

Attendance policy

Mulberry Stepney Green School

Version Control

Version	Reviewed	Changes since last version
1	November 2024	Fully revamped policy, to reflect the new statutory guidance as outlined by the DfE in Working together to improve school attendance

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1. Aims

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

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

We will also promote and support punctuality in attending lessons.

2. Legislation and guidance

This policy meets the requirements of the [working together to improve school attendance](#) from the Department for Education (DfE), which becomes statutory 19th August 2024 and refers to the DfE's statutory guidance on [school attendance parental responsibility measures](#). These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)
- [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024 \(legislation.gov.uk\)](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](#)

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

3. Roles and responsibilities

3.1 The governing board

The governing board is responsible for:

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

3.2 The headteacher

The headteacher is responsible for:

- Implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors.
- Supporting staff with monitoring the attendance of individual pupils
- Monitoring the impact of any implemented attendance strategies
- Issuing fixed-penalty notices, where necessary
- Ensuring pupils on part time timetables are reported to the LA half termly with a plan for child to return to full time education or ensuring this is undertaken by a member of the school's attendance staff.

3.3 The designated senior leader responsible for attendance

The designated senior leader is responsible for:

- Leading attendance across the school
- Offering a clear vision for attendance improvement
- Evaluating and monitoring expectations and processes
- Having an oversight of data analysis
- Devising specific strategies to address areas of poor attendance identified through data.
- Arranging calls and meetings with parents to discuss attendance issues.
- Delivering targeted intervention and support to pupils and families

The designated senior leader responsible for attendance is Farid-Ahmed Patel and can be contacted via fpatel@mulberryschoolstrust.org or by calling the school reception on 0207916361

3.4 The attendance officer

The school's attendance & welfare officer, along with the attendance support officer are responsible for:

- Monitoring and analyzing attendance data (see section 7)
- Benchmarking attendance data to identify areas of focus for improvement.
- Providing regular attendance reports to school staff and reporting concerns about attendance to the designated senior leader responsible for attendance and the headteacher
- Working with education welfare officers to tackle persistent absence.
- Advising the headteacher/designated senior leader (authorized by the headteacher) when to issue fixed-penalty notices

The school's attendance & welfare officer is Rashida Begum and can be contacted via rashida.begum@towerhamlets.gov.uk or by calling the school reception on 0207916361

The schools attendance support officer is Lili Hannan and can be contacted via lhannan@mulberryschoolstrust.org or by calling the school reception on 0207916361

3.5 Form Tutors & Class Teachers

Form Tutors & Class Teachers are responsible for recording attendance on a daily basis, using the correct codes.

Where a Form Tutor or Class Teacher is unable to take a register using the schools IT systems, then they must take a manual register and hand this into the Schools Attendance officer, who will then record this on the school system.

3.6 School admin staff & Attendance support officer

School admin staff & attendance support officer will:

- Take calls from parents about absence on a day-to-day basis and record it on the school system.
- Transfer calls from parents to the head of year to provide them with more detailed support on attendance.

3.7 Parents/carers

Parents/carers are expected to:

- Make sure their child attends every day and on time.
- Call the school to report their child's absence before 8.45am on the day of the absence (and each subsequent day of absence) and advise when they are expected to return.
- Provide a written note or medical certificate to confirm the reasons for absence on the day the child returns to school
- Provide the school with a minimum of 1 emergency contact number for their child.
- Ensure that, where possible, appointments for their child are made outside of the school day.

3.8 Pupils

Pupils are expected to:

- Attend school everyday
- Attend every timetabled session on time.

4. Recording attendance

4.1 Attendance register

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

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

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

Any amendment to the attendance register will include:

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

See Appendix 1 (need to add list of codes) for the DfE attendance codes.

We will also record:

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

We will keep every entry on the attendance register for 6 years after the date on which the entry was made.

Pupils must arrive in school by 8.30am on each school day.

The register for the first session will be taken at 8.35am and will be kept open until 8.45am.

The register for the second session will be taken at 1.50pm (Mon-Wed) / 1.35pm (Thus-Fri) and will be kept open until 2pm (Mon-Wed) / 1.45pm (Thus-Fri).

4.2 Unplanned absence

The pupil's parent/carer must notify the school of the reason for the absence on the first day of an unplanned absence by 8.45am or as soon as practically possible by calling the school Attendance Support Officer or School Admin Office (see also section 7).

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

If the authenticity of the illness is in doubt, the school may ask the pupil's parent/carer to provide medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence.

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

4.3 Planned absence

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

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

The pupil's parent/carer must also apply for other types of term-time absence as far in advance as possible of the requested absence. Go to section 5 to find out which term-time absences the school can authorize.

4.4 Lateness and punctuality

A pupil who arrives late:

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

The schools procedures for lateness are;

- Pupils who are late to school in the morning, must arrive via the late gate, which is located on White Horse Lane
- Pupils are required to sign in at the late gate

The school has a comprehensive strategy to improve punctuality to school. This includes;

Identifying & Monitoring

- The attendance support officer will email punctuality data for each year group to Heads of Year & Assistant Heads of Year.
- Heads of Year & Assistant Heads of Year will actively monitor punctuality of their respective year groups and parents of pupils identified as a cause for concern will be contacted by the pastoral team to discuss the schools' concerns.
- Heads of Year/Assistant Head of year liaise with tutors to track and monitor pupils causing concern

Initial concern;

- Pupils who are late on any particular day, will have a 25-minute lunchtime detention in G12A – Pupils can attend the first 25-minutes of lunch or the last 25-minutes of lunch. Depending on when lunch is for their year group.
- Any pupil who fails to attend lunchtime detention – will have to serve a 45-minute Pastoral Detention on the following Friday from 1.45pm to 2.30pm in the North Dining Hall.
- In addition, any pupil who is late 3 or more times during the week, without a valid excuse will also serve a 45-minute Pastoral Detention.
- The parents of pupils who are late to school will also receive a message to inform parents that their child was late.
- Tutors will actively challenge lateness to school and speak with the pupil regarding concerns around their punctuality

Continuing concern;

- Heads of Year & Assistant Heads of Year will analyse punctuality data and put interventions in place for pupils causing concern or are persistently late. The interventions will include;
 - Parent meetings to discuss concerns around punctuality and develop a support plan to improve punctuality to school
 - Place the pupil on a punctuality report – monitored by Tutors/Pastoral team and parents
 - Provide mentoring and support around routines, where relevant
 - Refer to external support agencies for early help, where relevant
- Panel meetings are held between AWA Heads of Year & parents, if there is a continuing pattern of poor punctuality
- A referral to AWA is made when a pupil has 15 or more lates within a 5 week period
- A referral to the school police officer may be made if a pupil continues to arrive late
- For the sixth form, the KS5 bursary is linked to punctuality and detentions and/or supervised study sessions are set for KS5 students whose punctuality is a concern.
- The KS5 bursary is allocated to a student with attendance 95% or above and who receives FSM

Persistent & Serious concern;

- When a referral to the AWA has been made, they may:
 - Complete an Early Help Assessment form
 - Conduct home visits
 - Refer the pupil to outside agencies
 - Refer to the borough SIP panel for court action
 - Pursue court action

4.5 Following up unexplained absence.

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

- Call the pupil's parent/carer on the morning of the first day of unexplained absence to ascertain the reason. If the school cannot reach any of the pupil's emergency contacts, the school may conduct a home visit, refer the child to the Tower Hamlets Children Missing in Education Team or contact police
- Identify whether the absence is approved or not.
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained – this will be no later than 5 working days after the session.
- Call the parent/carer on each day that the absence continues without explanation to ensure proper safeguarding action is taken where necessary. If absence continues, the school will consider involving an attendance welfare advisor.

4.6 Reporting to parents/carers

The school will regularly inform parents about their child's attendance and absence levels, this includes;

- Via an Interim report, which is shared three times a year
- During academic tutoring days – which takes place twice a year
- During year group parent evenings – which takes place annually
- Via email on a termly and half termly basis
- Via the edulink app – where parents are able to view live attendance data for their child

5. Authorised and unauthorised absence

5.1 Approval for term-time absence

The headteacher will only grant a leave of absence to a pupil during term time if they consider there to be 'exceptional circumstances'. A leave of absence is granted at the headteacher's discretion, including the length of time the pupil is authorized to be absent for.

The school considers each application for term-time absence individually, considering the specific facts, circumstances and relevant context behind the request.

Any request should be submitted as soon as it is anticipated and, where possible, at least 2 weeks before the absence, and in accordance with any leave of absence request form, which can be obtained by contacting the Attendance Support Officer. The headteacher may require evidence to support any request for leave of absence.

Valid reasons for **authorized absence** include:

- Illness and medical/dental appointments (see sections 4.2 and 4.3 for more detail)

- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart.
- Traveler pupils travelling for occupational purposes – this covers Roma, English and Welsh gypsies, Irish and Scottish travelers, showmen (fairground people) and circus people, barges (occupational boat dwellers) and new travelers. Absence may be authorized only when a traveler family is known to be travelling for occupational purposes and has agreed this with the school, but it is not known whether the pupil is attending educational provision.
- Other possible 'exceptional circumstances' where the [headteacher/head of school] may grant term-time holiday.

If a parent decides to take a family on extended leave during term time without permission, the child may be taken off roll.

5.2 Legal sanctions

The school or local authority can fine parents for the unauthorized absence of their child from school, where the child is of compulsory school age.

If issued with a fine, or penalty notice, each parent must pay £80 within 21 days or £160 within 28 days. The payment must be made directly to the local authority. If attendance remains a concern and a second fine is issued within a 3-year period, each parent must pay £160 within 28 days. The payment must be made directly to the local authority.

Penalty notices can be issued by a headteacher, local authority officer or the police.

The decision on whether to issue a penalty notice may consider:

- The number of unauthorized absences occurring within a rolling academic year
- One-off instances of irregular attendance, such as holidays taken in term time without permission
- Where an excluded pupil is found in a public place during school hours without a justifiable reason

If the payment has not been made after 28 days, the local authority can decide whether to prosecute or withdraw the notice.

6. Strategies for promoting attendance

Pupils with good attendance are rewarded and recognised throughout the school year, via;

- Form tutor acknowledging improved attendance through praise
- Public acknowledgement and Certificates are issued in year group assemblies, which occurs on a termly basis
- Emails are sent to parents acknowledging excellent and/or improved attendance

7. Attendance monitoring

7.1 Monitoring attendance

The school will:

- Monitor attendance and absence data half-termly, termly and yearly across the school and at an individual pupil level.
- Identify whether there are groups of children whose absences may be a cause for concern.

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

7.2 Analysing attendance.

The school will:

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

7.3 Using data to improve attendance.

The school will:

- Provide regular attendance reports to Heads of year/Assistant Heads of year, form tutors, and other school leaders, to facilitate discussions with pupils and families.
- Use data to monitor and evaluate the impact of any interventions put in place to modify them and inform future strategies.

7.4 Reducing persistent and severe absence.

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

The school will:

- Use attendance data to find patterns and trends of persistent and severe absence
- Where deemed necessary and appropriate;
 - Issue attendance related warning letters via the Attendance & Welfare officer.
 - Place the pupil on an attendance report – monitored by Tutors/Pastoral team and parents
 - Provide mentoring and support to help improve attendance to school, where relevant
 - Refer to external support agencies for early help, where relevant
- Hold regular meetings with the parents of pupils who the school (and/or local authority) considers to be vulnerable, or are persistently or severely absent, to discuss attendance and engagement at school.
- Conduct a home visit, where relevant & appropriate.
- Provide access to wider support services to remove the barriers to attendance.
- When a referral to the AWA has been made, they may:
 - Complete an Early Help Assessment form
 - Conduct home visits
 - Refer the pupil to outside agencies
 - Refer to the borough SIP panel for court action
 - Pursue court action

8. Monitoring arrangements

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

9. Links with other policies

This policy links to the following policies:

- Child protection and safeguarding policy
- Behaviour policy

10. DfE Attendance Codes

Attendance Codes	
Codes	What does this code mean?
/\	Present at the school / = morning session \ = afternoon session
L	Late arrival before the register is closed
P	Participating in a sporting activity
V	Attending an educational visit or trip
W	Attending work experience
K	Attending education provision arranged by the local authority
B	Attending any other approved educational activity
Absence (authorised) Codes	
Codes	What does this code mean?

C1	Leave of absence for the purpose of participating in a regulated performance or undertaking regulated employment abroad
C2	Leave of absence for a compulsory school age pupil subject to a part-time timetable
C	Leave of absence for exceptional circumstance
I	Illness (not medical or dental appointment)
E	Suspended or permanently excluded and no alternative provision made
J1	Leave of absence for the purpose of attending an interview for employment or for admission to another educational institution
M	Leave of absence for the purpose of attending a medical or dental appointment
R	Religious observance
S	Leave of absence for the purpose of studying for a public examination
T	Parent travelling for occupational purposes
Absence (unauthorised) Codes	
Codes	What does this code mean?
G	Holiday not granted by the school
N	Reason for absence not yet established
O	Absent in other, (reason not accepted) or unknown circumstances
U	Arrived in school after registration closed
Absence (other) Codes	
Codes	What does this code mean?
Q	Unable to attend the school because of a lack of access arrangements
X	Non-compulsory school age pupil not required to attend school
Y1	Unable to attend due to transport normally provided not being available
Y2	Unable to attend due to widespread disruption to travel
Y3	Unable to attend due to part of the school premises being closed
Y4	Unable to attend due to the whole school site being unexpectedly closed
Y5	Unable to attend as pupil is in criminal justice detention
Y6	Unable to attend in accordance with public health guidance or law
Y7	Unable to attend because of any other unavoidable cause
D	Dual registered at another school
Administrative Codes	
Codes	What does this code mean?
Z	Prospective pupil not on admission register
#	Planned whole school closure

Annex A: DfE guidance Summary table of responsibilities

All pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Ensure their child attends every day the school is open except when a statutory reason applies.</p> <p>Notify the school as soon as possible when their child has to be unexpectedly absent (e.g. sickness).</p> <p>Only request leave of absence in exceptional circumstances and do so in advance.</p> <p>Book any medical appointments around the school day where possible.</p>	<p>Have a clear school attendance policy on the school website which all staff, pupils and parents understand.</p> <p>Develop and maintain a whole school culture that promotes the benefits of good attendance.</p> <p>Accurately complete admission and attendance registers.</p> <p>Have robust daily processes to follow up absence.</p> <p>Regularly monitor data to identify patterns and trends and understand which pupils and pupil cohorts to focus on.</p> <p>Have a dedicated senior leader with overall responsibility for championing and improving attendance.</p>	<p>Take an active role in attendance improvement, support their school(s) to prioritise attendance, and work together with leaders to set whole school cultures.</p> <p>Ensure school leaders fulfil expectations and statutory duties.</p> <p>Use data to understand patterns of attendance, compare with other local schools, identify areas of progress and where greater focus is needed.</p> <p>Ensure school staff receive training on attendance.</p>	<p>Have a strategic approach to improving attendance for the whole area and make it a key focus of all frontline council services.</p> <p>Have a School Attendance Support Team that works with all schools in their area to remove area-wide barriers to attendance.</p> <p>Provide each school with a named point of contact in the School Attendance Support Team who can support with queries and advice.</p> <p>Offer opportunities for all schools in the area to share effective practice</p>

Pupils at risk of becoming persistently absent

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered to prevent the need for more formal support.</p>	<p>Proactively use data to identify pupils at risk of persistent absence.</p> <p>Work with each identified pupil and their parents to understand and address the reasons for absence, including any in-school barriers to attendance.</p> <p>Where out of school barriers are identified, signpost and support access to any required services in the first instance and act as lead practitioner if attendance is the only issue and/or the local threshold for formal early help is not met.</p> <p>If the issue persists, take an active part in the multi-agency effort with the local authority and other partners. If a case meets the local threshold for formal early help/family support, this includes conducting the early help assessment and acting as the lead practitioner where all partners agree that the school is the best placed lead service. Where the lead practitioner is outside of the school, continue to work with the local authority and partners.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Hold a regular conversation with every school to identify, discuss and signpost or provide access to services for pupils who are persistently or severely absent or at risk of becoming so.</p> <p>Where there are out of school barriers, provide each identified pupil and their family with access to services they need in the first instance.</p> <p>If the issue persists, and there are multiple needs consider whether the threshold for early help is met and facilitate access where it is. Regardless, take an active part in the multi-agency effort with the school and other partners. Provide the lead practitioner in cases where threshold is met and all partners agree that a local authority service is best placed to lead. Where the lead practitioner is outside of the local authority, continue to work with the school and partners.</p>

Severely absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continue support as for persistently absent pupils and:</p> <p>Agree a joint approach for all severely absent pupils with the local authority.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continue support as for persistently absent pupils and: All services should make this group the top priority for support. This may include a whole family plan, consideration for an education, health and care plan, or alternative form of educational provision.</p> <p>Be especially conscious of any potential safeguarding issues, ensuring joint working between the school, children's social care services and other statutory safeguarding partners. Where appropriate, this could include conducting a full children's social care assessment and building attendance into children in need and child protection plans</p>

Support for cohorts of pupils with lower attendance than their peers

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
Not applicable.	<p>Proactively use data to identify cohorts with, or at risk of, low attendance and develop strategies to support them.</p> <p>Work with other schools in the local area and the local authority to share effective practice where there are common barriers to attendance.</p>	Regularly review attendance data and help school leaders focus support on the pupils who need it.	Track local attendance data to prioritise support and unblock area wide attendance barriers where they impact numerous schools.

Support for pupils with medical conditions or SEND with poor attendance

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the support offered.</p>	<p>Maintain the same ambition for attendance and work with pupils and parents to maximise attendance.</p> <p>Ensure join up with pastoral support and where required, put in place additional support and adjustments, such as an individual healthcare plan and if applicable, ensuring the provision outlined in the pupil's EHCP is accessed.</p> <p>Consider additional support from wider services and external partners, making timely referrals.</p> <p>Regularly monitor data for such groups, including at board and governing body meetings and with local authorities.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Work closely with relevant services and partners, for example special educational needs, educational psychologists, and mental health services, to ensure joined up support for families.</p> <p>Ensure suitable education, such as alternative provision, is arranged for children of compulsory school age who because of health reasons would not otherwise receive a suitable education.</p>

Support for pupils with a social worker

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance. Proactively engage with the support offered.</p>	<p>Know who the pupils who have, or who have had, a social worker are.</p> <p>Understand how the welfare, safeguarding, and child protection issues that they are experiencing, or have experienced, can have an impact on attendance – whilst maintaining a culture of high aspiration for the cohort.</p> <p>Provide additional academic support and make reasonable adjustments to help them, recognising that even when statutory social care intervention has ended, there can be a lasting impact on children's educational outcomes.</p> <p>Work in partnership with the local authority at a strategic and individual level, sharing data on attendance including, at an individual level, informing the pupil's social worker if there are any unexplained absences and if their name is to be deleted from the register.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Ensure that all Children's Social Care practitioners, understand the importance of good attendance for pupil's educational progress, for their welfare and their wider development – and understand their role in improving it.</p> <p>Through the work of Virtual School Heads, they should:</p> <ul style="list-style-type: none"> • Undertake systemic monitoring and data sharing of the attendance of children with a social worker in their area: developing and implementing targeted cohort level interventions to improve attendance. • Provide advice, challenge and training to schools on how to promote and secure good attendance for children with a social worker. • Develop whole system approaches, with social care, to support the attendance of children in need.

Looked after and previously looked after children

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand the child's barriers to attendance – including the development of Personal Education Plans.</p> <p>Proactively engage with the support offered.</p>	<p>Have high expectations for the cohort – with expert support and leadership provided by the designated teacher for looked-after and previously looked-after pupils.</p> <p>Work in partnership with the local authority Virtual School Head to develop and deliver high quality Personal Education Plans for looked-after children that support good attendance.</p> <p>Work directly with parents to develop good home-school links that support good attendance. For previously looked-after pupils this could include discussion on use of the Pupil Premium Plus funding managed by the school.</p>	<p>Designate a member of staff to have responsibility for the promotion of the educational achievement of looked-after and previously looked-after pupils.</p> <p>Monitor and review attendance of the cohort and consider how school policies, including behaviour policies, are sensitive to their needs and support good attendance.</p>	<p>Promote the educational achievement of looked-after and previously looked-after children – doing everything possible to minimise disruption to education when a pupil enters care.</p> <p>(LA that looks after the child:) Appoint an expert Virtual School Head (VSH) – will:</p> <ul style="list-style-type: none"> • Monitor, report on, and evaluate the education outcomes of looked after children, including their attendance, as if they attended a single school- whenever they live or are educated. • Ensure schools know when they have a pupil looked after by the authority on their role and that information is shared with the school on issues that may impact on their attendance. • Ensure that all looked-after pupils have high quality, up to date, effective Personal Education Plans developed in partnership with schools, social workers and carers – including, where necessary, clear interventions and use of pupil premium plus funding to support good attendance. • Provide expert advice and information on the education of previously looked-after pupils to schools and parents – including their attendance.

Monitoring

Parents:	Schools:	Academy trustees and governing bodies:	Local authorities:
<p>Schools regularly update parents on their child's attendance.</p> <p>(If parents feel the school and or local authority have not delivered what they are expected to they should discuss the case with the school and/or local authority's attendance support team.)</p>	<p>The school's Senior Attendance Champion will ensure all school based staff complete their attendance responsibilities in line with the school's policies and procedures.</p> <p>The governing board or academy trust will hold the headteacher or executive leadership to account for their delegated responsibilities and for compliance with regulatory and statutory requirements. They will review progress and provide challenge when required. The board will help school leaders focus improvement efforts on the individual pupils or cohorts who need it most and ensure that school staff receive adequate training on attendance.</p> <p>Ofsted will expect schools to do all they reasonably can to achieve the highest possible attendance as part of the behaviour and attitudes judgement. This includes, where attendance is not consistently at or above what could reasonably be expected, that schools have a strong understanding of the causes of absence (particularly for persistent and severe absence) and a clear strategy in place that takes account of those causes to improve attendance for all pupils.</p> <p>Ultimately, in cases where a school has not met expectations or statutory duties the Secretary of State can consider a complaint.</p>	<p>DfE Regions Group considers multi academy trusts' efforts on attendance as part of decision making.</p> <p>Ofsted considers governing bodies' efforts as part of inspections.</p>	<p>DfE Regions Group monitors local authority efforts as part of regular interaction.</p> <p>Ofsted may consider the local area partnership's approach to improving attendance of children and young people with SEND as part of the SEND Area Inspection, and the local authority's approach to improving attendance for children with a social worker through inspecting local authority children's services.</p> <p>Ultimately, in cases where a local authority has not met expectations or statutory duties the Local Government and Social Care Ombudsman or the Secretary of State can consider a complaint.</p>

Children Services Directorate



BEHAVIOUR & ATTENDANCE SUPPORT SERVICE

Penalty Notice Scheme

Protocol

1. Introduction:

- 1.1 The Education (Penalty Notices) (England) Regulations 2007 came into force on 1st September 2007. The DfE updated its Guidance Working Together to improve attendance which will become statutory on 19th August 2024.
- 1.2 This legislation is governed by Section 23 of the Anti Social Behaviour Act 2003 and Section 105 of the Education and Inspections Act 2006.
- 1.3 These pieces of legislation empower designated Local Authority Officers, Head Teachers (& Deputy and Assistant Headteachers, authorised by their Headteacher) and the Police to issue Penalty Notices in cases of unauthorised absence from school.
- 1.4 In addition, Section 103 of the Education and Inspections Act 2006 placed a duty on parents from 1st September 2007 to ensure that their child is not present during school hours in a public place when they are excluded.
- 1.5 Section 105 of the Act enables a Penalty Notice to be issued where an offence is committed under section 103. Parents are allowed a defence of reasonable justification under section 103(4).
- 1.6 Statutory Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices in relation to the use of these measures is contained in 'School attendance: Guidance for maintained schools, academies, independent schools and local authorities' (DfE, February 2024) and in 'School attendance parental responsibility measures - Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police' (DfE, January 2017) which outlines the Government's approach to school attendance and the use of parental responsibility measures.
- 1.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Equalities.
- 1.8 The LA has the prime responsibility for developing the protocol within which all partners named in the Acts will operate.
- 1.9 The purpose of this protocol is to ensure that powers are applied consistently and fairly in accordance with Tower Hamlets Inclusion and Equalities policies to support children and young people in mainstream education and ensure that no

individuals/groups within the community are either treated more favourably or unfairly discriminated against compared to any other individual/groups.

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

2. The Legal Requirements related to School Attendance:

- 2.1 It is required that the Penalty Notice Scheme Protocol is detailed to the School Governing Body so that they are fully aware of it. The use of Penalty Notices must also be detailed in the school prospectus or notification sent to all parents/carers so that they are fully informed and aware of it.
- 2.2 Regular and punctual attendance at school is both a legal requirement and essential for pupils to obtain the maximum benefit from their educational opportunities.
- 2.3 In law an offence occurs under section 444 (1) of the 1996 Education Act, if a parent/carer fails to secure a child's attendance at a school at which the child is a registered pupil and that absence is not authorised by the school.
- 2.4 When prosecution is undertaken in the Magistrates Court the sentencing options available to Magistrates upon conviction of a parent, are a fine, conditional discharge, absolute discharge, a parenting order, or in some cases a combination of the options listed.
- 2.5 Penalty Notices supplement the existing sanctions currently available under Section 444 (1) of the 1996 Education Act.
- 2.6 Penalty Notices are not meant to replace current practice but to add another option to Schools and the LA to secure regular and punctual attendance. The LA will only administer the issuing of FPN if the overall attendance is below 96%.
- 2.7 In Tower Hamlets, the Behaviour & Attendance & Support Service (THBASS) undertakes this responsibility on behalf of the LA.

3. Possible Benefits offered by Penalty Notices

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

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

- 3.2 Sending a very clear message to parents/carers regarding the importance of regular school attendance and punctuality and the immediacy with which action can be taken to address it.
- 3.3 Emphasising the need for schools to address (i) poor attendance and punctuality, and (ii) lack of cooperation and engagement from parents/carers.
- 3.4 Offering another stage of intervention as part of the tiered 'levels of intervention' approach to addressing school non-attendance and punctuality and leading to more effective use of the resources and powers available to schools and the THBASS;
- 3.5 Establishing greater parity and equality in terms of responses to challenging casework where parents/carers fail to cooperate and work in partnership to re-engage children with the education system.

4. Criteria where a Penalty Notice may be considered:

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

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

- 4.1 In instances of the deliberate taking of unauthorised leave/holidays in term time, where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given and where this has created a period of unauthorised absence of 10 sessions or more.
- 4.2 Where parents/carers fail to attend without reasonable cause LA led In-School Attendance Panels, to which they have been invited to discuss their child's unauthorised absences and/or lateness.
- 4.3 In cases of pupils identified as having Persistent Absence i.e., attendance of 90% or less (as defined by DfE from 1.9.15 onwards) over a period of a school term with 10 or more unauthorised sessions (half-days) of absence and with substantial evidence of failure on the part of the parent/carer to work in cooperation and partnership to address and improve the situation.
- 4.4 In cases of persistent late arrival at school (10 minutes after the attendance register has closed) with 10 avoidable late marks or more over the period of 10 school week period and after normal school procedures and sanctions have been followed and applied. The journey involved and particular issues such as adverse weather conditions and disruptions to transport should be taken account of as necessary.
- 4.5 Where there is a combination of unauthorised absence and avoidable lateness (10 minutes after the attendance register has closed) amounting to 10 sessions or more over the period of 10 school week period.

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

5. Circumstances for issuing Penalty Notices:

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

- 5.1 Penalty Notices are issued on an individual child per parent/carer basis. Where families have more than 1 child who fits the criteria, multiple issuing of Penalty Notices may occur – 2 parents/carers who have 3 children who fit the criteria will therefore be liable to receiving 3 Penalty Notices each. In these circumstances issuing should be subject to careful consideration and co-ordination.
- 5.2 Other than in those specific circumstances, detailed in point 4.1 related to (i) the taking of unauthorised leave/holidays in term time, and in point 4.6 (ii) where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, each liable parent/carer shall receive a formal Notice To Improve Letter of the possibility of a Penalty Notice being issued.
- 5.3 Schools and their Attendance & Welfare Advisor / Attendance Support Provider must scrutinise every aspect of a pupil's case in preparation for consideration for the issue of a Penalty Notice. This must include discussions with and any other agencies and professionals who have knowledge of or involvement with the family.
- 5.4 There shall be no restriction on the number of times a parent/carer may be issued with formal Notice to Improve letter of a possible Penalty Notice.
- 5.5 Reasonable justification for a pupil to be present during school hours in a public place during the first five days of exclusion includes: the pupil having a pre-arranged medical appointment or a medical emergency requiring immediate attention; and, there being a pressing need for the parent/carer to seek medical help and it being inappropriate to leave the pupil alone in the home unattended and it not being possible to make alternative arrangements for the pupil such as leaving him/her with a relative or friend .

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

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

- 6.3 Recognition of the family's financial/material living conditions and whether serving a Penalty Notice would affect their safety and wellbeing and put them at risk of severe adversity and hardship.
- 6.4 Direct liaison must also be undertaken with the key worker where the child/young person is designated as vulnerable i.e., the subject of a Child Protection Plan, is a Child in Need, is a Child in Public Care, has a Statement of Special Educational Need, is a Young Carer, has been affected by Domestic Violence or is Privately Fostered.

7. Administration of the Penalty Notice Scheme:

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

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

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

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

- 8.1 A letter (*Appendix 2*) is sent to all parents/carers by the school signed by the Headteacher.
- 8.2 The Information Leaflet for Parents on the Penalty Notice Scheme (*Appendix 3*) should also be sent to all parents/carers together with the letter from the Headteacher.

9. Procedure

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

- 9.1 The school formally refers the pupil to Tower Hamlets Behaviour & Attendance Support Service (THBASS) and all relevant information must be supplied on the THAWS 1 Attendance Referral Form in the specified manner (*Appendix 4*)
- 9.2 The referral of a pupil with a view to a Penalty Notice being issued must not adversely affect any other ongoing strategies already in place to improve school attendance and punctuality.
- 9.3 In those specific circumstances related to (i) the taking of 10 sessions or more of unauthorised leave/holidays in term time where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given, and (ii) where parents fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification, the pupil should be referred immediately to the Attendance & Welfare Service for issue of the Penalty Notice.

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

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

- 10.1 The THBASS will act upon all referrals within 10 school days of receipt of the referral and where all criteria are met.
- 10.2 Penalty Notices will be issued and sent by 1st class post/email where the criteria for doing so are met (*Appendix 6*).
- 10.3 Where a Penalty Notice is issued and attendance improves, the LA is still expected to prosecute the parent/carer if the Penalty Notice remains unpaid (*Appendix 7*).
- 10.4 When a Penalty Notice is issued and paid within the timescales identified earlier but attendance levels do not improve, the Penalty Notice cannot be used as evidence in any subsequent prosecution of parents/carers under S.444 of the Education Act 1996.

11. Criteria for withdrawing Penalty Notices:

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

12. Payment of Penalty Notices:

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

- 12.2 Payment of a Penalty Notice within the established time period discharges the parent/carer of liability for the period of absence/lateness for which the Penalty Notice was issued.
- 12.3 Once the Penalty Notice has been paid the parent/carer cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.
- 12.4 The cost of the Penalty Notice is £80 payable within 21 days.
- 12.5 If the Penalty Notice is not paid within 21 days, then the cost increases to £160 which must be paid within a further 7 days i.e., by 28 days after the original date of issue.
- 12.6 Where it is deemed appropriate to issue a second penalty notice to the same parent for the same pupil within 3 years of the first notice, the second notice is charged at a flat rate of £160 if paid within 28 days.
- 12.7 A third penalty notice must not be issued within a 3-year period. Therefore, in cases where the threshold is met for a third (or subsequent) times within those 3 years, a penalty notice cannot be issued, and alternative action should be taken instead. This will often include considering prosecution but may include other tools such as one of the other attendance legal interventions. In these cases, once 3 years has elapsed since the first penalty notice was issued to the parent a further penalty notice can be issued if appropriate, but in most cases, it will not be the most effective tool for changing what may have now become an entrenched pattern of behaviour.
- 12.8 Local authorities must ensure their existing processes record where a penalty notice has been issued to an individual parent in respect of an individual pupils. They will also need to retain records for at least 3 years from the date of issuing any penalty notice in order for the escalation procedures to be followed.
- 12.9 If the Penalty Notice is not paid then the parent/carer will be summoned to appear before the Thames Magistrates Court, under section 444(1) of the Education Act 1996, 'failure of a child to attend school regularly'.
- 12.10 The THBASS retains any revenue from Penalty Notices to cover administration and enforcement costs (collection and prosecution in the event of non-payment).

13. Non-payment of Penalty Notices:

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

14. Policy and Publicity:

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

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

15. Reporting and Reviewing:

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

16. Appeals

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

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

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

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

16.5 All such correspondence should be addressed to the:

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