



# AVANTI GRANGE

## SECONDARY SCHOOL

### Attendance Policy

<b>This policy is in force until further notice from:</b>	January 2023
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## 1. Aim

The attendance policy aims to encourage students to attend school regularly and punctually to ensure they are able to take full advantage of the educational opportunities available. We believe the foundation of securing good attendance is that our school is a calm, orderly, safe, and supportive environment where our students will want to be and are keen and ready to learn.

Aims:

- To develop and maintain a whole school culture that promotes the benefits of good attendance and is an integral part of the school's ethos.
- To operate clear and effective procedures for monitoring and recording student attendance, with the focus of keeping our students safe.
- To have a systematic approach to analysing attendance data and responding promptly with strategies and support for students of concern.
- To demonstrate that improving attendance is everyone's business and embed a 'support first' approach.
- To work with students and parents to remove any barriers to attendance by building strong and trusting relationships.
- To work with outside agencies and the Local Authority Attendance Officers to promote attendance and support our school community.

Attendance Target:

- To keep whole school attendance above 96%.

We believe that all students will only achieve educational excellence, character formation and spiritual insight, if they attend school on a very regular basis.

## 2. Legislation and Guidance

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

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

This policy complies with our funding agreement and articles of association.

### 3. School Procedures

#### 3.1 Encouraging Good Attendance

The school encourages good attendance by:

- Using clear and consistently applied systems and processes to improve, reward and incentivise attendance and address absences.
- Publicising good attendance during assemblies, newsletters and the termly report to the School Stakeholder Committee (SSC).
- Rewarding good attendance with an R2 when students have achieved 100% attendance within a term.
- Keeping parents informed on a regular basis of their child's attendance and absence record.

#### 3.2 Attendance Registers

The rules governing the maintenance of registers, including removal from roll, are contained in the *Education (Pupil Registration) (England) Regulations 2006*. Attendance registers are legal documents that may be required as evidence in court cases.

By law, all schools (except those where all students are boarders) are required to keep an attendance register, and all students must be placed on this register. The attendance register will be taken at the start of each school day and once during the afternoon. It will mark whether a student is:

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

Every entry in the attendance register will be preserved for a minimum of three years after the date on which the entry was made.

Students must arrive in school by 8.45am on each school day. The register for the first session will be taken at 8.55am and will be kept open until 9.15am. The register for the second session will be taken at 3.40pm and will be kept open until 3.45pm.

#### 3.3 Student Absence

With unplanned absence (such as illness), parents must inform the school of the reason for their child's absence on the first day, and every day following, before 8.30am by e-mailing [attendance.ags@avanti.org.uk](mailto:attendance.ags@avanti.org.uk).

The Attendance Administrator will send an electronic notification if no contact is made by parents regarding a student being absent from school. The Attendance Administrator will make contact by phone should no response be received to this notification shortly after.

The school will accept requests or explanations for absence only from parents/carers; under normal circumstances these should be submitted by e-mail from an e-mail address registered with the school.

By law only the school can authorise an absence, not parents; it is for the school to judge whether the explanation given is satisfactory justification for the absence. The fact that a parent has provided a note or other explanation (telephone call, personal contact, medical letter) in relation to a particular absence does not, of itself, oblige the school to accept it, if the school does not accept the explanation offered as a valid reason for absence.

If, after further investigation doubt remains about the explanation offered – or when no explanation is forthcoming at all – the absence will be treated as unauthorised and the parent informed.

- Authorised absence is where school has either given approval in advance for a student to be out of school, or has accepted an explanation offered afterwards. Examples of what may be authorised: *sickness; music or dance exams; unavoidable medical/dental appointments (which should be made outside of school hours whenever possible); religious observance days; exceptional family circumstances, i.e. bereavement; older sibling's graduation; moving house.*
- Unauthorised absence is when the school has not given approval. Examples include: *repeated or extended bouts of illness for which no medical evidence is provided; birthday treats; shopping; looking after siblings or parents who are unwell; holidays in term time; funeral of distant relative involving more than one day of absence; issues to do with pets.*

If there is any doubt about whether an absence should be authorised, the Form Tutor will refer to the Head of Year (who may seek clarification from SLT); the school will inform parents of the decision.

Parents should inform the school in writing in advance of a valid planned absence (e.g. medical appointment). However, parents should make such appointments outside of school time whenever possible to minimise disruption to the student's learning.

If a student's absence rate becomes a cause for concern the school will initiate a series of interventions designed to improve their attendance. These actions will range from a series of letters, followed by School Attendance Meetings and, if necessary, the issuing of a fixed penalty notice or prosecution.

Holidays in term-time: no student has the right to leave of absence for a family holiday; at Avanti Grange School it will be granted only in exceptional circumstances. Furthermore, it is the School Stakeholder Committee policy that parents who take their children out of school for holidays cannot expect extra teaching or prep to enable those students to catch up with missed work or examinations.

A parent wishing to apply to take a student out of school for a holiday must obtain an Exceptional Circumstances Leave of Absence Form from the school, and submit it to the Principal at least three weeks before any proposed absence.

The school will notify the Local Safeguarding Board immediately if it has reason to suspect a child is missing from education.

### **3.4 Punctuality**

Students should be in school by 8.45am, ready to proceed to registration in their form rooms at 8.55am; the afternoon session starts at 3.40pm and the register is taken by 3.45pm.

Students who arrive during the registration period but after the register has been taken (i.e. after 8.55am) will be marked late. Students who arrive after the registration period (i.e. after 9.15am) must sign the late book in Reception. Where the parent provides a satisfactory explanation, the student's lateness will be authorised (Code L); where a parent fails to provide a satisfactory explanation lateness will be unauthorised (Code U).

A student who arrives late persistently, measured across a half term, without acceptable explanation will be issued a Principal's Saturday Detention and placed on a monitoring report. The parents of a student who is persistently late will be contacted by the Form Tutor initially and then by the Head of Year if there is no significant improvement. If there is no improvement to punctuality following the intervention of the Head of Year, the student will be expected to register early at 8.30am for a period of time.

The school may use their discretion if lateness is caused by bad weather or transport difficulties, such as the late arrival of buses and trains.

### **3.5 Part Time Timetables**

All students of compulsory school age are entitled to a full-time education. In very exceptional circumstances, where it is in a student's best interests, there may be a need for a temporary part-time timetable to meet their individual needs. For example, where a medical condition prevents a student from attending full-time education and a part-time timetable is considered as part of a re-integration package. A part-time timetable will not be used to manage a student's behaviour.

A part-time timetable will only be in place for the shortest time necessary and not be treated as a long-term solution. Any pastoral support programme or other agreement will have a time limit by which point the student is expected to attend full-time.

If a part-time timetable is agreed by all parties, there will be formal arrangements in place for regularly reviewing it with the student and their parents. In agreeing to a part-time timetable, a school has agreed to a student being absent from school for part of the week or day and therefore will treat the absence as authorised (Code C).

The school are required to return information on any student under an agreed part-time timetable to the Local Authority with five days of the student starting or ending this agreement.

### **3.6 Student Truancy**

Truancy is minimised by vigilance in attendance monitoring, electronic lesson registration, alertness of duty staff at break and lunchtimes, and the general awareness of form tutors and Heads of Year of their students.

The parents of truants will always be informed as soon as possible, and through the Form Tutor and Heads of Year, the school will work with parents to investigate and remedy the underlying problems.

Protocol for Absconding Students: If the truancy occurs during the school day the student will be regarded as having absconded (left a classroom or the school grounds without permission) and the protocol (approved by the local constabulary) will be followed. *(NB from 2007 police and community support officers have the power to pick up school age children not in school and remove them to a place of safety, the first place being school).*

The protocol requires that someone from the school (usually the Attendance Administrator or Receptionist, in liaison with a senior member of staff) telephone the police and inform them of the circumstances and the student's details (name, age, address, parent's telephone number) and then contact the parent.

A risk assessment will be made by the senior member of staff and conveyed to the police taking account of the age, state of mind, maturity and competence of the student. Are they at great risk? Where are they likely to go? Are there exceptional circumstances which require they should be followed and shadowed until the police intervene? The member of staff may decide (especially with an older student) that it is not necessary to alert the police, only the parent.

## **4. Legal sanctions and Legal Enforcement by Hertfordshire County Council**

Avanti Grange School follow Hertfordshire County Council's Penalty Notice for Truancy Code of Conduct and procedures.

The school expects parents to work with us to address attendance problems.

If a student has at least 15 sessions (a half day = 1 session) of unauthorised absence in the current and/or previous term (including unauthorised holidays), the Principal may ask the local authority to issue a Fixed Penalty Notice. The decision on whether or not to issue a penalty notice ultimately rests with the Principal, following the local authority's code of conduct for issuing penalty notices (see Appendix B). A formal warning will be sent to parents before this step is taken.

The penalty is £60 if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days. If the penalty is not paid the local authority may prosecute the parents for their child's irregular attendance.

There is no right to appeal by parents against a Fixed Penalty Notice.

A penalty notice will not be issued in respect of a student who is looked after by the Local Authority without the prior agreement of the Central Attendance and Employment Support Team Manager on behalf of the County Lead for Attendance.



## 5. Appendix A - Roles and Responsibilities

### 5.1 The School Stakeholder Committee (SSC)

- Take an active role in attendance improvement, support the school to prioritise attendance, and work together with leaders to set the whole school culture.
- Ensure school leaders fulfil expectations and statutory duties.
- Ensure school leaders put in place opportunities for staff to receive training on attendance.
- Regularly review and understand attendance data, discussing and challenging trends and helping school leaders to focus improvement efforts on individual students or cohorts who need it the most within school.
- Recognise attendance as an important area of school improvement. Make sure it is resourced appropriately (including through effective use of pupil premium funding) to create, build and maintain systems and performance.
- Have a designated attendance champion in the senior leadership team with clearly assigned responsibilities which are identified within the attendance policy, escalation of procedures and school improvement plan.
- Share effective practice on attendance management and improvement across schools within the Avanti Schools Trust.

### 5.2 The Principal

- Ensure the school have a clear, written attendance policy which is available on the school website and ensuring the implementation of this policy.
- Ensure the school attendance policy is compliant with DfE guidance for maintained schools, academies, independent schools and local authorities – [Working together to improve School Attendance](#) and [Keeping Children Safe in Education](#).
- Developing good support for children with medical conditions (including the use of individual healthcare plans), mental health problems and special educational needs (SEND). Ensuring compliance with statutory guidance for governing bodies of maintained schools and proprietors of academies in England - [Supporting pupils with medical conditions at school](#).
- Ensure every member of staff knows and understands their responsibilities for attendance and how poor attendance links with safeguarding.
- Ensure staff are actively working to maximise attendance rates, both in relation to individual students and the student body as a whole.
- Ensure there are clear processes in place to address persistent and severe absence, with an awareness that students who are severely absent may be at risk of CCE, CSE etc. and this cohort must be made the top priority for action and support.
- Establishing and ensuring implementation and robust monitoring of arrangements to identify, report and support children missing education (CME) or at risk of becoming CME.
- Ensuring that all staff adopt a consistent approach in dealing with absence and lateness.
- Monitoring of whole school data regularly to identify reasons for absence, patterns, attendance of particular groups and the impact of interventions.
- Reporting to the Avanti Schools Trust and SSC the attendance figures and progress to

achieving the set targets.

- Convey clear messages with all stakeholders about how absence affects attainment, wellbeing and wider outcomes. Empower staff to take responsibility for attendance.
- Building and modelling respectful relationships with staff, students, families and other stakeholders in order to secure their trust and engagement. Making sure there is a welcoming and positive culture across the school.
- Reminding parents of their commitment to this policy.
- Sharing information on and working collaboratively with other schools in the area, LA's and other partners when absence is at risk of becoming severe or persistent.
- Engaging community businesses, partners and residents to promote attendance and report non-attendance.

### **5.3 School Attendance Champion (SLT)**

- Implement the policy with the Principal.
- Offer a clear vision for attendance improvement.
- Ensure practice in place to address persistent and severe absence is robust.
- Evaluate and monitoring expectations and processes.
- Oversight of data analysis:
  - Monitor and analyse attendance data regularly to allow early intervention to address issues. This includes raising concerns with other agencies like children's social care and early help services which are working with families.
  - Robust school systems which provide useful data at cohort, group and individual student level to give an accurate view of attendance, reasons for absence and patterns amongst groups.
  - Keep the Principal and all school staff informed of attendance figures and trends by providing regular reports to enable them to track the attendance of students and to implement attendance procedures.
  - Compile attendance data for the Principal, the SSC and the Local Authority Attendance Officer (LAAO).
- Ensure a positive working relationship with the LAAO is fostered, including attending Attendance Targeted Support Meetings.
- Liaise with other agencies working with students and their families to support attendance, for example, where a young person has a social worker or is otherwise vulnerable.
- Communicate messages to students and parents about good attendance.
- If required, hold regular meetings with the parents of students who the school (and/or Local Authority) consider to be vulnerable or are persistently or severely absent to discuss attendance and engagement at school.
- Undertake home visits in line with school's safeguarding responsibilities to engage families and ensure children are safe.
- Identify students who need support from wider partners as quickly as possible and make the necessary referrals.
- Make sure escalation procedures to address absence are initiated proactively, understood by

students and families, implemented consistently and their impact reviewed regularly.

- Ensure that the Local Authority is notified of any student who fails to attend school regularly via a '10 Day Absence Form'.

#### **5.4 Teaching Staff**

- Implement the policy and ensuring it is applied fairly and consistently.
- Ensure the effective whole school culture of high attendance is underpinned by setting an example of punctuality and good attendance.
- Encourage good attendance by providing a safe learning environment by following all health and safety guidelines and by applying fair and reasonable rules which are known to everyone: e.g. Behaviour Policy and Anti-Bullying & Cyberbullying Policy.
- Ensure that registers are accurate and up-to-date, taking them at the start of the day, at the beginning of every lesson and at the end of the day.
- Review class and individual attendance patterns; and informing the school attendance champion/line manager of any concerns.
- Review tutor group attendance weekly to share data, identify issues, intervene early and help set targets.
- Build respectful relationships with staff, students, families and other stakeholders in order to secure their trust and engagement. Making sure there is a welcoming and positive culture across the school.
- Remind parents of their commitment to this policy.
- Communicate openly and honestly with staff, students and families about their expectations of school life and performance so that they understand what to expect and what is expected of them.
- Hold regular meetings with the parents of students who the school consider to be vulnerable or are persistently or severely absent to discuss attendance and engagement at school.
- Follow up on absence and lateness with students to identify barriers and reasons for absence.
- Welcome students back following an absence and provide good catch-up support to build confidence and bridge gaps.

#### **5.5 Attendance Officer, Attendance Administrator, Pastoral Staff**

- Ensure the recording of attendance and absence data is accurate.
- Ensure robust day-to-day processes are in place.
- Track and follow up absence and poor punctuality.
- Provide appropriate support and challenge to establish good registration practice.
- Carry out robust first day calling procedures, including priority routines for vulnerable children (including children with a social worker). If absence continues without explanation, further contact should be made to ensure safeguarding.
- Identify any absences that are not explained for each session and contact parents to understand why and when the student will return.
- Where absences are recorded as unexplained in the attendance register the correct code should be inputted as soon as the reason is ascertained, but no later than five working days

after the session.

- Hold regular meetings with the parents of student's who the school (and/or Local Authority) consider to be vulnerable or are persistently or severely absent to discuss attendance and engagement at school.
- Identify student's who need support from wider partners as quickly as possible and make the necessary referrals.
- Undertake home visits in line with safeguarding responsibilities to engage families and ensure children are safe.
- Identify and, where possible, mitigate potential barriers to good attendance in liaison with families and relevant support agencies.
- Implement children missing education (CME) procedures when appropriate.
- Where student's have additional vulnerabilities, which may require multi-agency meetings, try to arrange those meetings outside of lesson time, where possible.
- Engage with feeder schools or organisations to access absence information in order to identify target cohorts prior to transfer, including mid-year transfers and managed moves.
- Provide regular attendance reports to tutors to facilitate weekly reviews with leaders (including special educational needs coordinators, designated safeguarding leads and pupil premium leads) for monitoring and evaluation purposes.
- Initiate and oversee the administration of absence procedures.
- Develop and implement persistent absence action plans with students and families which address barriers and help establish positive attendance routines.
- Hold regular meetings or reviews of caseload with the Statutory Attendance & Participation Team (SAPT), external partners and alternative providers to check on welfare and review progress.
- Liaise with school leaders (designated safeguarding, special educational needs coordinator and pastoral leads) on referrals to external agencies and multi-agency assessments.
- Work in partnership with SAPT and other agencies to ensure the appropriate use of statutory parental responsibility measures.

## **5.6 Students**

- Be at school and ready to go into registration by 8.45am.
- Attend school and all lessons regularly and punctually.
- Sign the late book in Reception if arrival is later than registration, and then go to lessons.
- Sign out in Reception if leaving school during the day; and sign in on return.
- Never leave the school site without permission, unless accompanied by a teacher; permission can be given by the Form Tutor or Head of Year if a legitimate note is provided beforehand; for unforeseen circumstances during the day permission can be obtained from duty staff or senior staff depending on the circumstances.

## **5.7 Parents**

- Fulfil their legal responsibility in accordance to Section 7 of the Education Act 1996 by ensuring that their child receives an efficient education suitable to their age, ability, aptitude

and any special educational needs that they may have. Most parents fulfil this responsibility by registering their child at a school.

- Parents whose children are registered at Avanti Grange School are responsible for ensuring that their child attends and stays at school every day the school is open. We expect that parents of all students from Years 7-13 will accept this and all other obligations in this policy.
- Ensure that their child is punctual and know the importance of good attendance.
- Instil in their child an appreciation of the importance of attending school regularly.
- Impress upon their child the need to observe the school's code of conduct.
- Inform the school on the first day and every day of absence, by 8.30am at the latest, and provide the school with an explanation for the absence.
- Inform the school of any changes to their contact details.
- Work in partnership with the school to resolve issues and help the school to understand their child's barriers to attendance.
- Proactively engage with the support offered by the school to prevent the need for more formal support.
- If formal support is needed, proactively engage with this support to prevent the need for any legal intervention.
- Book any medical appointments around the school day where possible.
- Only request leave of absence in exceptional circumstances and do so in advance.
- Communicate as early as possible circumstances which may affect absence or require support.

### **5.8 Working with the Local Authority**

- Avanti Grange School work in partnership with the Statutory Attendance & Participation Team to devise a strategic approach to attendance.
- The Attendance Champion (SLT) will meet with the link LAAO when required to discuss and improve attendance for all persistently absent or severely absent students.
- Action Plans will be developed for all persistently and severely absent students. The school may request support from the LAAO for advice and guidance with the implementation of these action plans.
- If parents do not proactively engage with support offered through the action plan, then formal intervention may be requested from the LAAO.
- If parents do not engage with formal support, the school may request statutory intervention from the Local Authority. Statutory intervention can include:
  - Parenting Contract
  - Fixed Penalty Notice application from school
  - Parenting Order
  - Education Supervision Order
  - Prosecution

## 6. Appendix B – Hertfordshire County Council Code of Conduct

### Hertfordshire County Council

#### Local Code of Conduct – Penalty Notices for Unauthorised Absence (Truancy)

##### Introduction

Section 23 of the Anti-Social Behaviour Act 2003 empowers the police, designated Local Authority Officers and Headteachers and Deputy and Assistant Headteachers authorised by them to issue penalty notices in cases of unauthorised absence (truancy) of pupils of statutory school age.

The government requires Local Authorities to issue a Code of Conduct to which all parties involved must adhere. Penalty notices may be issued only in accordance with the terms of the Code of Conduct.

The purpose of the Code of Conduct is to ensure that:

- the powers are applied consistently and fairly
- duplicate notices are not issued
- issuing a notice does not conflict with proceedings proposed or being taken by the Local Authority under section 444 of the Education Act 1996
- suitable arrangements are in place for the administration of the penalty notice scheme.

##### The Law

Section 23 of the Anti-Social Behaviour Act 2003 added sections 444A and 444B to section 444 of the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for that offence by paying a penalty. The Education (Penalty Notices) (England) Regulations 2007 set out the framework for the operation of the scheme.

All those defined as a parent under section 576 of the Education Act 1996 are considered to be parents for the purpose of these provisions.

As with prosecutions under section 444 of the Education Act 1996 a penalty notice may be issued to each parent liable for the offence in respect of each child.

Penalty notices apply to parents of children of compulsory school age who are registered pupils at maintained schools, academies, Pupil Referral Units (Education Support Centres), City Technology Colleges, Studio Schools, UTCs and any other alternative education provision arranged under section 19 of The Education Act 1996.

Parents cannot be prosecuted for the offence for which the penalty notice was issued until after the final deadline for payment has passed and the penalty remains unpaid. Parents cannot be convicted of that offence if the penalty is paid in accordance with the notice.

The Local Authority will retain any revenue from penalty notices to cover the administration of the scheme and any legal actions arising from it.

## Rationale

Regular and punctual attendance is a legal requirement for pupils registered at schools, academies or other maintained or alternative provision.

As absence is so often a symptom of wider issues a family is facing, schools, trusts and local authorities should always work together with other local partners to understand the barriers to attendance and provide support. Where that is not successful, or is not engaged with, the law protects pupils' right to an education and provides a range of legal interventions, which includes Fixed Penalty Notices, to formalise attendance improvement efforts, and where all other avenues have been exhausted.

Fixed penalty notices are served on parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided. Fixed penalty notices can be used by all schools (with the exception of independent schools) where the pupil's absence has not been authorised by the school and the absence constitutes an offence. Fixed penalty notices can be issued to each parent liable for the attendance offence or offences, which should usually be the parent or parents with day-to-day responsibility for the pupil's attendance.

Fixed penalty notices are intended to prevent the need for court action and should only be used where a fixed penalty notice is deemed likely to change parental behaviour and support to secure regular attendance has been provided and has not worked or been engaged with, or would not have been appropriate in the circumstances of the offence (e.g. an unauthorised holiday in term time).

## Circumstances in which a penalty notice may be issued

- Schools, Academies and Trusts must be clear and able to demonstrate that the issue of a Penalty Notice will change parental behaviour.
- Schools, Academies and Trusts must provide evidence that all other avenues of support have been exhausted (excluding holidays) which includes the offer of a FFA.
- Penalty notices may only be issued in cases of unauthorised absence.
- The pupil must have at least **15 sessions** (half days) unauthorised absence in the current and/or previous term.
- The school must have sent a formal warning letter to each parent separately, addressed and on school headed paper. This must be sent by first class post.
- The purpose of the warning letter is to give a parent the opportunity to prevent further unauthorised absence, so should be sent as soon as unauthorised absence occurs.
- The formal warning letter must have been sent in the same term that the application for Penalty Notice is made.
- The school/academy/police or Local Authority Attendance Officer considers that issuing a penalty notice could avoid further absence.
- Issuing a penalty notice does not conflict with any other legal action being taken.
- Separate notices are issued to each parent in respect of each child.
- A maximum of two separate penalty notices will be issued to a parent within any twelve-month period.
- Penalty notices will be issued for pupils of compulsory school age, up to the end of the spring term of year 11 – this is in order to ensure sufficient time to prosecute unpaid Notices.
- A penalty notice will not be issued in respect of a pupil who is looked after by the Local

Authority without the prior agreement of the Senior Manager on behalf of the County Lead for Access and Inclusion.

- Government guidance is clear that a Penalty Notice should not be issued unless the Local Authority is prepared to prosecute if it remains unpaid. The information contained in the application will form part of the evidence in any subsequent prosecution and therefore must be fully completed and demonstrate all support including early help where possible. If it is not, the Local Authority may decide not to issue the Notice.

### **Responsibilities of the Local Authority for issuing penalty notices**

Primary responsibility for issuing penalty notices rests with the Local Authority and may not be delegated. Schools, academies and the police may issue penalty notices if they wish to do so but any notices issued by them **must** comply with the Local Authority Code of Conduct and a copy of any penalty notice issued must be provided to the Local Authority.

In Hertfordshire all parties agree that the Integrated Service for Learning Statutory Attendance and Participation Teams administer the scheme and issue penalty notices on behalf of police, schools, academies and other settings to ensure fairness and consistency and in the event that subsequent legal action may need to be taken.

The Local Authority receives applications to issue penalty notices from schools, academies and the police. Penalty notices will be issued provided that:

- the circumstances of the absence meet the requirements of the Code of Conduct
- the information is provided in the specified manner
- the request is received not more than 10 school days after the final absence cited

The Local Authority retains revenue from the scheme to cover the costs of issuing and enforcing notices and prosecuting recipients who do not pay.

### **Appealing against the issue of penalty notices**

There is no statutory right of appeal once a penalty notice has been issued. The Local Authority may withdraw a notice if it has been issued incorrectly. If the penalty notice has been issued in accordance with Hertfordshire's Code of Conduct there is no facility to overturn the decision to issue the notice.

### **Effect of issuing penalty notices**

If the penalty is not paid in full before the expiry of the period for paying it the Local Authority named in the notice shall either institute proceedings against the recipient for the offence or shall withdraw the notice. The School/Academy will be required to provide a witness statement and must be prepared to attend court if required.

### **Payment of penalty notices**

The amount payable is £60 (per parent) if paid within 21 days or £120 (per parent) if paid after 21 days but within 28 days of receipt of the notice.

### **Separate notices are issued to each parent in respect of each child.**

Penalty notices are sent by first class post and are deemed to have been received on the second day after posting.



Arrangements for payment are detailed on the penalty notice and payment by cheque, postal order and by debit/credit card is accepted.

### **Withdrawal of penalty notices**

The Local Authority may withdraw penalty notices in circumstances where it determines that the notice:

- has not been issued in accordance with the Code of Conduct
- ought not to have been issued
- ought not to have been issued to the person named as the recipient
- has not been paid but it is not appropriate to prosecute the recipient for the offence

### **Prosecution of unpaid penalty notices**

If the notice remains unpaid after the expiry of the payment period and the Local Authority has not withdrawn the notice, the Local Authority will prosecute for the offence under section 444 of the Education Act 1996.

All decisions to prosecute (or not) rest with the Local Authority.