

Education Services

# School Attendance Intervention Model (AIM)

Harrow's Code of Conduct under section 14 Education  
(Penalty Notices) (England) Regulations 2007 (as amended)

2018

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## Introduction

We are pleased to share our attendance guidance which we hope will support all Harrow Schools in ensuring they achieve the best possible attendance rates. The links between poor attendance at school and low academic achievement are compelling and serve to remind us of the need to ensure a whole school approach exists around this important area.

The Attendance Intervention Model (AIM) is a tool for both schools and the Local Authority (LA) to identify the actions needed when pupils are at risk of becoming Persistent Absentees (PA) i.e. pupils with overall absence of 10% or more.

Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age 'fails to attend regularly' at the school where he or she is a registered pupil, his parent is guilty of an offence. The Supreme Court<sup>1</sup> has determined that the word 'regularly' in the context of section 444(1) Education Act 1996 means 'in accordance with the rules prescribed by the school'. In practice this means that a pupil should attend school on each day that the school is open unless their absences has been authorised by the Head teacher.

It is important that school rules and policies on attendance set out clear expectation with regard to attendance for registered pupils and the actions, intervention and consequences that may follow should a child fail to attend school regularly. This can include the issuing of a Education Penalty Notice (EPN) which recognises that a person should not have behaved in this way but spare him or her a criminal conviction, or in more serious and / or persistent cases, a prosecution under section 444(1) or 444(1A) Education Act 1996.

The **purpose** of this policy is to guide and support Harrow schools in ensuring that all children enrolled on a school roll in Harrow, receive a suitable full time education. This policy can be followed where a registered pupil is not attending school regularly and these absences from school are not authorised on the grounds of illness / medical reasons, religious obligation or other exceptional circumstances.

This policy does **not** cover where a child has not attended school for 10 consecutive school days or more, and the school has been unable to make any contact with the parents to ascertain the reasons. In such cases, schools should complete a Child Missing Education (CME) referral using the Common Assessment Form (CAF). If there are additional safeguarding concerns, schools should not wait 10 school days before submitting a CAF referral and should complete immediately highlighting the additional concerns and the non-attendance at school.

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<sup>1</sup> Isle of Wight Council (Appellant) v Platt (Respondent) [2017] UKSC 28

## 1. School Policies and Early Interventions

It is important to ensure school attendance is seen as a priority for all working in educational establishments. Excellent attendance<sup>2</sup> is an essential factor of outstanding schools. Such schools have a clear escalation of intervention which place exemplary attendance at its heart. Tackling persistent absence (pupils with at least 10% of absence) is, of course, a prerequisite but those schools that perform strongest have identified pupils at risk well before this threshold is reached and know which of its vulnerable groups are disproportionately represented in its absence bands.

Useful approaches which have been shown to support effective attendance include:

- Demonstrating a strong attendance ethos;
- Having a clear policy on absence and ensuring it is widely publicised;
- Having an effective, non-bureaucratic system for monitoring attendance;
- Using attendance data and other information to improve school and pupil performance;
- Promoting the importance and legal requirements of regular attendance to pupils and parents;
- Intervening early when individual pupils give cause for concern;
- Having support systems in place for vulnerable pupils;
- Rewarding and celebrating good and improved attendance; and
- Ensuring those with greatest need received additional support.

Management of attendance should be based on an effective whole-school policy. This policy should set out how attendance will be addressed both in terms of individual pupils and as a whole school issue. Dealing with attendance issues on an individual pupil basis alone will not impact significantly on overall school attendance rates. The school attendance policy should underpin all actions to promote and improve attendance and actions to address absence. This policy should be shared with parents and carers and set out:

- The systems for promoting attendance, recording attendance and absence and for addressing lateness and absence of all pupils and to ensure consistent implementation;
- The roles, responsibilities and contributions of the whole school community, including parents and carers;

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<sup>2</sup> Harrow Council considers excellent attendance to be 95% or above.

- Arrangements for the monitoring of attendance and the measures that will be taken to tackle poor attendance, including the involvement of external agencies and the use of statutory powers;

School attendance policies should include information on:

- Parental responsibility for attendance and the school policy for working with parent/carers;
- Timing of the school day and for register closure. Schools should have a written policy on the times the register is open and closed. These times can be different for different pupils, for example, those attending a school's exclusion unit. Closure of registers thirty minutes after the start of the school day is recommended in line with Department of Education (DfE) guidance;
- Procedure for parents/carers to notify the school when pupils are absent;
- How and when schools will contact parents/carers as a follow up to school absence;

Schools should strongly consider requiring parents and carers to sign the school attendance policy or sign the home school agreement with reference to the school attendance policy upon enrolling their child at the school. The policy should make clear to parents and carers that unauthorised absences not only damage their own child's education, but also that of other pupils. This is because teachers need to help those children who have been absent catch up with work they have missed, which reduces the time available to give to the remaining children in the class.

Schools should continually review their performance in relation to attendance. To assist, a self assessment tool has been included for schools to utilise (see Appendix XX).

Schools must ensure that the policy complies with Equality Act 2010 and the Human Rights Act (1998). This means providing information that is accessible and understandable to parents, including translation and interpretation. This is particularly important for parents new to the country, which may not be aware of the importance of school attendance and of the law relating to school attendance. Lack of knowledge or understanding may result in lower school attendance rates for some ethnic groups. Schools should analyse their data, and that provided by the Local Authority, to determine whether particular groups may be disadvantaged and require specifically targeted support. The most effective strategies have involved community groups to support targeted intervention leading to a positive impact on school attendance.

## **2. Local Authority Policies and Interventions**

Harrow's Education Services is committed to ensuring that every child has access to a sufficient full time education suitable for their age, ability, aptitude and needs. Parents and pupils are supported at school and LA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies. Regular non-attendance from school may require pastoral support and monitoring rather than a Penalty Notice and court action.

The roles within Education Services that specifically support school attendance are:

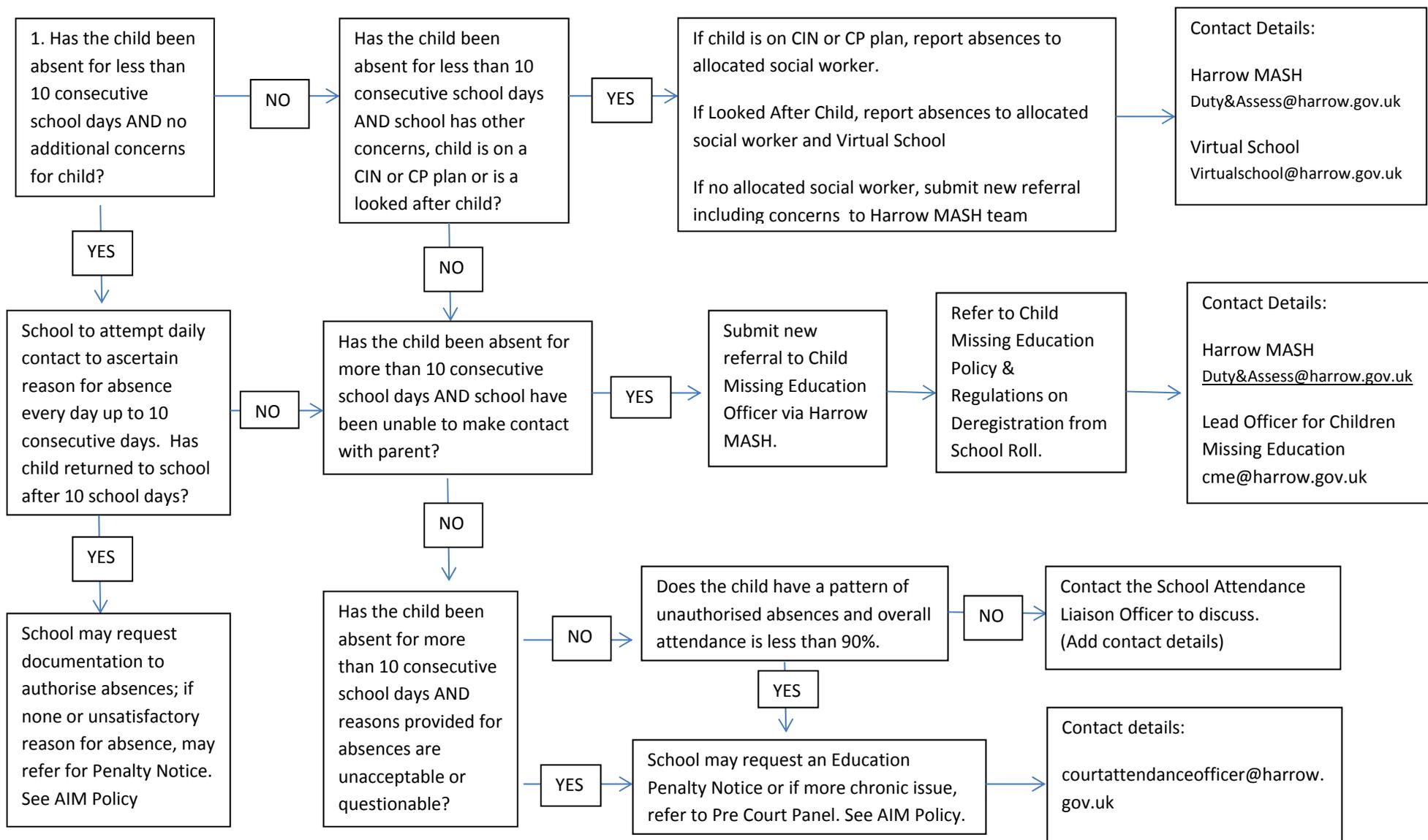
- **School Attendance Liaison & Elective Home Education Officer:** this officer will co-ordinate the register of children being educated at home and provide first level support to schools where a child's attendance has fallen below 90% and further intervention / support is required.
- **Court Attendance Officer:** This officer will co-ordinate the administration and processing of Education Penalty Notice and the Pre Court Panel process where children with poor attendance are being considered for legal action under section 444 Education Act 1996; this being a last resort after all other interventions / support have been exhausted.
- **Senior Education Welfare Officer:** This officer carries out the local authority's statutory duties in relation to children missing from education and provides guidance on removing children from the school roll in appropriate circumstances.
- **Team Manager (School Admissions and Attendance):** Manager oversees and supports both the School Admissions service and the above roles within Education Services.

There are other teams within Education Services and under Children's' Services that can support school attendance in their respective roles and include:

- SENARS
- Educational Psychology Service
- Virtual School for Looked After Children
- Early Support Service
- Lead professionals in social services / youth offending team working with the child and their family.

Attached is a guide document to identify who within the LA to contact or process to follow where a child is absent from school:

## Guidance for schools on when a child is absent from school



## **Children Looked After by the Local Authority**

All local authorities have a statutory duty to promote the education of children in their care (Children Looked After) in accordance with Section 52 of the Children Act 2004.

**Harrow's Virtual School** organises the delivery of education through partners and agencies. The service is offered in addition to attendance of a conventional school which is responsible for the child's core academic achievements. It enables pupils to narrow the gap between themselves and the general school population. It is not possible to take legal enforcement action under section 444 Education Act 1996 in respect of a Looked After Child as the local authority is the corporate parent and has a duty to make decisions in the best interests of the child and this includes a duty to formulate a Personalised Education Plan (PEP). As such where a school or parent has a concern about a looked after child who has poor school attendance or has stopped attending school, should make a referral / contact the Virtual School Head teacher (see contact details).

## **Children on Child Protection (CP) or Child In Need (CIN) Plans**

Children on Child Protection (CP) or Child In Need (CIN) plans with poor school attendance or have stopped attending school, tend to have other needs that need to be addressed in addition to the lack of school attendance. The CP or CIN Plan aims to address all the child's identified needs and as such these plans are the lead on addressing the child's needs including the lack of school attendance.

Social workers can seek assistance and guidance from the MASH Education Lead and / or Education Services (Lead Officer for Children Missing Education / Court Attendance Officer / School Attendance Liaison Officer).

Legal enforcement action under section 444 Education Act 1996 against parents where their child is on a CIN or CP plan will be considered where parents are not co-operating in those measures being offered, or recommended, to improve attendance and the CP / CIN plan has not progressed the child's educational needs. Prior to instigating such legal proceedings, the Court Attendance Officer will consult and seek agreement from the relevant representative from CIN / CP teams (Head of Service CIN or deputy, POD Manager for allocated social worker or CP Chair). Where there are conflicting views on whether legal proceedings should be pursued, the Divisional Director Education Services will make the final decision on whether legal proceedings should be pursued.

### 3. Attendance Codes

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Educated off site (NOT Dual registration)	Approved Education Activity (Counts as present)
C	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised absence
D	Dual registration (i.e. pupil attending other establishment)	Not counted in possible attendances
E	Excluded (no alternative provision made)	Authorised absence
G	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised absence
H	Family Holiday (agreed)	Authorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J	Interview	Approved Education Activity (Counts as present)
L	Late (before registers closed)	Present
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Unauthorised absence (not covered by any other code/description)	Unauthorised absence
P	Approved sporting activity	Approved Education Activity (Counts as present)
R	Religious Observance	Authorised absence
S	Study Leave	Authorised absence
T	Gypsy, Roma and Traveller Absence	Authorised absence
U	Late (after registration closed)	Unauthorised absence
V	Educational visit or trip	Approved Education Activity

		(Counts as present)
W	Work Experience	Approved Education Activity (Counts as present)
X	Non-timetabled sessions for non-compulsory school-age pupils	Not counted in possible attendances
Y	Enforced closure	Not counted in possible attendances
Z	Pupil not on admission register	Not counted in possible attendances
#	School closed to pupils	Not counted in possible attendances

**\* Please note changes to the DfE guidance on the use of “B” code above; it now states:**

*This code should be used when pupils are present at an off-site educational activity that has been approved by the school. Ultimately schools are responsible for the safeguarding and welfare of pupils educated off-site. Therefore by using code B, schools are certifying that the education is supervised and measures have been taken to safeguard pupils. This code should not be used for any unsupervised educational activity or where a pupil is at home doing school work. Schools should ensure that they have in place arrangements whereby the provider of the alternative activity notifies the school of any absences by individual pupils. The school should record the pupil’s absence using the relevant absence code.*

#### **4. Authorised / Unauthorised Leave of Absence**

The above section outlines the variety of attendance codes that schools are required to use for each session for each child and distinguishes the codes that do and do not authorise an absence. It is important that the correct codes are used to reflect the actual situation and give an accurate account of school absences and help to inform school, local and national policies and develop responses to identified trends and patterns.

Where there is an appropriate code to authorise an absence is specified, this code should be used e.g. work experience (W), study leave (S), exclusion (E).

If a child has a medical or dental appointment (M), the parent ought to provide confirmation of the appointment to the school to enable the leave to be authorised; leave ought to be limited to the time necessary to attend the appointment and should not ordinarily result in a full day of absence.

When considering leave of absence for religious observance, head teachers should refer to the *Harrow SACRE (Standing Advisory Council for Religious Education) guidance on Authorising Pupil Absence for Religious Observance* which can be accessed here: [http://www.harrow.gov.uk/info/200086/school\\_and\\_college/1627/standing\\_advisory\\_council\\_for\\_religious\\_education\\_sacre](http://www.harrow.gov.uk/info/200086/school_and_college/1627/standing_advisory_council_for_religious_education_sacre)

Where a child is unable to attend school due to illness, schools can authorise this leave using the appropriate code. However, where there are concerns that a child is frequently absent due to illness without satisfactory cause or reason, it is reasonable for schools to ask parents to provide verification for any future absences due to illness. Verification to support illness can include GP appointment cards, prescriptions, hospital letters, completed school sick slips or by visiting the school welfare unit who can check and verify a child is too unwell to attend school. Harrow Council does not recommend seeking formal medical certification unless this is agreed as part of the Pre Court Panel process (see below) where attendance has fallen to a level of serious concern.

Schools can also refer to the *Public Health England Guidance on Health protection in schools and other childcare facilities (September 2017)* when considering whether to authorise leave of absence due to illness and the appropriate length of the absence. This guidance can be accessed here: <https://www.gov.uk/government/publications/health-protection-in-schools-and-other-childcare-facilities>

In other circumstances, the Education (Pupil Registration) (England) Regulations 2006 (as amended) specifies that a Head teacher can only authorise leave of absence (C or H) where:

- an application for leave of absence has been made in advance, and
- there are exceptional circumstances.

When considering applications for leave of absence on the grounds of exceptional circumstances, head teachers should consider whether the leave can reasonably be taken outside of term time, whether bookings have been made already and if so when,

whether the length of absence is reasonable in the circumstances. Costs / availability of flights, accommodation or holidays should not be a relevant consideration.

Where a school is aware of family siblings attending a different school, the two schools should liaise in the interest of reaching a common approach to the leave of absence if possible in order to achieve a fair and consistent approach.

If a child fails to return to school following a period of authorised absence, those extended absences should not ordinarily be authorised. Where a child fails to return to school within 10 days following a period of authorised absence, the head teacher may consider removing the child from the school roll subject to other criteria (see CME guidance).

Where a child is absent from school without authorisation, that child has failed to attend school in accordance with the rules and therefore is deemed not to have attended school regularly under section 444 Education Act 1996. Failing to secure your child's regular school attendance may result in a Penalty notice, prosecution under section 444 Education Act 1996 or the local authority may apply to the Family Courts for an Education Supervision Order (see below).

## **5. Education Penalty Notices**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. School attendance is also an essential component of safeguarding children. Education Penalty Notices (EPN) offers a swift intervention and may be used to combat school non-attendance problems before they become entrenched and where prosecution may be inappropriate. Penalty Notices are suitable for use where there is a reasonable expectation of a parent's ability to bring about improvement, and where parents are not co-operating in those measures being offered, or recommended, to improve attendance.

Penalty Notices will only be issued for offences where the Local Authority is willing and able to prosecute. Throughout this code the term *parent* is used to refer to an individual who falls within the definition of section 576 of the Education Act 1996. This includes all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989); and any person who although not a natural parent who has care of that child. Having care of a child means a person with whom a child lives and looks after, irrespective of what their relationship is with that child.

### **5.1 Rationale**

In law an offence occurs if a parent/carer fails to secure a child's attendance at a school at which they are a registered pupil and the child's absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under Section 444 Education Act 1996 or Section 36 Children Act 1989 to enforce attendance at school.

Parents and pupils are supported at school and LA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies. Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the problem. Sanctions are used as a means of enforcing attendance where it is likely that their use will secure an improvement.

Regular non-attendance from school may require pastoral support and monitoring rather than a Penalty Notice. Following appropriate case work the LA may instigate legal action if applicable, particularly when the family has complex issues and the parents' capacity is reduced in remedying school absenteeism.

In order to comply with human rights legislation, it is essential that Penalty Notices are issued in a consistent manner. This Code of Conduct will govern the issuing of Penalty Notices in respect of unauthorised absence from school and the failure to ensure an excluded child is not present in a public place without reasonable justification within the first five days of any exclusion period.

Penalty Notices will involve the recipient paying a fine, currently set at £60.00 if paid within 21 days or £120.00 if paid within 28 days. Where an unauthorised absence has been dealt with by way of a Penalty Notice and it has been paid, it is not possible for a parent to be prosecuted for the same period of unauthorised absence under Section 444 of the Education Act 1996 or for the same instance of an excluded child being present in a public place under Section 103 of the Education and Inspections Act 2006.

## 5.2 Legal basis

There is a legal duty under section 7 of the Education Act 1996 for a parent to ensure their child receives full time education suitable to his age, ability and aptitude. The offence under section 444 relates to a child who is a registered pupil at a school and fails to attend there regularly.

The Education (Penalty Notices) (England) Regulations 2007 (as amended) came into force on 1<sup>st</sup> September 2007. This allows for Penalty Notices to be issued where it appears that an offence under s444 of the Act has been committed. A Penalty Notice can be issued to each parent in respect of each child who has not attend school "regularly" and the relevant criteria for issuing an EPN as set out in this Code of Conduct, have been met.

The Education Act 2005 extends the use of Penalty Notices to circumstances where a parent fails to ensure that a child for whom he or she is responsible attends the alternative provision that has been made for the child. The term "school" includes alternative provision within the definition contained in the regulations.

Section 103 of the Education and Inspections Act 2006 places a legal duty on a parent in relation to excluded pupils. A parent is guilty of an offence under this Act where a child has been excluded from school (fixed-term or permanent) and is found in a public place during school hours without reasonable justification within the first five days of the

exclusion period. In some circumstances it may be necessary for a child to be in a public place during school hours on a school day e.g. pre-arranged medical appointment or emergency.

### 5.3 Who may issue a Penalty Notice?

A Penalty Notice may be issued by authorised LA staff in Harrow Council. The authorised LA in Harrow Council are: Education Service (ES) Court Attendance Officer, the School Admissions Team Manager and the Divisional Director Education Services.

Harrow head teachers can request authorised LA staff in Harrow to issue an EPN. A referral form has been created for this purpose (see below).

A police officer during a truancy sweep under the provision of Crime and Disorder Act 1998 may request authorised LA staff in Harrow Council to issue an EPN.

Harrow Headteachers have statutory powers to issue EPNs in accordance with Harrow's Code of Conduct and guidance. Harrow Headteachers seeking to issue EPNs should consult with the LA in advance as this would require joint processes for collections of monies and escalation of non-paid EPNs to legal proceedings. Where a Headteacher issues an EPN outside of Harrow Code of Conduct, these EPNs would be invalid.

Harrow schools agreed that the LA will undertake the administration and issuing of EPNs in appropriate circumstances.

### 5.4 Circumstances for issuing a penalty notice

A Penalty Notice can only be issued in cases of unauthorised absence and in respect of a child who is a registered pupil at a school.

Up to three penalty notices may be issued per child during each academic school year if appropriate. Penalty Notices must be issued in respect of separate periods of unauthorised absences. In cases where one penalty notice has been issued to a child in that academic year, consideration should be given to instigating the formal prosecution process (see below – Court process) before determining to issue a second or third penalty notice.

**In cases where there is more than one poorly-attending pupil in a family, a penalty notice may be issued to each parent in respect of each child.** Furthermore the Local Authority may carry out checks with other schools in the borough where there are siblings attending different schools, and if appropriate may issue a Penalty Notice in respect of each child.

The issuing of Penalty Notices may be appropriate in the following circumstances:

- Absence from school
  - At least 20 sessions (10 school days) lost to unauthorised absence within a period of no more than 12 weeks (term time).
  - A leave of absence of at least 10 consecutive sessions (5 school days) not approved by head teacher as exceptional.
- Lateness
  - In cases where a child persistently arrives at school after the register has closed and has received at least eight (8) unauthorised late marks within a period of ten (10) weeks (term time).
- Following a Truancy Patrol
  - Penalty Notices will not be issued during a truancy patrol but enquiries will be undertaken with the school of any pupil stopped. In cases where the school has recorded an unauthorised absence and where the pupil has been stopped on a previous truancy patrol within the past twelve months, a Penalty Notice may be issued.
- Where the Harrow Council's Education Services believes that a Penalty Notice is the most appropriate way to deal with irregular school attendance as the child has attendance below 90% and at least 5% absences are unauthorised.
- Excluded Children
  - Where a child has been excluded from school and is found in a public place during school hours without reasonable justification within the first five days of the exclusion period. Reasonable justification will be assessed on the individual circumstances of each case but may include the medical emergency of the parent or child or a pre-arranged medical appointment.

### 5.5 Payment of a Penalty Notice

Details of how to pay the Penalty Notice will be detailed in the Penalty Notice posted to the home address.

### 5.6 Withdrawal of a penalty notice

Once a Penalty Notice has been issued, it may only be withdrawn by Harrow Local Authority in the following instances:

- The Notice has been issued to the wrong person.

- The Notice ought not to have been issued.
- The Notice contains material errors.
- In the circumstances where a child has been found in a public place during exclusion the Notice has been issued and reasonable justification has been made out by the parent.

### 5.7 Operational Issues

Cases will always proceed in accordance with this Code of Conduct and regard will be given to any guidance published by the Secretary of State. Education Services will respond to all requests from police or schools for the issue of a Penalty Notice within twenty working days.

All formal warnings and Penalty Notices will be served by first class post which will satisfy evidential requirements and will meet London Borough of Harrow Health and Safety requirements. They will be sent to the recipients at their usual or last known address. The notice is deemed to be received on the second working day after posting, unless the contrary is proved.

The Court Attendance Officer will oversee the issuing and enforcement of Penalty Notices, ensuring accurate and detailed records are evidenced by the school within the case file. Where a Penalty Notice is not paid the Local Authority may instigate proceedings through the courts under section 444 (1) of the Education Act 1996.

### 5.8 Non-payment of Penalty Notices

If at the end of twenty eight days of receipt of the Penalty Notice, payment in full is not received, the Local Authority shall normally prosecute the recipient for the offence of failure to ensure regular school attendance under s444 (1) Education Act 1996. A non-payment certificate signed by the authorised Officer, will state that the recipient of a Penalty Notice has not paid the penalty before a date stated in the certificate (28 days after receipt of the Notice). The case may then be referred for prosecution.

### 5.9 Policy and communications

Harrow Code of Conduct on Education Penalty Notices has been approved and signed by Harrow Council's Divisional Director for Education Services on 11<sup>th</sup> October 2017.

All school attendance policies should include information on the use of Penalty Notices. An information leaflet, template warning letter and referral form are available to schools from the LA.

The LA will include information on the use of Penalty Notices and the attendance intervention model of enforcement in promotional and public information material such as the LA website and information leaflets.

## Penalty Notice Guidance

### **Model warning letter for school – Penalty Notice (poor attendance/punctuality)**

Dear [insert parent/carers name]

#### **NOTICE OF INTENTION TO REQUEST ISSUING OF A PENALTY NOTICE**

**Re: «Childsfullname», «DOB» «School»**

I am writing to advise you that the attendance of «childsfirstname» remains unsatisfactory.

Currently attendance stands at «no of sessions attended» out of a possible «no of sessions possible» («percent»%) which includes « number of unauth» unauthorised sessions. There were «U\_code» occasions when your child arrived late after registration.

Section 444(1) of the Education Act 1996 states, "...If a child of compulsory school age who is a registered pupil at school fails to attend regularly at the school, his parent is guilty of an offence".

Section 444A of the Education Act empowers the Local Authority to issue a Penalty Notice to each parent of the child where it has reason to believe that an offence under section 444(1) has been committed. The fine is £60 if paid within 21 days, increasing to £120 if paid within 28 days. Payment of the notice will discharge your liability for the non-attendance of your child(ren) for this period. Non-payment will lead to a court hearing for the original unauthorised absences.

**This letter is a FORMAL WARNING that you are at risk of receiving a Penalty Notice because of your child's unauthorised absence at school. Please note that a separate Penalty Notice will be issued to each parent of the child.**

Further unauthorised absence within the following 15 day monitoring period will result in Harrow Local Authority issuing you with a Penalty Notice.

A leaflet accompanies this letter providing further information. Please contact me with any queries.

Yours sincerely

**[School representative]**

## **Model warning letter for school – Penalty Notice (leave of absence)**

Dear **[insert parent/carers name]**

### **NOTICE OF INTENTION TO REQUEST ISSUING OF A PENALTY NOTICE**

**Re: «Childsfullname», «DOB» «School»**

I am writing to advise that I am unfortunately unable to grant leave of absence for <dates>. Following guidance from the Department of Education, I am only able to authorise leave in exceptional circumstances.

Should the absence go ahead/As the absence has gone ahead, it is categorised as unauthorised which is likely to result in Harrow Local Authority issuing a Penalty Notice.

Section 444A of the Education Act empowers the Local Authority to issue a Penalty Notice to each parent of the child where it has reason to believe that an offence under section 444(1) has been committed. The fine is £60 if paid within 21 days, increasing to £120 if paid within 28 days. Payment of the notice will discharge your liability for the non-attendance of your child(ren) for this period. Non-payment may lead to a court hearing for the unauthorised absences.

A leaflet accompanies this letter providing further information. Please contact me with any queries.

Yours sincerely

**[Head Teacher]**

## Request to issue Education Penalty Notice – Harrow Council

PLEASE COMPLETE FORM IN **BLOCK CAPITAL LETTERS**

**REQUESTS FOR EPNs SHOULD BE COMPLETED AND SENT TO THE LOCAL AUTHORITY WITHIN 4 WEEKS FROM THE END OF THE UNAUTHORISED ABSENCE PERIOD TO ALLOW SUFFICIENT TIME FOR LEGAL ACTION IN THE EVENT OF NON-PAYMENT OF THE EPN**

<b>Name of School:</b>	
<b>Person Making Referral:</b>	
<b>Telephone Number:</b>	
<b>E-Mail Address:</b>	

\* FOR DEFINITION OF PARENT PLEASE SEE CODE OF CONDUCT\*

Parents to be issued PN	Parent 1	Parent 2
<b>Parent's First Name:</b>		
<b>Parent's Family Name:</b>		
<b>Address where child resides</b>		
	<b>Post Code:</b>	
<b>Parent 1 Tel</b>	Home:	Mobile:
<b>Parent 2 Tel</b>	Home:	Mobile:

### CHILD 1

<b>Name of Child:</b>		<b>Gender: M / F</b>
<b>Date of Birth:</b>		<b>Age (5-16):</b>
<b>Year / Class Name:</b>		<b>Ethnicity :</b>
<b>Date of school Warning Letter sent (ATTACH COPY)</b>		
<b><u>Reason for EPN</u></b>	<b><u>Please tick</u></b>	<b><u>Dates of absences</u></b>
10 consecutive unauthorised sessions	<input type="checkbox"/>	
20 unauthorised sessions in 12 week period	<input type="checkbox"/>	
Persistent unauthorised lates (8 'U' marks in 10 week period)	<input type="checkbox"/>	
Other (Please specify)	<input type="checkbox"/>	

**CHILD 2 (if relevant)**

Name of Child:		Gender: M / F
Date of Birth:		Age (5-16):
Year / Class Name:		Ethnicity :
Date of school Warning Letter sent (ATTACH COPY)		
<u>Reason for EPN</u>	<u>Please tick</u>	<u>Dates of absences</u>
10 consecutive unauthorised sessions	<input type="checkbox"/>	
20 unauthorised sessions in 12 week period	<input type="checkbox"/>	
Persistent unauthorised lates (8 'U' marks in 10 week period)	<input type="checkbox"/>	
Other (Please specify)	<input type="checkbox"/>	

\*IF THERE ARE MORE THAN TWO CHILDREN PLEASE COMPLETE ADDITIONAL FORMS WITH DETAILS\*

Are you aware of any school aged siblings in the family attending a different school?  Please provide any details if known	
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**Attachments required for all children**

**COPY OF ATTENDANCE REGISTER & WARNING LETTERS TO PARENTS MUST BE ATTACHED**

Copy of correspondence from school to parent(s) outlining possibility of penalty notice i.e. letter requiring attendance/punctuality improvement or citing unauthorised leave of absence	<input type="checkbox"/>
Attendance register printout signed by Head teacher (or Deputy Head) showing the period of unauthorised absence AND the child's attendance over the past rolling 12 months	<input type="checkbox"/>
Copy of School Policy on Attendance (if not already provided this academic year)	<input type="checkbox"/>

**PLEASE DO NOT SEND THIS REQUEST TO THE LOCAL AUTHORITY PRIOR TO THE DATES OF ABSENCES;**

**YOU MUST ONLY SEND WITH THE ATTENDANCE REGISTER AFTER THE ABSENCES HAVE OCCURRED TO DEMONSTRATE THAT THE ABSENCES HAVE OCCURRED**

Signed:	
Date:	

Please send to [courtattendanceofficer@harrow.gov.uk](mailto:courtattendanceofficer@harrow.gov.uk) or send via post or schools blue bag addressed to: Court Attendance Officer, Education Services, 2<sup>nd</sup> Floor, North Wing, Civic 1, Station Road, Harrow, HA1 2XF

## What should I do if my child is truanting?

### **If your child is truanting you should:**

Talk to them to find out why.

Meet with a member of school staff to discuss the situation and look for solutions.

Contact the School for advice and guidance - try to understand what is happening for your child and help them resolve the problem.

**Education is key to their future success so it is vitally important**

## Why am I being sent this leaflet?

This leaflet is being sent to every parent/carer so everyone is aware of the need for their child to attend regularly and on time in order to achieve their best. It is important parents and carers understand their responsibilities and the consequences of their child having unauthorised absence from school.

## What should I do if my child is off school?

Telephone the school as early as possible on the first morning of their absence to give the reason. Make routine dentist & doctor appointments after school or during holidays. If you have to make an appointment during school time, help your child to be at school for most of the day and let the school know about the appointment. You may be asked for a medical certificate or appointment card if your child is regularly absent due to illness or dental/medical appointments.

## Can I get help if my child is not attending regularly?

Yes, your child's school will give you advice and support if you need help with your child's attendance. It is very important that you speak with the school at the earliest opportunity if you have any worries at all about securing your child's attendance.

**For more information, please contact your child's school or, if you have further enquiries, contact:**

[courtattendanceofficer@harrow.gov.uk](mailto:courtattendanceofficer@harrow.gov.uk)

School  
Attendance  
and Education  
Penalty Notices  
(EPNs)

What Parents  
and Carers  
need to know



## Why attend every day?

Good school attendance gives your child the opportunity for success and helps develop skills for life. Your child should attend school every day unless there is an unavoidable cause like illness.

Missing school damages a child's learning and their grades. We know that 6 in 10 young people who miss school for 17 days or more do not get good GCSE grades. However, more than 9 in 10 young people who miss less than 8 days of school go on to get good GCSE grades. Missing school regularly could affect your child's chances in life, for example, their ability to get into university or be accepted into a qualification of their choice.

Children should never miss school for reasons like shopping, birthdays or to wait in for a repair person.

You have a legal duty to ensure that your child attends school every day and is on time.

Taking your child out of school during term time for holidays is also likely to impact on their achievement. There are 38 weeks in the year when schools are open, and 14 weeks when families can take holidays. Head teachers can only authorise a leave of absence in exceptional circumstances.

## Consequences

If your child takes unauthorised holidays or takes longer than the time agreed by your Headteacher, this absence will be recorded as unauthorised. Sanctions could be imposed including:

-Your child could lose their school place

-You could face a penalty fine (per parent per child)

-You could be subject to legal action by the authority that could result in a fine of up to £2,500.

If your child has an unauthorised absence, such as taking holidays during term time, re-occurring lateness, or persistent absence for any other reason other than certified illness, the school will refer the matter to the Council for consideration of a Penalty Notice and/or Prosecution in the Magistrates' Court which may lead to a criminal record with a maximum fine of £2,500 and/or 3 months imprisonment.

**Regular and punctual attendance is both a legal requirement and essential for your child to maximise the opportunities available to them.**

## Why are Penalty Notices issued?

Parents/carers commit an offence if a child doesn't attend school regularly and the absence is not agreed by the school (unauthorised). In some cases unauthorised absence may result in prosecution under Section 444 of the Education Act 1996. The Anti Social Behaviour Act 2003 introduced Penalty Notices as an alternative to prosecution. If paid within deadlines a Penalty Notice does not require a court appearance, but still aims to improve attendance.

## How much is a Penalty Notice?

£60 if payment is made within 21 days. £120 if paid after 21 days but within 28 days. A penalty notice is issued to each parent per child.

## When will they be used?

A Penalty Notice will only be issued when 'unauthorised' absences have been recorded.

## If I get a Penalty Notice and don't pay, what happens?

You have up to 28 days from receipt to pay the Penalty Notice in full. If full payment is not received within this time the local authority is required under the Act to commence proceedings in the Magistrates Court for the original offence of unauthorised absence by your child. If proven, this can result in fines of up to £2,500 and/or a range of disposals such as Parenting Orders, Community Sentences and imprisonment. If a parent is found guilty of the aggravated offence of failing to secure regular attendance, the parent will receive a criminal record.

## Can I be prosecuted if I pay the Penalty notice but my child is still missing school?

Not for the period included in the Penalty Notice as payment discharges your liability in this respect. However, it may be the case that a prosecution might be considered for further periods of unauthorised absence not covered by the Penalty Notice, depending upon the circumstances. If this is an issue, it is vital that you work closely with your child's school and support agencies such as the Early Support, Education Services or Social Services.

## AIM - Attendance Intervention Model for irregular attendance

Phase	School Actions		LA Children's Services	LA Education Services
<b>Phase 1</b>  Week  1-3 minimum	First day response – log of texts / calls  1 <sup>st</sup> School Warning letter including offer of support if difficulty  2 <sup>nd</sup> School Warning letter, offering opportunity to discuss in school if required  Home visit – if school based worker			
<b>Phase 2</b>  Week  4 -5	Meeting / School Attendance Panel with parents  Consider options: 1. Consider PSP / Parenting Contract  2. Complete CAF with parental agreement for Early Support or referral to other services  3. Refer to LA School Attendance Liaison (SAL) Officer  4. Consider issuing an Education Penalty Notice  5. Refer to Pre Court Panel (if complex / long standing)  If parents do not attend meeting, consider options 3 – 5		2.MASH team receive CAF & consider for Early Support, worker allocated;	3.SAL officer contacts family, agree support plan / identify options / support;  Up to 6 weeks intervention, no progress, refer to school to follow options 3-5
<b>Phase 3</b>  Week  5-8	<b>4. Education Penalty Notice</b>	<b>5. Pre Court Panel</b>		
	Send Penalty Warning letter & specify monitoring period	Send School Warning letter re possible referral to LA pre court panel & specify monitoring period		
<b>Phase 4</b>  Wk 9-12	If no progress & further unauthorised absences, send Request to LA to issue EPN	If no progress & further unauthorised absences, send Chronology for Pre Court Panel to LA		LA determines to issue EPN / arrange PCP
<b>Phase 5</b>  Wk13-16	EPN payment period	Attend Pre Court Panel meeting with LA		EPN issued or PCP meeting arranged
<b>Phase 6</b>  Wk 17+	If unpaid, LA may withdraw EPN	If no progress or engagement at PCP, LA to pursue court action		Monitor EPN payment, review PCP and actions, refer to legal if court action, attend court as lead
	Complete witness statement if required and if parent pleads not guilty, may need to attend court.			

## **Model letter for school – First letter**

Dear **[insert parent/carers name]**

### **Re: First school warning letter**

I am writing to you because I am aware **[Insert Child's Name]** attendance has become a concern. It now stands at **[insert percentage]**.

If children/young people do not attend school regularly, they may not be able to keep up with their school work and tend to perform less well at examinations. Highlighting the importance of an excellent attendance record is something school sees as very important.

Please inform the school of the reasons for any absences not yet provided. It is vital that you contact the school on the first day of absence and keep us updated daily if any absence is to continue for more than one day.

If you having any difficulty in securing your child's attendance, please contact the school to discuss.

Please contact me with any queries.

Yours sincerely

**[School representative]**

## **Model letter for school – Second letter**

Dear **[insert parent/carers name]**

**Re: Second school warning letter**

I notice that despite my letter dated **[date of first letter, insert name of child]** attendance continues to be of concern. **[insert name of child]** attendance is currently **[insert %]**.

Non-attendance at school for any reason is an important issue and something we take very seriously. I would like to invite you into school to discuss the current situation. Can I suggest **[date for meeting or school attendance panel]**.

Regular school attendance is the responsibility of parents/carers. There is a risk that if **[insert name of child]** attendance remains at the current level a referral may be made by the school to Harrow's Education Services who may need to start legal proceedings.

I hope that we see **[insert name of child]** attendance improve dramatically. I would value you confirming availability for the planned meeting.

Yours sincerely

**[School representative]**

## **Model letter for school – Final letter (court warning)**

Dear **[insert parent/carers name]**

### **Re: Third school warning letter**

I am writing to now formally express concern over the irregular attendance of your child, **<PUPIL NAME>**, **<DOB>**. A record of his/her attendance accompanies this letter.

Under the Education Act 1996 parents have a responsibility to ensure their children attend school regularly and punctually. It is my duty to give you warning that if further unauthorised absences are recorded, I will need to refer this to Harrow Local Authority Education Services.

I must warn you that Harrow Local Authority may initiate legal proceedings against you if there is no improvement in your child's attendance and punctuality. This will involve a Pre Court Panel Meeting held at the Civic Centre where you will be formally cautioned. If the case progresses to magistrates court, conviction of an offence under section 444 (1) may result in a fine of up to £1,000 and under section 444 (1A) may result in a fine of up to £2500 or imprisonment.

There will be no further notification should school need to escalate this matter for the Local Authority's attention.

I trust that this notification will ensure that any attendance and punctuality issues are rectified without delay.

Please contact me with any queries regarding this letter.

Yours sincerely

**[School representative]**



**PRE-COURT PANEL REFERRAL**  
**SCHOOL CHRONOLOGY OF PUPIL**

<b>Childs Name</b>	
<b>D.O.B</b>	
<b>Address</b>	
<b>Full name of Parent(s)/carer(s)</b>	
<b>Parent Tel / mobile contact numbers &amp; email address</b>	
<b>Name of School</b>	
<b>Pupil Ethnicity</b>	
<b>Interpreter Req?</b>	<b>Language (if yes):</b>
<b>Case Overview</b>	
<p>Please provide an overview of the case, this should clearly state the initial date the school were aware of the pupil's persistent absence, current attendance level and details of the family composition. <b>Please can you refrain from using acronyms and write out details in full throughout the report.</b></p>	
<b>Case Evidence</b>	
<p>Please provide details of strategies/interventions at school level action, that have been put in place to try and improve school attendance and attach, such as: <b><i>dates of phone logs to parents, dates of 1<sup>st</sup> and 2<sup>nd</sup> School Warning letters, 1<sup>st</sup> and 2<sup>nd</sup> Court Warning letters, School Attendance Panel meetings, dates of home visits and outcome, Common Assessment Form (CAF) referral, Pastoral Support Programme/Parenting Contract (where one exists), Team Around the Family meeting/Review Meetings and outcome.</i></b></p>	

**Reasons for non-attendance**

Please provide details of what reasons have been provided for parents for non-attendance? What is the young person's view about the reasons for their non-attendance? What is your judgement about reasons for non-attendance?

**Mitigating Circumstances**

Please provide an outline of any mitigating circumstances that you feel relates to this case and should be considered. If you have any documentary evidence to support this, such as medical evidence, please attach it to this report.

**Date chronology completed:**

**Name of School Staff and Job Title:**

**Signature:**

## COMPLETING A COURT STATEMENT

Witness statements, as well as the record of school attendance, are essential components of any prosecution evidence. The Court Attendance Officer (CAO) always completes a statement on behalf of the Local Authority as does the school representative who has had most contact with the parent(s).

The CAO will always provide individual support for schools regarding completion of a statement, but there are some common principles to adhere to:

- The heading for each witness statement should read -

### ***Statement of Witness***

***(Section 9 Criminal Justice 1967, Sections 5A(3)(a) and 5B, Magistrates Court***

***Act 1980, Rule 70 Magistrates Court Rules 1981)***

*In the Petty Sessional Area of Harrow*

*Statement of:*

*Age of Witness:           Over 21*

*Occupation of Witness:*

*Professional Address:*

*This statement consisting of x pages and signed by me is true to the best of my knowledge and belief. I make it knowing that if it is to be tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.*

1. *I am employed by ... as .... In this capacity, one of my responsibilities is to ....*

- Whilst it is appropriate to number each paragraph, bullet points should be avoided.
- Much of the chronology previously submitted can be used for the statement – the contacts made (phone calls, letters and meetings), reasons given for absence, any issues about the child/young person and special needs they may have, what support school has provided and what parent(s) did or did not do.
- The statement should primarily be about the author's interaction with the parent(s). Although there is no need to itemise every contact, reference to dates is important and notes should be contemporaneous i.e. recorded as soon as possible after each event.
- Evidence needs to be precise, informative and factual.
- Statements should not make references to any previous convictions nor contain hearsay – the evidence must be directly attributable to the maker of the statement; and
- Evidence should have a conclusion i.e. why the case was referred for court action; information on how the poor attendance is impacting on achievement.
- The statement needs signing and dating at the bottom of each page.

## NOTES AND LINKS TO SUPPORT ATTENDANCE GUIDANCE

1. Persistent Absence is absence at or above 10%. The Department of Education view this as a measure of performance not a target. It is data that is publicly available and used by Ofsted. The thresholds usually equate to missing 39 sessions or more in the first five half terms of the year.
2. As part of this guidance, reference is made to engaging the Early Support to support the improved attendance of individual pupils. This service is accessed through completing an Inter-Agency Common Assessment and Information Sharing Form. All schools hold an electronic version of this.
3. The AIM flowchart refers to a formal school meeting at week 4. This varies from school to school but may take the form of a School Attendance Panel meeting (SAP). As a result of this meeting, a Parenting Support Plan (PSP) or a Parenting Contract might be created.
4. Safeguarding issues always remain the responsibility of the lead professional involved with the child/young person. It is not appropriate to use these attendance procedures when a child is missing from education. These are very specific circumstances and require schools to complete a CAF referral. The policy will be available on the Harrow web site, Education and Learning page under 'School Attendance'.
5. The Penalty Notices and Court pathways are not normally appropriate when a child is looked after or already part of formal intensive Local Authority plans. There may be exceptions and such cases should be discussed with the Court Attendance Officer at [courtattendanceofficer@harrow.gov.uk](mailto:courtattendanceofficer@harrow.gov.uk) prior to referral forms or chronologies being submitted.
6. There are specific reasons when a school can remove a pupil from their roll and poor attendance is not one of these. More information is available on the Harrow web site, Education and Learning page under 'Children Missing Education Policy' or can be discussed with Lead Officer for CME & Child Employment at [cme@harrow.gov.uk](mailto:cme@harrow.gov.uk).
7. Whilst parents have a right to home educate their children, schools should not seek to promote this option as a way of avoiding excluding the pupil or because the pupil has a poor attendance record. Schools must inform the LA if written notification has been received from the parent(s) to home educate.

For further information, please contact:

Court Attendance Officer, Education Services

Email: [courtattendanceofficer@harrow.gov.uk](mailto:courtattendanceofficer@harrow.gov.uk)