



**CROWTHORNE CHURCH OF ENGLAND
PRIMARY SCHOOL**

Attendance Policy

Status of Policy	Date
Reviewed	Based on Working Together to Improve School Attendance Guidance (DfE)
Ratified by governors	Oct 2025
Review Date	Oct 2027

Our school policies reflect our vision of

*Inspiring and enabling our school community to live life to the full,
promoting excellence and nurturing respect, compassion, honesty, resilience and
collaboration.*

John 10 v 10:

Jesus said: "I have come that they might have life, and have it to the full"



CROWTHORNE CHURCH OF ENGLAND SCHOOL

ATTENDANCE POLICY

This Attendance Policy meets the requirements of the ‘Working Together to Improve School Attendance’ guidance from the Department of Education (DfE), which is now statutory, 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 power and duties that govern school attendance:

- ***The Education Act 1996 (Part 6) and The Education Act 2002 (Part 3)***
- ***The Education and Inspections Act 2006 (Part 7)***
- ***The Education (Pupil Registration) (England) Regulations 2006 (and 2010, 2011, 2013, 2016 amendments)***
- ***The Education (Penalty Notice) (England) Regulations 2013***
- ***Department For Education Guidance as from time to time issued in respect of school attendance matters***

It also refers to School census guidance, Keeping Children Safe in Education and Mental health issues affecting a pupil’s attendance: guidance for schools

Introduction

All children of compulsory school age have the right to an efficient full-time education, regardless of age, aptitude, ability and any special needs s/he may have. The Education Act of 1996 states that a parent is responsible for ensuring their child attends regularly and punctually. Regular school attendance is essential if a child is to make the most of the educational opportunity available to them.

The Court has determined that “Regular” attendance means that which is “*in accordance with the rules prescribed by the school*” (*Isle of Wight Council -v- Platt (6th April 2017) [Supreme Court] [2017] UKSC 28 (on appeal from [2016] EWHC 1283 (Admin).*)

Crowthorne Church of England School takes seriously its responsibility to monitor and promote the regular attendance of all its pupils. It acknowledges that irregular attendance seriously disrupts continuity of learning, undermines educational progress, can lead to underachievement and low attainment and impedes the child’s ability to develop friendship groups within school.

Parents, guardians and carers must ensure that they are fully aware of the school’s policy concerning required attendance. This document details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance. The Governing Body has appointed a governor to oversee attendance matters.

Aims of this policy

Crowthorne Church of England School is committed to meeting its obligation with regard to school attendance through its whole school culture and ethos that values good attendance and punctuality, 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, enabling children to make the most of the opportunities open to them and 'live life to the full'
- Acting early to address patterns of absence
- Building strong relationships with families to ensure pupils have the support in place to attend school

Roles and Responsibilities

The **Governing Board** is responsible for:

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

The **Headteacher** is responsible for:

- Implementing this policy within 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

The **Designated Senior Leader for Attendance** 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
- Building relationships with parents/carers to discuss and tackle attendance issues
- Creating intervention reintegration plans in partnership with pupils and their parents/carers
- Delivering targeted intervention and support to pupils and families

The designated senior leader currently responsible for attendance is Mrs Emily Hicks, Headteacher, and she can be contacted via the school office on 01344 772089.

The **Attendance Officer** is responsible for:

- Monitoring and analysing attendance data
- 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 (authorised by the headteacher) when to issue fixed-penalty notices

The Attendance Officer is Mrs Georgina Kitchener and she can be contacted via the school office on 01344 772089 or by email: secretary@crowthornecofe.co.uk

Class teachers are responsible for recording attendance on a daily basis, using the correct codes, and submitting this information to the Attendance Officer. Attendance codes can be found in Appendix 1 of this policy.

Office staff are responsible for taking calls from parents/carers regarding absence on a day-to-day basis and recording it on the school system as well as transferring calls to the Attendance Officer in order to provide parents/carers with more detailed support on attendance

Parents/carers are expected to:

- Ensure children are at school ready for teaching by the start of the school day
- Call the school to report their child's absence before 9:30am on the day of the absence (and each subsequent day of absence) and advise when they are expected to return
- Provide the school with more than one emergency contact number for their child
- Ensure, where possible, that appointments for their child are made outside of the school day

Pupils are expected to:

- Attend school every day on time

Recording Attendance

An attendance register is kept with all pupils placed on the register.

The attendance register is taken at the start of the first session of the school day and once during the second session. At Crowthorne Church of England School, the first session of the day begins at 8:45am and registers are taken immediately. The second session begins immediately after lunch.

On the attendance register, each pupil will be marked as one of the following:

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

Any amendment to the register will include the original entry, the amended entry, the reason for the amendment, the date of the amendment and the name and position of the person making the amendment. DfE Attendance codes can be found in Appendix 1.

In addition, the following information is recorded:

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

All entries on attendance registers are kept for 3 years after the date on which the entry is made.

Registers are taken between 8:45am and 8:50am daily. Any child not in the classroom by 8:50am will receive a late mark 'L'. Registers remain open between 8:50am and 9:20am; any children arriving after 9:20am will receive an unauthorised mark 'U'.

Absence

This school expects its pupils to attend school for the entire duration of the academic year, unless there are good reasons for the absence and the absence is authorised.

There are two main categories of absence:

Authorised absence is when the school has accepted the explanation offered as satisfactory justification of the absence, or given approval in advance for the absence.

Unauthorised absence is when the school has not received a reason for absence or has not approved a child's absence after a parent's request.

Unplanned absence

The pupil's parent/carer must notify the school of the reason for the absence on the first day of unplanned absence by 9:30am by calling the school office, leaving a message on ParentMail or emailing the Attendance Officer secretary@crowthornecofe.co.uk.

Absence due to physical or mental illness is marked as authorised unless the school has genuine concern about the authenticity of the illness. It is not acceptable to keep a child off school for a minor ailment such as a headache or cold.

Where the absence is longer than 5 days or there are concerns about the authenticity of the illness, the school will ask for medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. The school will not request medical evidence unnecessarily and does not expect a parent to incur a charge for this information and therefore will not be liable for any costs involved.

Planned absence

Attendance at a medical or dental appointment will usually be authorised as long as the parent/carer notifies the school in advance of the appointment. Evidence of appointments may be requested by the school.

Application for leave of absence is to be made in writing in advance by the parent with whom the child normally resides, using the form 'Application for Leave of Absence during Term Time' which is available from the school office.

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

There are 190 school days (380 sessions) a year which every child is expected to attend. There are also approximately 71 days (142 sessions) of school holidays. Parents should ensure that family holidays are taken during school holiday periods only.

Lateness and punctuality

A child who arrives in the classroom after 8:50am is considered to have arrived late.

A child who arrives late but before the registers close (at 9:20am) will be marked as late, using the code 'L'. A child who arrives after registers close (at 9:20am) will be marked as absent, using the code 'U'.

Any child who arrives in school late will need to enter through the main entrance and will then be sent to class. Parents are not permitted to accompany their child to the classroom as this disrupts the learning of the class. Punctuality is a vital life skill and children arriving late not only miss out on essential information given at the start of the day but may also feel embarrassed walking into a classroom when the other children are already settled.

Following up unexplained absence

When any pupil is expected to attend school but 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, a home visit will be made by the Attendance Officer.
- Identify whether or not the absence is approved
- Identify the correct attendance code to use and input it in the register 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 Education Welfare Officer

The staff at Crowthorne Church of England School have an obligation to enquire and challenge the reasons for pupils' absences and/or lateness and do insist on written evidence for any such absences. There is also an expectation that the staff report concerns over absence and lateness to the Headteacher.

Approval for term-time absence

At Crowthorne Church of England School we believe term time absences should be actively discouraged. Our purpose is to ensure that each child achieves to their full potential and there is a clear link between poor attendance and underachievement. Children who are not present in school miss out on learning but there can also be an impact on social relationships and other opportunities available to them at school.

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 authorised to be absent for.

The school considers each application for term-time absence individually, taking into account the specific facts, circumstances and relevant context behind the request. A leave of absence will not be authorised for a holiday 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, accessible via the School Office. The headteacher may require evidence to support any request for leave of absence.

Valid reasons for authorised absence include:

- Illness (including mental illness) and medical/dental appointments (see previous detail)
- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents/carers belong. If necessary, the school will seek advice from the parents'/carers' religious body to confirm whether the day is set apart
- Traveller pupils travelling for occupational purposes – this covers Roma, English and Welsh gypsies, Irish and Scottish travellers, showmen (fairground people) and circus people, bargees (occupational boat dwellers) and new travellers. Absence may be authorised only when a traveller 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

Legal sanctions

The school or local authority can fine parents/carers for the unauthorised absence of their child from school, where the child is of compulsory school age. Fines will be requested for absences for more than 5 days.

Schools will be required to consider a fine:

- When a child has missed 10 or more sessions - 5 days - for unauthorised reasons within a 10 week period. This does not have to be consecutive absence.

Within a 3-year rolling period which will begin from the issue date of the first fine:

- The first FPN (Fixed Penalty Notice) will be charged at £160 if paid within 28 days – this will be reduced to £80 if paid within 21 days.
- The second FPN issued to the same parent in respect of the same pupil will be charged at £160 if paid within 28 days.

- A third FPN cannot be issued to the same parent in respect of the same pupil for the same pupil within 3 years of the date of issue of the first FPN. In this instance, alternative action should be taken which can include considering prosecution or the use of other tools such as other attendance legal interventions.

Further details on Fixed Penalty Notices can be found in Appendix 3.

Strategies for promoting attendance

At Crowthorne Church of England School we promote good attendance by regular praise of the children and families in the newsletter. We celebrate the class with the highest weekly attendance in assemblies and the class receives a reward.

Reporting to Parents/Carers

The school will regularly inform parents/carers about their child's attendance and absence levels when they are a cause of concern. Attendance is also discussed at Parents' Evenings.

Attendance monitoring

Attendance data and any specific children causing concern are discussed in fortnightly Inclusion meetings. Attendance data and any particular trends or patterns are submitted to the Governors in the Headteacher Report.

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 or not there are particular 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.

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

Using data to improve attendance

Attendance Policy: adopted from Bracknell Forest

The school will:

- Provide regular attendance reports to Class Teachers 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 in order to modify them and inform future strategies
- Send letters to families where attendance is becoming a concern
- Set up an Attendance Action Plan for families where attendance needs to improve

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
- Hold regular meetings with the parents/carers 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
- Refer to Education Welfare Services

The role of the Education Welfare Service

The Education Welfare Service strives to support schools, parents and pupils with the aim of ensuring and promoting good attendance and punctuality. Details of support levels offered by Bracknell Forest can be found in Appendix 2. However, the Education Welfare Service also has a statutory responsibility under the Education Act 1996 to pursue non-school attendance and persistent lateness.

Section 444 of the Education Act states that "if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school, the parents are guilty of an offence".

Bracknell Forest Council, through the Education Welfare Service, may issue a Fixed Penalty Notice or prosecute parents when children do not attend school regularly.

A Fixed Penalty Notice when requested by a Headteacher can be issued as long as the evidence for the request is robust and the following criteria are met:-

- Where there is a minimum of 10 school sessions of unauthorised absence (5 school days) in any 10 week period (these do not need to be consecutive)
- Where term time leave is taken without obtaining authorisation from the school
- Unwarranted delayed return from term time leave without authorisation
- Persistent late arrival after the register has closed (U code) on 10 or more occasions in a 10 week period
- Parents' or carers' failure to make arrangements to ensure that children who have been excluded from school are not in a public place at prescribed times during the first five school days of any exclusion, without reasonable justification*

*It is incumbent upon the parent(s) in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere than at home.

A Penalty Notice will be issued on the first occasion if appropriate.

When a pupil is referred to the Education Welfare Service because of persistent poor attendance there are various actions that can be taken to try to bring about an improvement. The Fast Track Intervention framework promotes early intervention and aims to ensure that appropriate action is taken to tackle non-attendance as soon as attendance problems become apparent. Fast Track involves engaging the parent in specifying what improvements need to be made over a fixed time-frame (usually 8 weeks). Parents have the responsibility for ensuring that their child attends school regularly. Where a parent fails in this responsibility and no improvement is brought about within the specified time frame, legal proceedings may be initiated in the Magistrates' Court.

The first response to a "first offence" might be a written Formal Warning. This allows a parent fifteen school days to improve the attendance of their child. If an authorised absence occurs within that period a Penalty Notice may be issued.

However, in the following circumstances a Penalty Notice can be issued without a Formal Warning having been issued previously:

- ten sessions or more of absence comprise of unauthorised absence (holiday or suspected holiday) in term time in any ten week period,
- where the pupil has been referred to the Education Welfare Service by the school due to ongoing attendance concerns and there is an open referral

Monitoring arrangements

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

Links with other policies

This policy links to the following policies:

- Child protection and safeguarding policy
- Behaviour policy

Appendix 1

Attendance Codes

Attendance Codes

Code	Reason
/	Present at school - Morning Session
\	Present at school - Afternoon Session
B	Attending any other approved educational activity
C	Exceptional circumstances
C1	Participating in regulated performance or regulated employment abroad
C2	Compulsory school age pupil subject to part-time timetable
D	Dual registered at another school
E	Suspension or permanent exclusion
G	Holiday absence unauthorised
I	Illness
J1	Attending an interview for employment or for admission to another educational institution
K	Attending education provision arranged by L.A.
L	Late arrival before the register is closed
M	Medical or dental appointment
N	Reason for absence not yet established
O	Absent in other or unknown circumstance
P	Participating in sporting activity
Q	Unable to attend school because of lack of access arrangements
R	Religious observance
S	Studying for public examination
T	Parent travelling for occupational purposes
U	Arrived in school after registration closed
V	Educational visit or trip
W	Work Experience
X	Non-compulsory school age pupil not required to attend school
Y1	Unable to attend due to unavailable provided transport
Y2	Unable to attend due to widespread travel disruption
Y3	Unable to attend due to closure of part of school premises
Y4	Unable to attend due to unexpected closure of school site
Y5	Unable to attend as pupil is in criminal justice detention
Y6	Unable to attend in accordance with public health guidance/law
Y7	Unable to attend because of any other unavoidable cause
Z	Prospective pupil not admission register
#	Planned whole school closure

Appendix 2

Bracknell Forest Attendance Support Levels

BRACKNELL FOREST COUNCIL ATTENDANCE SUPPORT– INTERVENTION LEVELS			
MONITOR	FACILITATE SUPPORT	FORMALISE SUPPORT	ENFORCE
<i>Rigorously use attendance data to identify patterns of absence at individual & cohort level.</i>	<i>Remove barriers in school and help pupils & parents to access support to overcome barriers outside of school.</i>	<i>If unauthorised absence persists, and voluntary support is not working or being engaged with by families.</i>	<i>Where all avenues exhausted, and support is not working or engaged with.</i>
SCHOOL ROLE	SCHOOL ROLE	SCHOOL ROLE	SCHOOL ROLE
<p>Address individual cases or persistent absence using simple processes:</p> <ul style="list-style-type: none"> - Phone calls/emails, - School website app - Attendance letters. <p>Request evidence for absences where appropriate.</p> <p>Use a support first approach focused on intensifying support as set out in the Working together to improve school attendance - GOV.UK (www.gov.uk) that applies from 19/08/2024</p>	<p>Support pupils and parents by working together to address in school barriers to attendance by:</p> <ul style="list-style-type: none"> - Meeting with families in school to understand the barriers that exist. - Agreeing appropriate actions or interventions that can address barriers. - Considering referrals to services and organisations that can provide support. - Implement an Attendance Action Plan. <p>Where barriers exist outside of school's control, support by:</p> <ul style="list-style-type: none"> - All partners working together to ensure pupils and parents can access any support they made need voluntarily. 	<p>Intensify the support provided. Consider:</p> <ul style="list-style-type: none"> - Formal conversations with parents and pupils to be led by the school attendance champion. - 1-2-1 tuition. - Alternative provision. - Health and care plan. - Where a whole family response is more appropriate, complete an online Early Help assessment. 	<p>Work with the Local Authority to:</p> <ul style="list-style-type: none"> - Put formal support in place – either attendance contract or education supervision order. - Request the issuance of a Notice to Improve from EWS. - Request the issuance of a Fixed Penalty Notice https://selfservice.mybfc.bracknell-forest.gov.uk/w/webpage/request?service=fixed_penalty_notice_request_from_schools_process - Intensify support through Children's Social Care where safeguarding is a concern. - Prosecution of parents where all other routes have failed or are deemed inappropriate.
LOCAL AUTHORITY ROLE	LOCAL AUTHORITY ROLE	LOCAL AUTHORITY ROLE	LOCAL AUTHORITY ROLE
No direct involvement is required.	Facilitate termly Targeted Support Meetings with the Education Welfare Officer – SLT to participate.	The Education Welfare Officer assigned to the school to attend meetings with parents.	EWS to issue Fixed Penalty Notices and instigation of court proceedings.

Appendix 3

Fixed Penalty Notices

Term time absence taken without authorisation may, where the criteria for doing so is met, be referred by the School to the Educational Welfare Service.

Referral may result in prosecution proceedings, or a Fixed Penalty Notice being issued in accordance with Bracknell Forest Council's "*Code of Conduct and Protocol For The Issuing Of Fixed Penalty Notices*". [Appendix 1]

As a school we agree and endorse Bracknell Forest Council's "Code Of Conduct and Protocol For The Issuing Of Fixed Penalty Notices (Revised June 2017).

If a Fixed Penalty Notice is issued, a separate Notice may be issued to each parent for each child. THE RATE PER PARENT PER CHILD WILL BE £80 IF PAID WITHIN 21 DAYS AND RISING TO £160 IF PAID BETWEEN 22 AND 28 DAYS.

Any further Fixed Penalty Notices issued within a 3 year rolling period will be charged at the higher rate of £160 for the second fine, payable within 28 days. A third fine cannot be issued to the same parent for the same pupil within 3 years of the first FPN. In this instance, alternative action should be taken.

If an issued Fixed Penalty Notice is not paid within the prescribed time limit for payment, each parent may be liable to prosecution at the Magistrates' Court for an offence contrary to Section 444 Education Act 1996, (failure to secure regular attendance at school of a registered pupil of compulsory school age), in the same way as if the Fixed Penalty Notice had never been issued.

The purpose of the Fixed Penalty Notice, where it is considered appropriate for such Notice to be issued, is to give a parent the time limited opportunity to avoid prosecution for a substantive offence contrary to Section 444 Education 1996. Any such prosecution following non payment of an issued Fixed Penalty Notice will be for a substantive offence contrary to S. 444 Education Act 1996, rather than for non payment of an issued Fixed Penalty Notice.

Prosecution for the substantive offence, if proved, may, in respect of the less serious offence contrary to S. 444(1) Education Act 1996 (being the parent of a child of compulsory school age who fails to regularly attend school), result in each such parent receiving a criminal conviction and /or Sentence by way of a Fine not exceeding £1,000.00.

Prosecution for the substantive offence, if proved, may, in respect of the more serious offence contrary to S. 444 (1A) Education Act 1996 (where the parent knows that the child is failing to attend regularly at the school and the parent fails without reasonable justification to cause that child to regularly attend school), result in each such parent receiving a criminal conviction and / or Sentence by way of a Fine not exceeding £2,500.00 and / or to a term of imprisonment not exceeding three months, or else any such community based Sentence as deemed appropriate by the Court.

In addition, in all cases where one of the substantive offences is proved, the Prosecution will seek an Order for the Defendant to pay a contribution towards the Prosecution Costs of the case, including investigation costs, the application for which will be served upon the Defendants at the time of the relevant Court proceedings.

In addition, when a Court passes a sentence, it must also order that the relevant "Victim Surcharge" be paid by Defendants. Revenue raised from the Victim Surcharge is used by Central Government to fund victim of crime services through the "Victim and General Fund". The amount of the Victim Surcharge to be paid by Defendants depends on the type of Sentence imposed and, in the case of an adult offender receiving the maximum level of Sentence applicable for the type offences covered by this Attendance Policy, may result in a Victim Surcharge of up to £170.00 per Defendant / parent.

In addition to any other Sentence imposed, the Court has the ancillary power to impose a "Parenting Order", not exceeding 12 months in duration, on parents, where the Court considers such an Order appropriate. Any person found guilty of failing without reasonable excuse to comply with the requirement of a "Parenting Order" or with a direction of the nominated Responsible Officer in respect of it is liable to Breach proceedings and, in the event of conviction for the same, to a fine, not exceeding £1,000,00, and or any other non-imprisonable Sentencing option available to the Court in such case.



Crowthorne Church of England Primary School

NOTES FOR GUIDANCE AHEAD COMPLETING AND SUBMITTING APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME

This School's Attendance Policy is set in consideration and consequence of the provisions of the following.

- The Education Act 1996
- The Education (Pupil Registration) (England) Regulations 2006, as amended by The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Penalty Notice) (England) Regulations 2007, as amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2012 and The Education (Penalty Notices) (England) (Amendment) Regulations 2013
- Department For Education Guidance as from time to time issued on school attendance matters

This School, the Local Education Authority and the Government all believe that absence during term time should be avoided as they can have a damaging effect on a pupil's education and overall achievement. However, it is recognised that there may be "exceptional" circumstances that may justify a Headteacher's decision to authorise the absence.

The explanatory note to The Education (Pupil Registration) (England) (Amendment) Regulations 2013, which themselves amend The Education (Pupil Registration) England Regulations 2006, states:

Regulation 7 of the 2006 Regulations is amended to prohibit the proprietor of a maintained school granting leave of absence to a pupil except where an application has been made in advance and the proprietor considers that there are exceptional circumstances relating to the application

This school's Attendance Policy includes the following:

- Any application is to be made in writing, two weeks in advance by the parent with whom the child normally resides, using the form headed '*Application for Leave of Absence During Term time.*' These may be obtained from the school office **AND**
- Leave of absence will only be granted where the Headteacher, or person authorised by the Headteacher to do so, considers it is due to 'exceptional circumstances.' Parents will be informed by letter within 7 school days as to whether the request has been authorised or unauthorised.

Leave of absence taken without authorisation may be referred to the Education Welfare Service. This may result in a Fixed Penalty Notice, prosecution, or other legal intervention. If a Fixed Penalty Notice is issued, a separate Notice will be issued to each parent for each child. Fixed Penalty Notices can only be issued to the same parent in respect of the same child within a 3-year rolling period.

THE CURRENT RATE PER PARENT, PER CHILD IS:

FIRST FIXED PENALTY NOTICE: Charged at £160.00 if paid within 28 DAYS, reducing to £80.00 if paid within 21 days.

SECOND FIXED PENALTY NOTICE: Charged at a flat rate of £160.00 if paid within 28 days.

If the national threshold is met for a third instance for the same parent in respect of the same child, other legal intervention including prosecution will be considered.

PLEASE NOTE THE FOLLOWING POTENTIAL CONSEQUENCES SHOULD TERM TIME LEAVE BE TAKEN WITHOUT AUTHORISATION OF THE SCHOOL.

If an issued Fixed Penalty Notice is not paid within the prescribed time limit for payment, each parent may be liable to prosecution at the Magistrates' Court for an offence contrary to Section 444 Education Act 1996, (failure to secure regular attendance at school of a registered pupil of compulsory school age), in the same way as if the Fixed Penalty Notice had never been issued.

The purpose of the Fixed Penalty Notice, where it is considered appropriate for such Notice to be issued, is to give a parent the time limited opportunity to avoid prosecution for a substantive offence contrary to Section 444 Education 1996. Any such prosecution following nonpayment of an issued Fixed Penalty Notice will be for a substantive offence contrary to S. 444 Education Act 1996, rather than for nonpayment of an issued Fixed Penalty Notice.

Prosecution for the substantive offence, if proved, may, in respect of the less serious offence contrary to S. 444(1) Education Act 1996 (being the parent of a child of compulsory school age who fails to regularly attend school), result in each such parent receiving a criminal conviction and /or Sentence by way of a Fine not exceeding £1,000.00.

Prosecution for the substantive offence, if proved, may, in respect of the more serious offence contrary to S. 444 (1A) Education Act 1996 (where the parent knows that the child is failing to attend regularly at the school and the parent fails without reasonable justification to cause that child to regularly attend school), result in each such parent receiving a criminal conviction and / or Sentence by way of a Fine not exceeding £2,500.00 and / or to a term of imprisonment not exceeding three months, or else any such community based Sentence as deemed appropriate by the Court.

In addition, in all cases where one of the substantive offences is proved, the Prosecution will seek an Order for the Defendant to pay a contribution towards the Prosecution Costs of the case, including investigation costs, the application for which will be served upon the Defendants at the time of the relevant Court proceedings.

In addition, when a Court passes a sentence, it must also order that the relevant "Victim Surcharge" be paid by Defendants. Revenue raised from the Victim Surcharge is used by Central Government to fund victim of crime services through the "Victim and General Fund."

The current mandatory Victim Surcharge Rates imposed on those convicted Defendants aged 18 and over as at date of offence, for offences committed after 16th June 2022, are as follows per each type of sentence imposed:

Sentence Imposed	Amount of Victim Surcharge to be Paid
Fine	40% of total fine imposed (rounded up or down to the nearest pound)
Conditional Discharge	£26
Community Sentence	£114
Suspended or Immediate Prison Sentence	£154

In addition to any other Sentence imposed, the Court has the ancillary power to impose a “Parenting Order,” not exceeding 12 months in duration, on parents, where the Court considers such an Order appropriate. Any person found guilty of failing without reasonable excuse to comply with the requirement of a “Parenting Order” or with a direction of the nominated Responsible Officer in respect of it is liable to Breach proceedings and, in the event of conviction for the same, to a fine, not exceeding £1,000.00, and or any other non-imprisonable Sentencing option available to the Court in such case.

Note: The term “Parent” is as defined under Section 576 Education 1996, meaning.

- all natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility (as defined by the Children Act 1989) for a child or young person
- any person who, although not a natural parent, has care of a child or young person



Crowthorne Church of England Primary School

APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME

PLEASE NOTE THE FOLLOWING AND READ THE ACCOMPANYING NOTES FOR GUIDANCE BEFORE COMPLETING THIS APPLICATION.

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

PUPIL NAME		DATE OF BIRTH		CLASS/YEAR	
HOME ADDRESS & POSTCODE					

FIRST DATE OF ABSENCE		LAST DATE OF ABSENCE		DATE OF RETURN TO SCHOOL		NUMBER OF DAYS ABSENT	
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Reason for Leave of Absence Request - THIS SECTION MUST BE COMPLETED

Siblings at other schools			
Name	Date of Birth	School attended	
Name of parent that child resides with			
Mobile phone no.		Home phone no.	
Email address			
Parent/Carer signature		Date	

OFFICE USE ONLY

FORM RECEIVED DATE		FORM ASSESSED DATE	
EXCEPTIONAL REASON ACCEPTED	YES/NO	DATE OF PREVIOUS FPN REQUEST/S	
DECISION LETTER SENT DATE		FPN REQUESTED	YES/NO
HEADTEACHER SIGNATURE			DATE

Local Code of Conduct

**as to issuing penalty notices to parents/carers of
registered school pupils of compulsory school age**

for

(i) failing to ensure the pupil regularly attends school

(irregular attendance due to unauthorised absence of the pupil from school)

or

**(ii) failing to ensure that a pupil who has been excluded from school is not present in
a public place within school hours during the first five days of exclusion**

and as to other local measures to address school non-attendance

This local code of conduct applies, within the geographical jurisdiction of Bracknell Forest Council, to all local authority-maintained schools and pupil referral units, as well as to academy trust schools and alternative provision academy schools where those have adopted the provisions and effect of this local code of conduct.

This local code of conduct is set in consideration of and in consequence to the provisions of the following and subsequent amendments to the same

- The Education Act 1996, particularly s.444 and 576
 - The Education (Penalty Notice) (England) Regulations 2007, as amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2024
 - School Attendance (Pupil Registration) (England) Regulations 2024
 - The Education and Inspections Act 2006, particularly s.103 - 106
 - Department For Education Guidance as from time to time issued in respect of school attendance matters, including “*Working together to improve school attendance: Guidance for maintained schools, academies, independent schools, and local authorities*”, published 29th February 2024, incorporating the new “*National Framework For Issuing Penalty Notices For School Absence*” and implementation guide for Local Authorities, 2024 and “*Summary table of responsibilities for school attendance: Guidance for maintained schools, academies, independent school and local authorities*”, published 29th February 2024.
1. The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across Bracknell Forest. The code sets out the arrangements for administering penalty notices in Bracknell Forest and must be adhered to by anyone issuing a penalty notice for school absence in this area. The code complies with relevant regulations and the Department for Education’s national framework for penalty notices as set out in the [‘Working together to improve school attendance’](#) guidance.

2. The Local Education Authority is required to draw up a Code of Conduct which sets out measures to ensure consistency in the issuing of penalty notices, including the occasions as to when it will be appropriate to issue a penalty notice*

**(Regulation 14 The Education (Penalty Notices) (England) Regulations 2007)*

Consultation

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

Legal basis

4. It is the legal duty of every parent/carer of a child of compulsory school age to cause that child to receive efficient full-time education suitable to the child's age, ability, and aptitude and to any special education needs or additional learning needs the child may have, either by regular attending at school or by education otherwise than at a school*

**s. 7 Education Act 1996.*

5. In law, and subject to limited number of Statutory Defences set out in the Act, an offence contrary to s. 444(1) Education Act 1996 occurs if a parent / carer of a registered pupil of compulsory school age fails to ensure that pupil's regular attendance at a school by reason of the pupil being absent without authorisation contrary to the attendance rules of the school. An offence contrary s. 444(1A) of the 1996 Act occurs if the parent knows that the pupil is failing to attend school regularly and fails to cause them to do so.
6. The Supreme Court* has determined that "Regular" attendance means that which is *"in accordance with the rules prescribed by the school"*¹

**Isle of Wight Council v Platt (6th April 2017) [SUPREME COURT] [2017] UKSC 28 (on appeal from [2016] EWHC 1283 (Admin))*

7. s.23(1) of the Anti-Social Behaviour Act 2003, inserted s 444A and s.444B after s.444 of the Education Act 1996 to enable penalty notices to be used as an out of Court alternative to discharge potential prosecution for either offence under s444 of failing to secure regular attendance at school of a registered pupil of compulsory school age, thus providing parents/carers with a time limited opportunity to discharge liability to potential prosecution for either substantive offence under s.444, by paying a financial penalty to the Local Authority.
8. s.105 of the Education and Inspections Act 2006 makes similar provision for issuing a penalty notice to discharge a parent/carer's liability to potential prosecution for an offence under s. 103 of that Act in respect of an excluded pupil being in a public place within school hours during the first five days of that pupil's exclusion from school.

¹ *Isle of Wight Council v Platt (6th April 2017) [SUPREME COURT] [2017] UKSC 28 (on appeal from [2016]EWHC 1283 (Admin))*

9. Penalty notices can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, alternative provision academies, and certain off-site places as set out in section 444A(1)(b).
10. The Education (Penalty Notices) (England) Regulations 2024 amend the 2007 Regulations as to the penalty notice regime, imposing a duty on authorised school staff to consider requesting penalty notices be issued to parent(s)/carer(s) who have failed to secure a pupil's regular attendance at school, where such staff become aware that the national framework threshold for such intervention has been reached in that that the pupil has been recorded as absent in specified circumstances for 10 school sessions during 10 school weeks (Regulation 5(1)), as well as retaining discretion, in exceptional circumstances, to request penalty notices in instances of repeated periods of unauthorised absence that, which if viewed individually, would otherwise fall below the national framework threshold criteria (e.g. regularly taking unauthorised term time holidays of less than 10 school sessions each).
11. The 2024 Regulations prescribe a limit within the national framework threshold criteria on the number of penalty notices that can be issued under section 444A (1) of the Education Act 1996 in respect of the same parent/carers and child (Regulation 6(1)). Following the issue of two penalty notices to the same parent/carers in respect of the same child, a third penalty notice cannot be issued to that same parent/carers in respect of that same child within three calendar years of the date of issue of the first penalty notice. Where the national framework threshold is met on a third occasion (or subsequent times) within those three calendar years, alternative action should be taken instead. This will include considering referral for prosecution but may, if deemed appropriate in the circumstances, include consideration of other school attendance legal intervention measures.
12. The 2024 Regulations amend the amount of a penalty payable under a penalty notice issued under section 444A (1) of the Education Act 1996, setting different amounts in different circumstances (Regulation 4(1)).
13. A penalty notice can only be issued by an authorised officer: that is, a headteacher or a deputy or assistant head authorised by them, an authorised local authority officer or a police constable.
14. The "National Framework for Penalty Notices for School Absence" is published within statutory guidance '*Working together to improve school attendance: Guidance for maintained schools, academies, independent schools, and local authorities,*' published 29th February 2024.' It provides national guidance on the operation and threshold of penalty notice schemes for school absence in England.
15. The local authority may only use the sums it receives in payment of attendance-related penalty notices as ring-fenced monies to support the cost of its functions in issuing and enforcing the penalty notice regime under s444A(1) of the Education Act 1996 and under s.105 of the Education and Inspections Act 2006, and to support the cost of its functions in the prosecuting of offences committed under section s444 of the Education 1996 Act, and to support the cost of any other of its functions which serve to support the regular attendance at school of registered pupils*

Meaning Of Parent

16. The definition of “parent” for the purposes of this local code of conduct is as prescribed in s 576 Education 1996 and includes any person not a parent of the child but who has “parental responsibility” for that child as defined by s. 2 Children Act 1989, or who “cares for” that child. It includes biological and adoptive parents, and those becoming parents via surrogacy or human embryo fertilisation, whether such persons are married / in a civil partnership or not at the time the child’s birth, as well as those who acquire and have not lost “parental responsibility” since the child’s birth. As with prosecutions for substantive offences under s.444 Education Act 1996, penalty notices will usually be issued to each parent(s)/carer(s) or those with day-to-day “parental responsibility” for the pupil’s school attendance, or to the parent(s)/carer(s) who have condoned the absence (regardless of which parent/carer may have applied for leave of absence).

Rationale For Enforcement Action Concerning Irregular School Attendance

17. Research published by the Department for Education in May 2022 found pupils with higher attainment at KS2 and KS4 had lower levels of absence over the key stage compared to those with lower attainment.
18. Pupils who did not achieve the expected standard in reading, writing and maths in 2019 had an overall absence rate of 4.7% over the key stage, compared with 3.5% among pupils who achieved the expected standard and 2.7% among those who achieved the higher standard.
19. Pupils who did not achieve grade 9 to 4 in English and maths GCSEs in 2019 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and maths.
20. For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.
21. Where difficulties arise with school attendance, professionals should take a ‘support first’ approach in line with the DfE’s ‘Working together to improve school attendance’ guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.
22. The National Framework for Penalty Notices for School Absence is based on the principles that penalty notices should only be used in cases where:
- support is not appropriate (e.g. in cases of an unauthorised term time holiday) or where support has been offered/provided but not been engaged with or has not worked, and

- they are the most appropriate tool to change parental behaviour and improve attendance for that particular family.

Leave of absence

23. Local Authority maintained schools within Bracknell Forest are expected to require that any sought leave of absence be applied for in writing, at least two weeks in advance, to the school using the application for term time leave of absence form, or similar, available from each school's office and/or website.
24. Regulation 11 of The School Attendance (Pupil Attendance) (England) Regulations 2024 prescribes that leave of absence from a school maintained by a local authority or a special school not maintained by a local authority may only be given by a person who the school's proprietor has authorised to do so (an "authorised person").
25. The Department for Education's "*Working together to improve school attendance*" statutory guidance 2024 requires all maintained and special schools to restrict granting leave of absence, other than in cases of authorised off-site education provision and authorised work experience, to those circumstances as listed in Regulation 11 of the 2024 Regulations and expects all other schools to do the same.

The listed circumstances are

- **A pupil taking part in a regulated performance or regulated employment abroad**, in line with a licence issued by a local authority or specified body.
 - **A pupil attending an interview for employment or for admission to another educational institution**, where requested in advance by a parent/carer the pupil normally lives with
 - **Study leaves for public examinations** (not including any internal school examinations, such as mocks) where requested in advance by a parent/carer the pupil normally lives with
 - **A temporary, time limited, part-time timetable** where the school has agreed in advance that the pupil should temporally be educated on a part-time basis for exceptional reasons and has agreed, with a parent/carer the pupil normally lives with, the times and dates when the pupil will be expected to attend school as part of that timetable
 - **Exceptional circumstances:** All schools can grant leave of absence for "exceptional circumstances" at their sole discretion. Such application and the reason for it must be given to the school in writing in advance in the case of maintained schools and non-maintained special schools. Authorised officers of the schools will consider each application on a case-by-case basis, considering the specific facts, circumstances, and background to the request. It is the school's decision whether it finds exceptional circumstance or not to merit authorising leave of absence for the period sought, or as to what, if any, part of that sought leave period may be authorised.
26. The Department for Education's 2024 guidance prescribes that it generally does not consider a term time holiday for the purpose of leisure and recreation to be an exceptional circumstance to merit authorising leave, nor should leave be granted for a pupil to take part in protest activity during school hours. Although each request is considered on its merits, schools' own attendance policies may prescribe that such

requests will generally be refused save for where the school finds exceptional circumstances.

When may a penalty notice for unauthorised absence be appropriate?

27. Where the national framework threshold has been met and a school becomes aware that the national threshold has been met, it must consider whether a penalty notice can and should be issued or not. The national framework threshold has been met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks², with one of, or a combination of the following codes:

- (a) code G (the pupil is absent without leave for the purpose of a holiday),
- (b) code N (the circumstances of the pupil's absence have not yet been established),
- (c) code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies), and
- (d) code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

When parent(s)/carer(s) fail to ensure, without reasonable justification*, that a pupil who has been excluded from school is not present in a public place within school hours times during the first five school days of any exclusion (s.103 - s106 Education and Inspections Act 2006*

*It is incumbent upon the parent(s) in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere than at home. A penalty notice will be issued on the first occasion if appropriate.

28. If, on any instance, a Bracknell Forest Council authorised officer believes a penalty notice would be appropriate, they retain the discretion to issue one before the national framework threshold is met. This might apply for example, where parents are deliberately avoiding the national threshold by taking several unauthorised term time holidays below the 10 sessions in 10 weeks threshold, or for repeated absence for birthdays or other family events. This will be in exceptional circumstances only, and the issuing of penalty notices in these circumstances can only be authorised by the Education Welfare Team Leader or someone of higher grade within Early Help.

29. Each decision will be made on a case-by-case basis and Bracknell Forest Council does not have to issue a fixed penalty notice, it may choose to go straight to prosecution if an authorised officer considers the case too serious or if a fixed penalty notice is deemed to be a disproportionately lenient response in the circumstances.

Two penalty notice limit and escalation in cases of repeat offences

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

30. If repeated penalty notices are being issued and they are not working to change behaviour, they are unlikely to be most appropriate tool. The National Framework for Penalty Notices for School Absence sets out that a maximum of two penalty notices per child, per parent/carer can be issued within a rolling three-year period. If the national threshold is met for a third time (or subsequent times) within three calendar years (rather than academic years) of the date of issue of the first penalty notice, another tool should be used such as prosecution or one of the other legal intervention measures available to the Local Authority in seeking to improve the pupil's school attendance.
31. For the purpose of the escalation process, previous penalty notices include those not paid (including where prosecution was taken forward if the parent/carer pleaded or was found guilty) but not those which were withdrawn.

Scenario	Counts towards the maximum two penalty notices within three calendar Year limit?
Penalty notice issued by any authorised officer and paid within 21 days	Yes
Penalty notice issued by any authorised officer and paid within 28 days	Yes
Penalty notice issued by any authorised officer but later withdrawn	No
Penalty notice issued by any authorised officer. The penalty notice was not paid, and the local authority prosecuted for the original offence, but the Court found the parent not guilty.	No
Penalty notice issued by any authorised officer. The penalty notice was not paid, and the local authority prosecuted for the original offence and the Court found the parent/carer guilty.	Yes

32. The three-year period runs by calendar year not academic year and begins from the date of the first penalty notice issued. For example, if the first penalty notice is issued on 18th September 2024, a second penalty notice issued to that parent in respect of that child on or before the 17th September 2027 would be charged at £160. A third penalty notice could not be issued within that timeframe and so in cases where the national threshold is met for a third or subsequent time another action should be taken instead.
33. A penalty notice issued under s.105 Education and Inspections Act 2006 in respect of an excluded pupil found in a public place within school hours during the first five days of an exclusion does not count towards the escalation process and national framework threshold limit of a maximum of two penalty notices within three calendar years.

Notice to improve

34. A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national framework threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a notice to improve should usually be sent to parents as a final chance to engage in support. An authorised officer can choose not to issue a notice to improve in any case, including cases where support is appropriate but where they do not expect a notice to improve would have any impact on parent/carer behaviour (e.g. because the parent/carer has already received one for a similar offence).

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

35. The following considerations will be made before issuing (or requesting that another authorised officer issues) a penalty notice to ensure consistency of approach:
36. In cases where support is not appropriate (for example, for unauthorised term time holidays), consider on a case-by-case basis:
- Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate e.g. Fast Track.
 - Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010
 - Are the evidential and public interest tests satisfied to support and justify issuing a penalty notice, given that, in event of non-payment, the local authority would be considering prosecution for the substantive offence?
37. In cases where support is appropriate, consider on a case-by-case basis:
- Has sufficient support already been provided?
 - Sufficient support will usually include:

Poor Attendance	Leave of absence
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Has the school regularly contacted the parent/carer to establish the reasons for absence or is there established parental non-engagement in response to phone calls, letters, or invitations to school-based meetings	The family's circumstances and the likely benefits to the child and family, considering social, emotional, and cultural reasons.
If unmet needs have been identified, has the Early Help Assessment and/or a request for support from another service been considered?	The detrimental impact on the child's social, emotional, and intellectual development, attainment level and any SEN.
Could there be underlying issues which need to be explored with the parents at a school-based meeting to identify if any support is required	Siblings in other schools. Liaise with other schools in individual cases to agree a consistent approach in considering term-time holiday request and penalty notices.
When parents/carers are separated and do not live at the same address, establish how much involvement each parent/carer has in caring for the child/ren. If one parent/carer has little involvement, consider whether it is in the public or family's interest to issue a fine to both parents/carers.	Consider exceptional circumstances put forward by the parent, explicitly setting out considerations taken by the school in a letter to the parent/carer confirming when requests are unauthorised.
Parents/carers who live at the same address will be equally responsible for their child/ren's attendance and will each receive a fine for each child.	

- Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010
- Are the evidential and public interest tests satisfied to support and justify issuing a penalty notice in the case, given that, in event of non-payment, the local authority would be considering prosecution for the substantive offence?
- If the answer to the above questions is 'yes,' then a penalty notice (or a notice to improve in cases where support is appropriate) will usually be issued.

Alternatives to issuing Penalty Notices or Proceeding Straight to prosecution

38. If a penalty notice or notice to improve is not deemed by authorised officers to be a suitable or proportionate response, or where there is a third request for a penalty notice for unauthorised absences occurring within three calendar years of a first issued penalty notice, the local authority may, at its discretion, and rather than proceeding to prosecution, choose to instigate other alternative legal enforcement measures.

Fast track

39. The Fast Track process for school non-attendance is a government initiative. The Fast Track Framework is a time-focused model of best practice which concentrates on early intervention in cases of persistent non-attendance and aims to ensure a faster more effective approach to the implementation of strategies to tackle this behaviour and the underlying causes. Where the parents/carers fail to bring about the necessary improvement legal proceedings are initiated.

The aims and objectives of the framework are to:

- Ensure the intervention strategies are put into place early to tackle school attendance problems
 - Ensure parents who fail to cooperate or are unwilling to work with the school/LA are identified sooner and action taken to make sure they take responsibility for their child's school attendance
 - Bring consistency across LAs to the prosecution process while still enabling local decisions
40. Within the Fast Track process parenting contract is not a legally binding document. It is a tool, initiated by the government, to help the parents and pupil to recognise the seriousness of the situation and to support them in bringing about the necessary change. However, if the parent does not co-operate and support an improvement in their child's attendance a Parenting Order could be applied for in the Magistrate's Court. If it is necessary to apply for a Parenting Order the contract or refusal to sign the contract would be cited.
41. If target has not been met, the Team Manager who will make decision about prosecution. Unless there are sound reasons of mitigation from the parents, absences will lead to a prosecution. When the decision is to prosecute the EWO will prepare the papers. The EWO then submits the case file and completed prosecution papers to the Team Manager who, after perusal, will forward the papers to the legal department. The legal department will issue the summons and arrange for it to be served on the parent. The solicitor will email the Team Manager with date of hearing; this will be sent to the EWO for the case file.
42. A Local authority or governing body of a relevant school may enter into a parenting contract with a parent/carer of a pupil, for such period as may be specified, that agrees required actions to be taken by each party in seeking to ensure the pupil's regular attendance at school. It is signed by all parties and includes statement by the local authority or governing body that it agrees to provide specified support to the parent for the purpose of complying with those requirements, which may include regular support and review meetings or for the parent/carer to attend a counselling or guidance programme.

School action prior to requesting the issuing of a Penalty Notice - General

43. The School's Attendance Policy clearly explains the criteria and process for addressing poor attendance, and the expectation is that all pupils should attend every day that the school is open unless absence is authorised by the school either
- finding reason under Regulation 11 of The School Attendance (Pupil Attendance) (England) Regulations 2024, including a finding of "exceptional circumstance", to merit authorising absence, or any part of a period of absence, or
 - Being satisfied that one of the potential statutory defences under s.444 Education Act 1996 is otherwise likely to apply, including where the school has authorised the absence, or where the pupil is prevented from attending due to sickness, or absence is due to unavoidable cause involving an element of emergency concerning the child rather than the parent/carer, or absence is on a day exclusively set aside for religious observance by the religious body to which the parent/carer belongs, or where the local authority has not complied with any statutory duty upon it in prescribed circumstances to assist the pupil with travel arrangements to/from school, or where the child has no fixed abode, or where the parent/carer needs to travel for business (subject to certain conditions), or where, in the case of the offence contrary to s.444(1A) the parent/carer the school is satisfied either that the parent/carer did not have knowledge of the pupil not regularly attending school or is satisfied of there likely being reasonable justification for the parent/carer failing to cause the child to regularly attend school in any event.
44. No sessions of unauthorised absence are acceptable, and where an exception may apply, the parent will be asked for evidence to collaborate this, including medical evidence in support of repeated absences due to sickness of the child where the school is not satisfied of the reason given.
- The school will fully consider any extenuating circumstances / representations as notified to it to establish if there are any justified causes for the absence(s).
 - Where satisfied that the circumstances of the case merit refusal to authorise leave of absence and where the criteria for issuing such notice is met, the school will send a written notice to parent(s)/carer(s) informing them of the refusal to authorise leave for the period in question and of the decision to refer the matter to Local Authority for penalty notice issuance consideration.
 - While the Head teacher can delegate the authority to a member of staff to make penalty notice referrals on their behalf, all referrals must be signed or agreed by a member of the Senior Leadership Team to confirm authorisation to ensure that referrals are made in line with this Code of Conduct.
 - It is good practice to ensure that parents are reminded on an annual basis of the school's policy on attendance, including the existence of the penalty notice regime, national framework, and escalation threshold.

Procedure for the issuing of Penalty Notices by the Local Authority

45. Schools considering referring cases to the Local Authority for Penalty Notices to be issued for unauthorised absences will need to follow the process below.
46. If Penalty Notice is in relation to unauthorised absence for which leave of absence was not applied for:
- The following is required to be submitted to the local authority

- A fully completed online penalty notice request form, including details of any reason given by the parent/carer for the pupil's absence
- A certificate of the pupil's attendance for the period of attendance the penalty notice request relates to, signed by the headteacher.
- A certificate of the pupil's attendance for the previous and current academic year to date.
- A copy of the school's letter to the parent, confirming the absences taken were unauthorised and why, including any determination of no exceptional circumstance being found, and warning that referral has been made to the local authority to consider issuance of a penalty notice per parent/carer per child.
- Evidence of any support that has been offered to the pupil and/or the parent(s)/carer(s), if applicable

47. If Penalty Notice is in relation to unauthorised absence for which leave of absence that was applied for, but which was refused:

The following is required to be submitted to the local authority

- A fully completed online penalty notice request form.
- A Certificate of Attendance for the period of attendance this penalty notice request relates to, signed by the headteacher
- A certificate of the pupil's attendance for the previous and current academic year to date.
- The submitted leave of absence request form or letter from the child's parent/carer
- The letter of refusal to grant leave of absence as sent from the school to the parent/carer outlining:
 - any exceptional circumstances the school has considered.
 - confirmation of the school refusal decision
 - setting out the reasons for refusal.
- the consequences of having already taken the period of unauthorised absence / unauthorised term time holiday, or the consequences if ultimately taken, including warning that referral either has been made to the local authority to consider issuance of a penalty notice per parent/carer per child for unauthorised leave taken, or else will be made if the applied for but unauthorised proposed leave is ultimately taken.
- Evidence of any support that has been offered to the pupil and/or the parent(s)/carer(s), if applicable

Local Authority action on receipt of referral

48. Penalty Notices will be issued by Bracknell Forest Council as the Local Education Authority and not by individual Headteachers or Thames Valley Police

Poor Attendance	Unauthorised Leave of Absence
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<p>The LA will issue a Notice to Improve within 5 working days of receiving a request for distribution to the parents/carers of pupils who have been identified as meeting the criteria. The notice will outline that their child's attendance will be monitored for 30 Sessions (15 school days), and that no more than one session of unauthorised absence should occur following this warning during the monitoring period.</p>	<p>Penalty Notices for unauthorised leave of absence during term-time will be issued immediately without any notice. The school's letter confirming the refusal of the request will have acted as a warning and raised parental awareness of the unauthorised holiday and the risk of receiving a penalty notice.</p>
<p>Notices to Improve will be recorded on a database, potential duplication checked, and cases monitored for actions to take place within the prescribed timescales.</p>	<p>Where a Penalty Notice is issued, it will be sent by the Education Welfare Team within 4 weeks of the referral being received via First Class post to the parent's last known address. The database will be checked before the issue of the Notice to avoid duplication.</p>
<p>Should 2 or more unauthorised absence occur during the monitoring period, the decision whether to issue lies with the Education Welfare Team leader, someone delegated to do so by the Team leader, or an authorised person in their absence following consultation with the school.</p>	<p>Penalty Notices will be issued to the parents of children registered at Bracknell Forest schools, irrespective of their actual home address. This also means that follow-up prosecutions where parents fail to pay the Notice or to improve their children's attendance will extend to family's resident outside the district.</p>
<p>Should 2 or more unauthorised absences occur before the end of the monitoring period, a penalty notice may be issued before the end of the monitoring period.</p>	
<p>The Penalty Notice will clearly set out the circumstances whereby a Penalty Notice can be issued and the consequences for failure to pay within the required time scale.</p>	

<p>An offence is committed by an individual parent for each individual child's unauthorised absence. To ensure each parent is aware of their legal duty, each parent will be written to individually and will receive a separate Warning Letter and Penalty Notice for each child they are responsible for.</p>	
<p>Where a Penalty Notice is issued, it will be sent by the Education Welfare Team via First Class post to the parent's last known address. The database will be checked before the issue of the Notice to avoid duplication.</p>	

49. Whoever is issuing the penalty notice should decide as to whether proportionate support has been provided, and whether that support has worked or not. Where there is dispute, authorised officers are expected to defer to the local authority's judgement about whether sufficient support has been provided before issuing a penalty notice.

50. The LA will inform the school about whether penalty notices are paid, withdrawn, or prosecuted for substantive s.444 offence. They will do this via email.

51. Where pupils move between local authority areas, Bracknell Forest can be contacted on crossborder.penaltynotice@bracknell-forest.gov.uk to find out if penalty notices have been issued previously.

52. Where pupils attend school in Bracknell Forest but live in a different LA, Bracknell Forest will work in collaboration with the home LA to ensure child is offered the correct support.

Representations

53. Only a Headteacher, or person authorised by the Headteacher to do so, can authorise a pupil's absence from school. If the school maintains that a pupil's absence was unauthorised then, where above stated criteria for the issuing of such penalty notices are met, a uniquely and separately numbered penalty notice may result and such penalty notices may be separately issued to, and thus separately payable by, each parent/carer in respect of each pupil's irregular attendance at school.

54. There is no statutory right of Appeal against the Local Education Authority's decision to issue a penalty notice.

55. Any parent/carer believing that a penalty notice has wrongly been issued to them, or has been issued to them not in accordance with the terms of this Code of Conduct for the issuing of penalty notices, must contact the Local Education Authority, as soon as possible, to ask

for such penalty notice to be withdrawn, stating why the parent/carer believes that the penalty notice was incorrectly issued. The Local Education Authority will consider the parent/carer's request and notify the parent if the penalty notice is to be withdrawn or not.

56. If the penalty notice is not withdrawn, and the parent/carer fails to pay the penalty notice amount within the prescribed time limit stated on the penalty notice, the parent will be liable for prosecution for the substantive offence of failing to ensure the child's regular attendance at school.

57. In the event of such a prosecution being instigated, the parent, upon receipt of the Court Summons, will have the opportunity to make any desired representations to the Magistrates' Court in respect of the alleged offence

Withdrawal of a Penalty Notice

58. A Penalty Notice, once issued, can only be withdrawn in the following circumstances:

- When it ought not to have been issued, i.e. where it has been issued outside of the terms set out in this protocol, or where no offence has been committed
- Where it has been issued to the wrong person
- Where it appears to the authority that the notice contains material errors
- The Penalty Notice has not been paid and the LA has not, and does not intend to, instigate proceedings

Payment of penalty notices

59. Arrangements for payment will be detailed within the Penalty Notice.

60. The first penalty notice issued to the parent for a child will be charged at £160 if paid within 28 days reducing to £80 if paid within 21 days.

61. 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 offence, the second notice is charged at a flat rate of £160 if paid within 28 days. **There is no reduced sum available in this instance.**

62. Part payments or payment plans are not acceptable, and fines must be paid in full within the 21/28-day time limits.

63. The Penalty Notices must be paid within the prescribed timescales. All Payments received after the end of the 28-day period will be reimbursed to the payee, by Bracknell Forest Council as Local Education Authority (via its Finance Department).

64. Payment in full of the penalty notice discharges the parent/carer's legal responsibility for the period of unauthorised absence outlined in the notice and the parent/carer cannot be subsequently prosecuted for that period.

Transition period

65. The national framework regime and The School Attendance (Pupil Registration) (England) Regulations 2024 come in to force on 19th August 2024. During the transition period from the previous regime to the new a penalty notice issued for any offence period that begins prior to the 19th August 2024 will be issued under the previous rules on such

penalty notices. Therefore, it will (a) be charged at £60/£120, (b) not count towards the escalation whereby a second penalty notice within 3 years is charged at a flat rate of £160 and there is a limit of 2 penalty notices within 3 years. This is regardless of whether the penalty notice is issued before or after the 19th August 2024.

Non-Payment Of Penalty Notices

66. If the penalty notice is not paid at the end of the 28-day period, Bracknell Forest council as the local education authority will either prosecute for the substantive offence to which the notice applies or (in accordance with the limited circumstances described above) withdraw the notice and not proceed to prosecution.

67. If an issued penalty notice is not paid within the prescribed time limit for payment, each parent/carer may be liable to prosecution at the Magistrates' Court for an offence contrary to Section 444 Education Act 1996, (failure to secure regular attendance at school of a registered pupil of compulsory school age), in the same way as if the penalty notice had never been issued.

68. The purpose of the penalty notice, where it is considered appropriate for such notice to be issued, is to give a parent/carer the time limited opportunity to discharge liability to prosecution for a substantive offence contrary to Section 444 Education 1996.

69. Any such prosecution following non-payment of an issued penalty notice will be for a substantive offence contrary to s. 444 Education Act 1996, rather than for non-payment of an issued penalty notice.

70. However, the fact that a penalty notice had previously been issued but not paid may be used in evidence during the prosecution.

71. In the event of a parent/carer's ultimate conviction for the substantive offence and in accordance with the relevant sentencing guidelines for offences contrary to s.444 Education Act 1996 and in order to assist the Court in its sentencing exercise, the prosecution may refer the Court to any known previous convictions of the parent/carer and whether those are current or spent convictions under the Rehabilitation of Offenders Act 1974 and also to any previous penalty notice history for similar like offences, the details of which having been provided to the Defendant in advance of the Hearing.

72. Prosecution for the substantive offence, if proved, may, in respect of the less serious offence contrary to s. 444(1) Education Act 1996 (being the parent of a child of compulsory school age who fails to regularly attend school), result in each such parent/carer receiving a criminal conviction and sentence by way of a Fine not exceeding £1,000.00.

73. Prosecution for the substantive offence, if proved, may, in respect of the more serious offence contrary to s. 444 (1A) Education Act 1996 (where the parent knows that the child is failing to attend regularly at the school and the parent fails without reasonable justification to cause that child to regularly attend school), result in each such parent/carer receiving a criminal conviction and sentence by way of a Fine not exceeding £2,500.00 and / or to a term of imprisonment not exceeding three months, or else any such community based sentence as deemed appropriate by the Court.

74. Prosecution for the substantive offence, if proved, may, in respect of the offence contrary to s. 103 Education and Inspections Act 2006 (parent/carer failing to ensure that a pupil who has been excluded from school is not present in a public place within school hours during the first five days of exclusion), result in each such parent/carer receiving a criminal conviction and sentence by way of a fine not exceeding £1,000.

Prosecution Costs

75. In addition, in all cases where one of the substantive offences is proved, the Prosecution will seek an Order for the Defendant to pay a contribution towards the Prosecution Costs of the case, including investigation costs, the application for which will be served upon the Defendants at the time of the relevant Court proceedings.

Victim Surcharge

76. In addition, when a Court passes a sentence, it must also order that the relevant "Victim Surcharge" be paid by Defendants. Revenue raised from the Victim Surcharge is used by Central Government to fund victim of crime

The current mandatory Victim Surcharge Rates imposed on those convicted Defendants aged 18 and over as at date of offence, for offences committed after 16th June 2022, are as follows per each type of sentence imposed:

Sentence Imposed	Amount of Victim Surcharge to be Paid
Fine	40% of total fine imposed (rounded up or down to the nearest pound)
Conditional Discharge	£26
Community Sentence	£114
Suspended or Immediate Prison Sentence	£154

Parenting Order

77 In addition to any other Sentence imposed, the Court has the ancillary power* to impose a "Parenting Order", for a period of not more than 12 months, where the Court is satisfied such order would be desirable in the interests of preventing the commission of any further offence under s. 444 Education Act 1996. Such order will require the parent/carer to comply with specified requirements in the order and to attend a mandatory parent/carer counselling or guidance programme, of not more than 3 months, as may be specified in directions given by the responsible officer of the Local Authority.

78. Failing to comply, without reasonable excuse, with the requirements of a "Parenting Order", or with a direction of the nominated responsible officer in respect of it, is an offence, with fine upon conviction not exceeding £1,000.00.

**Crime and Disorder Act 1998, s8 (As amended by Anti-Social Behaviour Act 2003, s 18)
The Magistrates' Courts (Parenting Orders) Rules 2004, as amended, Rule 7 + Sentencing Act 2020, Chapter 4, s. 365 - 375*

Education Supervision order

79. Before instituting proceedings for an offence under section 444, the Local Authority must consider whether it would be appropriate (instead of or as well as instituting prosecution proceedings) to apply for an Education Supervision Order in the family Court with respect to the child*.

**s.447 Education Act 1996*

80. The Court on convicting for an offence contrary to s. 444 Education Act 1996 may also direct* the Local Authority to apply for such an order to safeguard the child, where the Court considers it appropriate. Where imposed, a supervising officer is appointed to advise, support, and give directions to the supervised child and their parent(s)/carer(s) to help get the child into regular attendance. Such order will usually last for up to twelve months unless the Court determines to extend it. Persistently failing, without reasonable excuse, to comply with the terms and requirements of an Education Supervision Order is a criminal offence with fine upon conviction not exceeding £1,000.00.

**Sch 3, Part III para.18(1) Children Act 1989*

General Principles to Decision to Prosecute:

- Prosecution is to be a proportionate action and a means of last resort.
- Prosecution is both a punishment and a deterrent to demonstrate the seriousness and consequence of a parent/carer having failed to ensure a pupil's regular school attendance at school and to seek to ensure that the pupil's future levels of attainment, social skills and career path options are maximised through regular school attendance, including by means of any requirements that the Court may impose on parents/carers either as part Sentence or ancillary Court Order upon conviction.
- Each case is unique and must be considered on its own merits.
- Consideration will first be given to whether any other legal interventions are appropriate or have been tried but have not worked
- Consideration will be given to whether statutory social care intervention would be more appropriate, especially where absence is severe or where there is evidence of neglect (including referral to a Child in Need or Child Protection Plan).
- The right person is to be prosecuted for the right offence which underlines the importance of having up to date information on school records of all those with parental responsibility as well as day-to-day care and supervision. It is essential that schools regularly up-date their parent/carer contact details.
- The level of engagement from the parent/carer will be considered including response to any issued notice to improve and/or warnings or other legal enforcement/intervention methods used, as well as consideration of any representations made during any interview under caution or made subsequently, including following referral for prosecution.
- The evidential test and public interest test as per the Code for Crown Prosecutors must be met and continue to be met to justify commencing or continuing with a prosecution.
- There must be sufficient evidence to provide a realistic prospect of conviction and consideration must be given to what the defence case may be and how that is likely to affect the prosecution case.
- Is the evidence reliable? It is, therefore, essential that schools ensure that they are satisfied with the accuracy of the register and registration codes used.
- Where the evidential test is met of there being sufficient evidence to provide a realistic prospect of conviction consideration must also be given to whether it is also in the public interest to commence or to continue with a prosecution. Such considerations as to public interest will include but are not limited to.
- Over what length of time has the offence been committed?

- Is there a history of previous convictions, especially for similar like offences, or a history of out of court interventions/sanctions/penalty notices that haven't resulted in the pupil's regular attendance and/or evidence of likely repetition?
- What is the level of culpability of the suspect?
- Has there been an escalation of offending behaviour and is the s.444(1A) offence, with higher sentencing range, more appropriate/justified.
- What is the likely if any, impact on pupil?
- Is prosecution a proportionate response?
- What is known, if anything, of the suspect's personal / family / employment circumstances / means?
- A suspect being in receipt of Welfare Benefits is, by itself, unlikely to be sole reason not to prosecute as Courts can agree payment plans on conviction and can order deduction of any imposed fines/costs/victim surcharge from on-going benefits and will take Welfare Benefits / means / ability to pay in to account when imposing Sentence.
- Is the suspect known to be suffering from mental or physical ill-health, literacy, learning or language difficulties, or have any protected characteristic under the Equality Act 2010 and would prosecution likely have a detrimental and disproportionate effect on that, and have any reasonable adjustments been considered and made?
- The above principles should also be considered at the point of considering issuing a penalty notice. However, should these issues only come to the notice of the school or LA once the penalty notice has been issued, or once a case has been referred for prosecution or once a prosecution has commenced, a withdrawal will be considered in discussion with the school's Attendance Lead.
- When a penalty notice is withdrawn, no proceedings under Section 444 of the Education Act 1996 shall be instituted against the recipient in respect of the period covered by the original penalty notice.

Records

81. The Local Education Authority will keep pertinent records for all Fixed Penalty Notices requested and/or issued and of cases prosecuted. Records are archived once a pupil reaches the end of their compulsory education. These records will then be destroyed in line with the local retention policy.

Reporting & Review

82. The Education Welfare Service Team Manager will report at regular intervals on the use and outcomes of Penalty Notices. Information will be shared with Senior Managers within the Children, Young People & Learning Department and with schools via the termly Attendance Network Meetings. The Department for Education (DfE) annual census return (PRMA) will be completed by the Team Manager EWS in respect of the issuing of warnings and Penalty Notice.

Officer Code of Conduct

83. The public is entitled to expect the highest standards of conduct from all employees who work for Bracknell Forest Council. Bracknell Forest Council officers will serve only the public interest and will never improperly confer an advantage or disadvantage on any person. They will make decisions on merit and shall be accountable to the public for their actions and the way they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office. Bracknell Forest Council officers will promote equality by not discriminating unlawfully against any person, and by treating people with

respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They will uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Frequently Asked Questions Regarding Term Time Absence

Q. Am I entitled to take my child out of school for a family holiday?

A. No. Parents have a legal duty to ensure that their child attends school or the alternative provision on a regular basis. The Education Act 1996 makes it a criminal offence for a parent to fail to ensure their child regular attendance at school. Guidance from the DfE clearly states that holidays or any absence deemed to be for leisure purposes should not be authorised.

Q. Why do some schools authorise absence and another does not?

A. The Headteacher, or person authorised by the Headteacher to do so, is the only person who can authorise absence. Headteachers are only able to authorise requests for absence where exceptional circumstances exist for granting such authorisation and each set of circumstances will be individual and likely to receive a different response. There is no official definition of an 'exceptional circumstance' meaning requests are at the discretion of the Headteacher.

Q. If I wish to take my child on a term time family holiday what should I do?

The parent/guardian with whom the child resides must apply in writing to the school on a leave of absence form. The absence will not be authorised and, depending on the length of the holiday, may result in the Fixed Penalty Notice being issued.

Q. My Child has never had unauthorised absence before so can authorisation be given on this one-off occasion due to their previous excellent attendance?

The decision to issue a Fixed Penalty Notice is based upon the referral criteria which meets the threshold test for irregular attendance at school. School attendance is crucial to children and their attainment and any school absence may have a detrimental impact upon a child's education. The Headteacher will base the decision on whether or not to authorise any absence purely upon whether or not the absence is due to exceptional circumstances rather than basing the decision on consideration of the child's previous level of school attendance.