.**
- All correspondence, as well as notes and reports documenting all contacts, including telephone calls, and arrangements made with parents, are retained;
- A record of the letters posted is retained, including individual names and addresses being added to a Postage spreadsheet and the exact date that the letter was sent specified

Step Two - once the child has returned from leave, complete an online referral form separately for each parent and send the following documents as attachments to the *Education Legal Intervention Team*:

- photocopies of all signed letters
- photocopies of any ‘leave request’ documents (if any),
- photocopies of any travel documents supplied by the parents
- up-to-date attendance printout for this academic year showing that the offence has been committed and that the child has returned to school
- an attendance printout of the previous academic year

The online referral form can be accessed via this link:

https://www.birmingham.gov.uk/forms/form/347/en/education_legal_intervention_referral

December 2017 **Leave in Term Time (Penalty Notice) Process** - Step by Step Guide

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Please Note:

The Local Authority cannot take legal action against:

- parents if their child is not of compulsory school age;
- itself, if the pupil is a looked after child and the Local Authority is their corporate parent.

Education Legal Intervention Team actions:

- Penalty Notices will be issued as soon as possible;
- Penalty Notices are issued to each parent for each child;
- the Team will inform the school, via email, as soon as payment is received from a parent;
- the Team does not send reminders to parents regarding payment and there is no facility for parents to pay a Penalty Notice in instalments or by debit or credit card; and
- parents should be asked to send any queries following a Penalty Notice to the Education Legal Intervention Team, in writing, the address is on the Penalty Notice.
- where unauthorised leave of four weeks or more is taken, the Team may proceed the case direct to Court and, via email, will advise the school of this;**

PN Calendar Day 1

Penalty Notices issued

£60 fine per parent per child

The Education Legal Intervention Team will email a copy of the Penalty Notice for the school to check, please contact the Team immediately, via email, if there are any errors

PN Calendar Day 21

The Education Legal Intervention Team will advise the school what witness statements are required.

PN Calendar Day 22-28

£120 Deadline

If the Penalty Notice has not been paid by Day 28, parents are generally prosecuted under section 444(1), the Education Act 1996. If this is necessary, the Education Legal Intervention Team will contact the school, usually by Day 21, and ask the Head Teacher to prepare a witness statement.

The Head Teacher may be required to appear as a witness at a trial if the defendant pleads 'not

guilty'. Further information will be sent to the school about this at that time.

Factors that could prevent a case from proceeding:

- incorrect coding on the *Attendance Certificate*;
- evidence that includes incorrectly recorded information, such as telephone calls or other arrangements with parents;
- mistakes in correspondence sent to parents;
- cases which fail the 'public interest' test:

December 2017 **Leave in Term Time (Penalty Notice) Process** - Step by Step Guide

- evidence that is more than 6 months old.

Please respond to emails from the Education Legal Intervention Team by return, to enable the Team to comply with time limits for these legal proceedings.

Publicise outcomes

The Leave in Term Time (Penalty Notice) Process is a community initiative that raises parents and pupil awareness of the importance of school attendance. It is paramount that the Local Authority publicise the outcomes of the Process, as this demonstrates that School and the Local Authority take attendance seriously.

Do not identify individual names of parents or pupils.

The Education Legal Intervention Team will write to the school with an outline of the results when each case has concluded. These results can be shared with the school's population in a number of ways:

- sending out the results via a letter to parents
- in a regular newsletter distributed by the school;
- presenting the results at parent's evenings;
- including the results as an agenda item for School Governors' meetings; or
- including on the school's Attendance Notice Board.

To make the most of the Leave in Term Time (Penalty Notice) Process, use all of the above!

Please forward copies of all methods used publicise the results to the Education Legal Intervention Team for the Local Authority's records and evaluation.

Education Legal Intervention Team details

Email: ewsheadofficeadministration@birmingham.gov.uk

ONLY IF URGENT: 0121 464 8979

FAX: 0121 303 5122

Education Legal Intervention Team

P O BOX 16524

Birmingham

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Subsidiary Guidance

Section 444(1) of the Education Act 1996 states:

'If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence'

This is essentially a strict liability offence i.e. there are a limited number of statutory defences:

- sickness or any unavoidable cause;
- with leave (authorised absence);
- religious observance;
- the Local Authority have failed in their duty to support with travel arrangements if the distance from home to school dictates that they should do so.

NB: Please ensure that the school has the relevant forms *Application for assistance with travelling expenses between home and school* available regarding travel assistance to offer to parents.

Please Note:

Schools may have enquiries from parents during the Leave in Term Time (Penalty Notice) Process. If so, make a note that they have contacted the school, the advice given to them **and confirm this with a letter to the parent; always keep a photocopy of the original signed letter, as evidence.**

In the notes be factual, do not state opinions (i.e. Mrs Simpson was rude) instead say what actually happened. Do not include information from other people, as this is hearsay evidence and cannot be included in the legal proceedings.

The Attendance and Court Team can supply a Data Sheet, which can be used to input data and use it as a mail merge for all letters. This will make it easier and less likely for mistakes to be made. *Mail Merge Guidance for Schools* and *Postage Record Sheets* are also available, upon receipt of an email request. This is useful if there are two parents and more than one child.

If leave is requested due to family illness, it may be acceptable to request medical evidence for confirmation which may help determine whether or not the leave is granted due to exceptional circumstances. Please retain copies for the school's records.

Education Supervision Order (ESO)

Before a prosecution commences the school and Local Authority (LA) must consider whether an Education Supervision Order would be more appropriate.

What is an ESO?

The LA may apply to the Family Proceedings Court for an ESO, this requires the LA to appoint a named supervising officer to work directly with the child and his or her family, usually for up to a year to resolve any issues.

Why the LA must consider an ESO?

The LA is required by section 447 of the Education Act 1996 to consider applying for an ESO before instituting criminal proceedings under section 444 of the Act. It is extremely important that this duty is properly complied with, as more than one LA has been known to have failed to secure a conviction against a parent charged under section 444 on the basis that they were unable, when December 2017 **Leave in Term Time (Penalty Notice) Process - Step by Step Guide**

challenged by the parent's solicitor, to provide evidence to prove that an ESO had been considered.

Reasons why it may be decided that it is inappropriate to pursue an ESO?

There are some situations in which an ESO is less likely to be effective, for example, where parents are not willing to accept such intervention and are therefore unlikely to give their full cooperation to the LA in whose favour the Order is made. In these circumstances, instituting proceedings under section 444 of the Education Act 1996, may be considered to be the more appropriate course of action. Basically, this means that unless a parent is fully co-operating an ESO is not suitable.

If the school believes that an ESO may be appropriate then it is essential that the school inform the Attendance and Court Team immediately via email, and the Team will discuss it with the school: ewsheadofficeadministration@birmingham.gov.uk

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Letters-

Request for Term Time Absence

EXCEPTIONAL CIRCUMSTANCES – PUPIL TERM TIME LEAVE REQUEST

Pupil's Name D.O.B Form

Pupil's Name D.O.B Form

I request permission for the above named pupil(s) to be granted leave during the school term.

Reason for request

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

Dates of Absence

From To No of school days

I/We understand that if leave is agreed:

- if travelling abroad, I / we will supply a copy of the return travel documentation.
- I / we will supply the name and phone number of a contact person whilst abroad.
- if I / we do not return at the agreed time; I / we am / are aware that I / we may be issued with a penalty notice. If I do not pay the fine, I / we could then be required to attend Court; this could result in a fine of up to £1000 per child and having a criminal record.

- In exceptional circumstances penalty notices may not be issued and cases may be taken straight to Court.
- he/she may be removed from the school register in accordance with the Education (Pupil Registration) (England) Regulations 2006.

Parent/Carer Name DOB Address Signature Date	Parent/Carer Name DOB Address Signature Date
---	---

Request **agreed / denied**

Signed Head Teacher Dated

Request Denied Letter

LD1

Ref:

Insert date

«ParentTitle» «ParentFirstName» «ParentLastName»

«AddressLine1»

«AddressLine2»

«City»

«PostCode»

Dear «ParentTitle» «ParentLastName»

Re: «ChildFirstName»_«ChildLastName» - **D.O.B.** «ChildDOB»

Yr «YearGroup» **at** «SchoolName»

Thank you for your recent leave of absence request form.

On this occasion I am not able to authorise your child's 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 a school, fails to attend regularly at the school his/her parent(s) are guilty of an offence'.

If you decide to take the leave, the absence will be marked as unauthorised and may result in a Penalty Notice being issued or legal action being taken.

Family emergencies need careful consideration. It is not always appropriate or in the best interests of the child to miss school for emergencies which are being dealt with by adult family members. Being at school, friendship with peers and support from staff can provide children with stability. The routine of school offers a safe and familiar background during times of uncertainty.

It is essential for your child to be in school regularly to benefit fully from their educational opportunities. Good attendance will ensure that your child can reach their full potential. To achieve this, your child needs to attend school every day.

We are sure you would not wish to jeopardise your child's academic progress by taking them away at this time.

Yours sincerely,

Head Teacher

Enclosure: copy of 'Leave of Absence Request Form'

Letter when authorised leave has been taken-

LD2

Ref:

Insert date

«ParentTitle» «ParentFirstName» «ParentLastName»

«AddressLine1»

«AddressLine2»

«City»

«PostCode»

Dear «ParentTitle» «ParentLastName»

Re: «ChildFirstName»_«ChildLastName» - **D.O.B.** «ChildDOB»

Yr «YearGroup» **at** «SchoolName»

It has come to my attention that your child has been absent from school due to unauthorised leave taken in term time. If this is not the case and your child was absent due to illness, can I request you provide medical evidence to the school to authorise the absence. This would include:

Medical appointment card with one appointment entered, stamped by a doctors surgery;

Letter from a qualified medical professional;

Medical/doctors note;

Medication prescribed by a GP;

Copy of prescription;

Print screen of medical notes;

Letters concerning hospital appointments;

Slip with date, pupils name and surgery stamp, signed by GP Receptionist.

As you may be aware I am not able to authorise your child's absence due to term time leave. The Education (Pupil Registration) (England) Regulations 2006 do not allow Headteachers to retrospectively authorise leave.

Section 444 of the Education Act 1996 states that:

'If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school his/her parent(s) are guilty of an offence'.

Unfortunately the absence will be marked as unauthorised and may result in a Penalty Notice being issued or legal action being taken. I would also advise that if your child is still currently absent from school, you return the child to school with immediate effect

Yours sincerely,

Head Teacher