



# **Firs Primary School Attendance Policy September 2025**

**Approved by the Trust Board on: 24<sup>th</sup> October 2025**

**To be reviewed: October 2027**

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## **1. Our Trust**

Promoting good school attendance is everyone's responsibility.

DDAT strives to ensure that all its schools create an inclusive environment which enables and encourages all pupils to reach their full potential. For pupils to achieve in accordance with their potential and to gain the greatest benefit from their education, it is vital that they attend regularly.

DDAT understands that barriers to attendance are complex, and that some pupils find it harder than others to attend school; therefore, DDAT schools will prioritise cultivating a safe and supportive environment in all their schools, as well as strong and trusting relationships with all pupils/students and parents/carers.

**There is a Trust Attendance Strategy which aims to:**

- Improve attendance in all DDAT schools
- Reduce persistent absence in all DDAT schools
- Develop strategies to catch up lost learning for pupils whose attendance is a concern

## **2. Our School Context**

Firs Primary is an Inclusive Attendance School. We recognise the importance of equality, equity and inclusion in nurturing the best possible attendance outcomes for children. We believe that attendance is everyone's responsibility and so school work with children, parents and external agencies to achieve good attendance.

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

- Promoting good attendance and supporting punctuality in attending lessons
- Ensuring equality and fairness for all.
- Ensuring this attendance policy is clear and easily understood by staff, pupils and parents.
- Reducing absence, including persistent and severe absence.
- Ensuring every pupil has access to the full-time education to which they are entitled.
- Intervening early to address patterns of absence and working with other agencies to ensure the health and safety of other pupils
- Building strong relationships with families to overcome barriers to attendance and ensure pupils have the support in place to attend school.
- Ensuring parents follow the framework set in section 7 of the Education Act 1996, which states that the parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable to their age, ability and aptitude, and to any SEND they may have, either by regular attendance at school or otherwise.
- Working collaboratively with other schools in the area, as well as other agencies.
- Regularly monitoring and analysing attendance and absence data to identify pupils or cohorts that require more support.
- Providing a free breakfast club, open to all pupils, to encourage children to arrive on time and ready to learn.

### 3. Key Staff: Roles and Responsibilities

Mrs Paula Martin – Headteacher and Attendance Lead

Mrs Sarah Crathorne – Admissions and Attendance Officer

Mrs Rachel Blurton – Deputy Headteacher & SENCO

Miss Linda Talbot – Pastoral Lead

### 4. Our Aims and Approach

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

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

Our attendance philosophy recognises the importance of both personal and collective achievements, it is an approach which aims to address negative factors which can impact children and to create an inclusive environment where we can foster positive relationships with our pupils/students and their families.

We recognise that school attendance plays a key role in shaping academic outcomes, personal development, and prospects; regular school attendance can have a significant impact on:

- **Academic achievement:** There is a correlation between regular school attendance and academic outcomes.
- **Knowledge:** School is where children acquire knowledge and skills that are crucial to their growth and development; missing days is missing opportunities.
- **Social Development:** School provides an environment for children to develop social skills, interact and form bonds and attachments. Consistent school attendance supports peer group connections.
- **Routines:** School attendance provides structure and routine, helping children to learn time management and the organisational skills they will need in later life.
- **Teacher interaction:** Regular attendance enables staff and pupils to develop meaningful and productive relationships which support teacher understanding of needs and assessment of progress.
- **Preventing knowledge gaps:** Poor school attendance leads to knowledge gaps and pupils can find it difficult to catch up potentially leading to long-term academic difficulties.
- **School engagement:** Children who attend school regularly are more likely to become involved in extra-curricular and enrichment activities.
- **Parent/carers legal responsibility:** Parents/carers are legally responsible for ensuring their child's regular school attendance; failure to do so can lead to legal consequences.

## 5. Legislation and Guidance

This policy meets the requirements of the [Working together to improve school attendance \(applies from 19 August 2024\)](#), the statutory guidance from the Department for Education (DfE) for maintained schools, academies, independent schools and local authorities, and refers to the DfE's statutory guidance [Summary table of responsibilities for school attendance \(applies from 19 August 2024\)](#), and [Children missing education: statutory guidance for local authorities and schools - GOV.UK](#)

These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, 2016 amendments\)](#)
- [DfE's guidance on Children Missing Education](#)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)
- [Full-time enrolment of 14 to 16-year-olds in further education and sixth-form colleges - GOV.UK \(www.gov.uk\)](#)
- [Missing Children and Adults - A cross government strategy \(publishing.service.gov.uk\)](#)

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

## 6. Roles and Responsibilities

### 6.1 The Local Trust Committee

The Local Trust Committee is responsible for:

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

Adam Rapesa is Firs Primary's Local Trust Committee member with responsibility for attendance.

### 6.2 The Headteacher

The headteacher is responsible for:

- Implementation of this policy at the school.
- Monitoring school-level absence data and reporting it to members at Local Trust Committee meetings.

- Supporting staff with monitoring the attendance of individual pupils.
- Monitoring the impact of any implemented attendance strategies.
- Issuing fixed-penalty notices, where necessary.

### **6.3 The designated senior leader and their deputy/ies**

Designated senior leaders and their deputies with responsibility for attendance will:

- Offer a clear vision for attendance improvement.
- Evaluate and monitor expectations and processes.
- Have an oversight of data analysis.
- Devise specific strategies to address areas of poor attendance identified through data.
- Arrange calls and meetings with parents/carers to discuss attendance issues.
- Deliver targeted intervention and support to pupils and families.

### **6.4 The attendance officer**

The school attendance officer will:

- Monitor and analyse attendance data, as detailed in section 10.
- Benchmark attendance data to identify areas of focus for improvement.
- Scrutinise poor and/or irregular attendance patterns to ensure consideration is given to early intervention and support.
- Provide regular attendance reports to school staff and report concerns about attendance to the designated senior leader responsible for attendance and the headteacher and other key staff.
- Work with Inclusion and Attendance Support Officers, and other professionals, to tackle persistent absence.
- Advise when a fixed penalty notice should be issued.

### **6.5 Class teachers**

Class teacher will:

- Fulfil their responsibility for recording attendance daily, using the correct codes, and submitting this information to the school office at the start of the morning and afternoon school sessions
- Liaise directly with parents/carers regarding the impact that a pupil's attendance is having on their progress or other aspects of school life.
- Actively encourage pupils to arrive at school on time each day. Punctuality is essential for a smooth start to the school day and minimises disruptions in the classroom.
- Identify patterns of poor attendance or lateness and intervene early to address any underlying issues.

- Maintain open lines of communication with parents/carers regarding attendance. They should inform parents/carers of any concerns about a child's attendance or punctuality.
- Provide additional support to children who may be experiencing attendance challenges.
- Set clear expectations for attendance and punctuality; this includes communicating the importance of regular attendance for learning and academic progress.
- Strive to create a positive and welcoming environment where pupils/students feel motivated and engaged.
- Be alert to potential barriers to attendance, such as bullying, health issues, or family problems. Identifying these barriers and reporting them to the appropriate school staff can lead to effective interventions.
- Be aware of safeguarding protocols and report any concerns related to a child's/young person's safety or well-being promptly to the appropriate school staff.

## **6.6 School Office staff**

School office staff will:

- Take calls from parents/carers about absences on a day-to-day basis and record it on the school system.
- Appropriately manage and direct enquiries from parent/carers to appropriate staff to enable them to access support with attendance matters.
- Liaise directly with staff who have responsibility for safeguarding regarding absences and attendance concerns relating to vulnerable pupils.

## **6.7 Parents/carers**

Parents/carers are expected to:

- Ensure that daily routines are established at home, which support their child attending school every day on time. Please note: The school start time is 8.55am, with children being able to go to class from 8.45am and the school day ends at 3.30pm. Any child can attend the free breakfast club on any day, without booking, from 8.15am.
- Set clear expectations for their child regarding school attendance; emphasise the importance of attending school regularly and being on time.
- Promote healthy practices and routines which support children with being ready and able to attend school, such as adequate sleep, healthy diet, regular exercise, positive peer relationships etc.
- Demonstrate a positive attitude to education and to attendance by discussing with their child the value of school and the opportunities that education provides for their future.
- Attend school events such as parents' evenings, taking the opportunity to develop relationships with key staff and to discuss your child's progress and ambitions.

- Communicate effectively with the school regarding their child's attendance, this includes calling the school to report their child's absence before 9am on the day of the absence, updating school regularly if the child is absent for a longer period of and advise when they are expected to return.
- Share information readily with the school regarding matters which can impact negatively on school attendance such as bullying, online safety concerns, negative peer relationships etc.
- Provide the school with more than one emergency contact number.
- Ensure that, where possible, appointments for their child are made outside of the school day. When a child is taken out of school for an appointment parents are expected to provide evidence of this appointment.
- Keep up to date regarding school attendance processes.

## **6.8 Pupils/students**

Pupils/students are expected to:

- Attend school every day, on time.
- Commit to learning by recognising the value of education and attending every day that they are able and well enough to do so.
- Maintain a positive attitude by being open to new experiences and being willing to engage in learning activities and participating in classroom discussion and group work.
- Build positive relationships with their peers and school staff by demonstrating respect for others, following rules and instructions.
- Maintain healthy routines which enable them to attend school and engage in learning.
- Have an understanding of the importance of attendance on their wellbeing, social relationships, academic outcomes and long-term ambitions.
- Ask adults for help and support when they are facing challenges which might impact on them being able or wanting to attend school.

## **7. Recording Attendance**

### **7.1 Attendance register**

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

We will take our attendance register at the start of each school day and again after the lunch break. It will mark whether every pupil/student is:

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

Any amendment to the attendance register will include:

- The original entry.
- The amended entry.



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

***Please refer to Appendix 1 for the DfE attendance codes.***

We will also record:

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

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

The register for the first session will be taken at 8.55am and will be kept open until 9.25am. The register for the second session will be taken at 12.30pm in Early Years and Key Stage 1 and 1.30pm in Key Stage 2. The register will be kept open for 30 minutes.

## **7.2 Unplanned absence**

The pupil's parent/carer must notify the school of the reason for the absence on the first day of an unplanned absence by 9am or as soon as possible by contacting the school office or class teacher.

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

If the authenticity of an illness is in doubt, the school may ask the pupil's parent/carer to provide medical evidence, such as a prescription, appointment card, consultation report on the NHS app or other appropriate form of evidence. We will not ask for medical evidence unnecessarily.

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

## **7.3 Planned absence**

Attending a medical or dental appointment will be counted as authorised if the pupil's parent/carer notifies the school in advance of the appointment. Parents should bring the appointment letter, card or text reminder to the school office.

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

The pupil's parent/carer must also apply for other types of term-time absence as far in advance as possible of the requested absence.

## **7.4 Lateness and punctuality**

A pupil who arrives late:

- Before the register has closed will be marked as late, using the appropriate code.
- After the register has closed will be marked as absent, using the appropriate code.
- Where there are ongoing punctuality issues school will write to parents to highlight this. All children are encouraged to attend breakfast club to ensure they are at school on time.

## 7.5 Following up unexplained absence

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

- Call the pupil's parent/carer on the morning of the first day of unexplained absence to ascertain the reason. If the school cannot reach any of the pupil's emergency contacts, we will consider whether there are any safeguarding concerns or regular absences in which case a home visit will be conducted. Where appropriate support will be requested from the New Communities Achievement Team.
- Identify whether the absence is approved or not.
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained; this will be no later than five 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 other agencies as appropriate.

## 7.6 Reporting to parents/carers

The school will inform parents/carers about their child's attendance and absence levels at termly parent teacher meetings as part of the end of year school report. School will inform parents between these meetings where there are concerns regarding a child's attendance.

## 8. Authorised and Unauthorised Absence

### 8.1 Approval for term-time absence

The Department for Education stipulates that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. There is no automatic right to any leave in term time, and any 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, considering the specific facts, circumstances, and relevant context behind the request.

Any request should be submitted as soon as it is anticipated and, where possible, at least 4 weeks before the absence, and in accordance with any leave of absence request form, available from the school office. The headteacher may require evidence to support any request for leave of absence.

The following are examples of **authorised absence**:

- Illness and medical/dental appointments which cannot be made outside of the school day and where the child is only absent for the minimum amount of school time possible.
- Religious observance: where the day is exclusively set apart for religious observance by the religious body to which the pupil's parent/carer belong. If necessary, the school will seek advice from the parents' 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.

## 8.2 Legal sanctions

Penalty notices can be issued by a headteacher, the local authority officer or the police, fining parents for the unauthorised absence of their child from school, where the child is of compulsory school age.

The first time a penalty notice is issued for term time leave or irregular attendance the amount will be: £160 per parent, per child if paid within 28 days, reduced to £80 per parent, per child if paid within 21 days.

The second time, within a three-year period, that a penalty notice is issued for term time leave or irregular attendance the amount will be: £160 per parent, per child paid within 28 days.

The third time, within a three-year period, that an offence is committed for term time leave or irregular attendance a Penalty Notice will not be issued, and the case may be presented straight to the Magistrates' Court.

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

- The number of unauthorised absences occurring within a rolling academic year.
- One-off instances of irregular attendance, such as holidays taken in term time without permission.
- Where an excluded pupil is found in a public place during school hours without a justifiable reason.
- If the payment has not been made after 28 days, the local authority can decide whether to prosecute or withdraw the notice.

When a child takes an extended period of absences (20 days or longer) Firs Primary School are required to follow local authority procedures. In this case, the matter will be referred to the Local Authority for prosecution action, rather than the issuing of a penalty notice. **This may result in:**

- Prosecution under s444(1) Education Act 1996, where if convicted you may be fined up to £1,000.
- Prosecution under s444(1A) Education Act 1996, where if convicted you may be fined up to £2,500 and/or 12 weeks' imprisonment.

## 9. Strategies for Promoting Attendance

Promoting good school attendance is everyone's responsibility.

To promote good attendance our school uses the following strategies:

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To promote good attendance our school uses the following strategies:

- Weekly celebration for the classes whose attendance is 96% or above.
- Certificates to be displayed in the classroom.
- Display in the hall celebrating classes with high attendance.
- Class reward for any class who achieves 100% attendance in any week.

- Certificates, rewards and badges for 100% termly and yearly attendance for individual children.
- Children will not be excluded from any rewards if their absence from school is due to hospital appointments.

If a child needs medication during the school day staff will administer this. Parents should bring the medication to the office for safe keeping and complete the consent form.

## **10. Attendance Monitoring**

### **10.1 Monitoring and analysing attendance**

The attendance officer will monitor and analyse attendance data regularly to ensure that intervention is delivered quickly to address habitual absence as soon as possible.

The school will collect data regarding punctuality, truancy, and authorised and unauthorised absence, for:

- The school cohort.
- Individual year groups.
- Individual pupils/students.
- Demographic groups, e.g., pupils from different ethnic groups or economic backgrounds.
- Other groups of pupils, e.g., pupils with SEND, LAC, and pupils eligible for FSM.
- Pupils who have an allocated social worker, or are known to social care.
- A pupil who is absent for prolonged periods, or repeated occasions, which may indicate a safeguarding concern, such as CSE or CRE, particularly county lines.
- Pupils at risk of persistent absence.
- Pupils at risk of severer absence.

The attendance officer will conduct a thorough analysis of the above data on a half-termly, termly, and full-year basis to identify patterns and trends; this will include identifying, for each group:

- Patterns in uses of certain codes.
- Particular days of poor attendance.
- Historic trends of attendance and absence.
- Barriers to attendance.

The attendance officer will provide regular reports to staff across the school to enable them to track the attendance of pupils and to implement attendance procedures. Specifically, where there is a safeguarding concern for a pupil absent who has unexplainable and or/persistent absences from education, the attendance officer will alert safeguarding staff in accordance with the school's established safeguarding recording and reporting processes, who must work collaboratively with children's services where school absence indicates safeguarding concerns.

Unexplained or extended absences from school will trigger safeguarding processes which are likely to home visits and communicating with external agencies.

The attendance officer will also be responsible for monitoring how attendance data changes in response to any interventions implemented to increase attendance in future.

The Local Trust Committee will regularly review attendance data, including examinations of recent and historic trends, and will support the headteacher in setting goals and prioritising areas of focus for attendance support based on this data.

The school will also benchmark its attendance data against local-, regional- and national-level data to identify areas of success and areas for improvement and will share practice which has been shown to be effective with other schools.

The board of trustees will ensure staff from different schools within the trust regularly share expertise and collaborate on interventions.

## **10.2 Using data to improve attendance**

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.

## **10.3 Reducing persistent and severe absence**

### **Definitions**

In the context of school attendance and education in the UK, the terms "Persistent Absence," "Risk of Persistent Absence," and "Severe Absence" are used to describe different levels of irregular attendance by students. These terms are important for tracking and addressing attendance issues.

### **Persistent Absence (PA):**

**Definition:** Persistent Absence is a term used to describe a level of student absence from school that is considered to be a significant cause for concern.

**Threshold:** In England, a student is considered to be persistently absent when they have an attendance rate of 90% or below. This means they have missed 10% or more of their school sessions.

### **Risk of Persistent Absence:**

**Definition:** The term "Risk of Persistent Absence" refers to a situation in which a student's attendance is at a level that suggests they are at risk of becoming persistently absent.

**Threshold:** While there is no specific threshold for "Risk of Persistent Absence," it is typically used to describe students whose attendance is consistently low and becoming a concern, as the school communicates to parents in days, we will monitor both the number of days of absence and also the number of occasions on which a child has been absent as Risks of PA and we will follow internal school procedures.

## **Severe Absence (or Severe Persistent Absence):**

**Definition:** The term "Severe Absence" or "Severe Persistent Absence" is used to describe the most serious cases of non-attendance.

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 consider to be vulnerable, or are persistently or severely absent, to discuss attendance and engagement at school.
- Provide access to wider support services to remove the barriers to attendance.
- Attendance is reviewed at the end of each week and where there are concerns the school policy of sending letters, inviting parents into school or referring to the Inclusion and Attendance Support Service will be followed.

## **11. Working with External Agencies**

Where we identify concerns relating to either persistent or irregular attendance, we will work collaboratively with the local authority and other external agencies to identify the reasons implement appropriate support to address concerns in a timely manner and to bring about improvements.

This support maybe offered by the school, through an offer made by the Inclusion and Attendance service or by signposting parents to local services such as the Family Hub.

## **12. Policy Review**

This policy will be reviewed when guidance from the local authority or DfE is updated, and as a minimum every two years by the Trust. At every review, the policy will be approved by the Local Trust Committee.

## **13. Links with Other Policies**

This policy links to the following policies:

- Safeguarding and Child Protection Policy
- Behaviour Policy
- Teaching and Learning Policy
- Mental Health and Wellbeing Policy
- SEND Statement
- Pupils with additional health needs Policy
- Home Visits Policy
- Supporting children with medical conditions at school

## **Appendix 1: Coding Attendance in line with DFE guidance 2024:**

### **Code A (Present at the school):**

- Pupils must be present during registration to be counted.
- If a pupil leaves after registration, they are still counted as attending for statistical purposes.

### **Code L (Late arrival before the register is closed):**

- The pupil arrives after the register starts but before it closes.
- Schools should discourage late arrival and set a consistent time limit for open registration, not exceeding 30 minutes.
- If a pupil arrives late after the register closes, mark them as absent using code U or another appropriate absence code.

### **Code K (Attending education provision arranged by the local authority):**

- Pupil attends educational provision arranged by the local authority, not by the school.
- Examples include attending courses at college or receiving home tutoring.
- Schools must record the nature of the provision and ensure notification of absences.

### **Code V (Attending an educational visit or trip):**

- Pupil attends a school-arranged educational visit or trip supervised by school staff.
- Must take place during the recorded session.
- If pupil doesn't attend, record absence using relevant absence code.

### **Code P (Participating in a sporting activity):**

- Pupil attends an approved educational sporting activity.
- Criteria for recording attendance include approval by the school, educational nature of the activity, and appropriate supervision.
- Schools must ensure safeguarding measures and record absences with relevant codes.

### **Code W (Attending work experience):**

- Pupil attends work experience as part of their education arranged by the local authority or school.
- Criteria for recording attendance are similar to other approved educational activities.
- Schools must ensure safeguarding measures and record absences with relevant codes.

### **Code B (Attending any other approved educational activity):**

- Pupil attends an approved educational activity other than sports or work experience.
- Criteria for recording attendance are similar to other approved educational activities.
- Schools must record the nature of the activity and ensure safeguarding measures.

**Code D (Dual registered at another school):**

- Used when a pupil is registered at more than one school, indicating absence with leave to attend the other school.
- Main examples include attendance at a pupil referral unit, hospital school, or special school temporarily.
- Schools must promptly follow up on unexpected or unexplained absences to avoid double counting.

**Code C1 (Leave of absence for regulated performance or employment abroad):**

- Schools grant leave for pupils to participate in regulated performances or employment abroad under specific circumstances.
- Criteria for granting leave include licenses issued by local authorities or exemptions.
- Schools must record the absence using this code and consider its impact on the pupil's education.

**Code M (Leave of absence for medical or dental appointment):**

- Schools encourage appointments outside of school hours; otherwise, prior agreement is necessary.
- Leave of absence is granted under specific conditions, including exceptional circumstances.
- Absences for medical or dental appointments are recorded using this code.

**Code J (Leave of absence for interview for employment or admission):**

- Schools can grant leave for pupils to attend interviews for employment or admission to another educational institution.
- Applications for leave must be made in advance, and leave is granted based on specific criteria.
- The interview must occur during the recorded session, and the absence is classified as authorized.

**Code S (Leave of absence for studying for a public examination):**

- Schools can grant leave for pupils to study for public examinations under specific conditions, agreed in advance with parents.
- Study leave should be granted sparingly, and provisions must be made for pupils who choose to continue attending school for revision.
- Absences for studying for public examinations are recorded using this code.

**Code X (Non-compulsory school age pupil not required to attend school):**

- Schools can grant leave for non-compulsory school-age pupils to attend school part-time under certain circumstances.
- Absences for non-compulsory school-age pupils are recorded using this code, with exceptions noted.



- For pupils subject to a part-time timetable, this code should not be used, and appropriate absence codes should be applied.

**Code C2 (Leave of absence for compulsory school age pupil subject to part-time timetable):**

- Schools can grant leave for compulsory school-age pupils to temporarily reduce their timetable to part-time in exceptional circumstances, agreed upon with parents.
- Absences for pupils with part-time timetables are recorded using this code, ensuring agreement between the school and parents.

**Code C (Leave of absence for exceptional circumstances):**

- Schools may grant leave of absence at their discretion, but only for exceptional circumstances.
- Each application is assessed individually, considering specific facts and circumstances.
- Absences for exceptional circumstances are recorded using this code, ensuring compliance with regulations and discretion exercised by the school.

**Pregnant pupils:**

- Maternity leave for pregnant pupils is treated similarly to other leave of absence for exceptional circumstances.
- Schools should act reasonably and grant an appropriate period of leave considering individual circumstances, at their discretion.

**Code T (Parent traveling for occupational purposes):**

- Used when a pupil's parent(s) is traveling for trade or business, and the pupil is traveling with them.
- Schools should only request proof of occupational travel when genuine doubt exists about the reason for absence.
- Pupils should ideally attend schools where their parents are traveling, being dual registered at both their main school and the one they're temporarily attending.
- Classified as authorized absence for statistical purposes.

**Code R (Religious observance):**

- Used when a pupil is absent on a day exclusively set apart for religious observance by their religious body.
- Schools may seek guidance from the parent's religious body to ascertain such days.
- Strategies such as setting term dates around religious observance days are encouraged.
- Classified as authorized absence for statistical purposes.

**Code I (Illness - not medical or dental appointment):**

- Indicates a pupil's inability to attend school due to illness, both physical and mental health related.

- Schools should not routinely request medical evidence but may do so when necessary.
- Classified as authorized absence for statistical purposes.

**Code E (Suspended or permanently excluded and no alternative provision made):**

- Used when a pupil is suspended or permanently excluded, and no alternative provision has been arranged.
- Alternative provision should be arranged within six consecutive school days of suspension or permanent exclusion.
- Classified as authorized absence for statistical purposes.

**Code Q (Unable to attend school because of a lack of access arrangements):**

- Indicates a pupil's inability to attend school due to a failure by the local authority to provide access arrangements.
- Classified as not a possible attendance for statistical purposes.

**Code Y1 (Unable to attend due to transport normally provided not being available):**

- Used when a pupil can't attend because the school is beyond walking distance and the usual transport provided by the school or local authority is unavailable.
- Walking distances for different age groups are specified.
- Classified as not a possible attendance for statistical purposes.

**Code Y2 (Unable to attend due to widespread disruption to travel):**

- Indicates a pupil's inability to attend school due to widespread travel disruptions caused by emergencies at the local, national, or international level.
- Classified as not a possible attendance for statistical purposes.

**Code Y3 (Unable to attend due to part of the school premises being closed):**

- Used when part of the school premises is unusable, and the pupil cannot practically be accommodated in the remaining usable parts.
- Classified as not a possible attendance for statistical purposes.

**Code Y4 (Unable to attend due to the whole school site being unexpectedly closed):**

- Applied when the entire school site is unexpectedly closed, such as due to adverse weather.
- Attendance registers are not taken, and pupils are marked with this code to signify the closure.
- Not applicable for planned closures like weekends or holidays.
- Classified as not a possible attendance for statistical purposes.

**Code Y5 (Unable to attend as pupil is in criminal justice detention):**

- Used when a pupil is unable to attend due to being in police detention, remanded, or serving a sentence of detention.

- Communication with the Youth Offending Team is encouraged to support educational needs during detention.
- Classified as not a possible attendance for statistical purposes.

**Code Y6 (Unable to attend in accordance with public health guidance or law):**

- Applied when a pupil's travel or attendance at school would violate public health guidance or legislation related to disease transmission.
- Classified as not a possible attendance for statistical purposes.

**Code Y7 (Unable to attend because of any other unavoidable cause):**

- Used for an unavoidable cause preventing a pupil from attending school, not covered by other specific codes.
- The nature of the unavoidable cause must be recorded.
- Classified as not a possible attendance for statistical purposes.

**Code G (Holiday not granted by the school):**

- Used when a pupil is absent for a holiday that the school did not approve in advance.
- Schools cannot retrospectively grant leave of absence, and absence for holidays without prior approval is considered unauthorized.
- Classified as unauthorized absence for statistical purposes.

**Code N (Reason for absence not yet established):**

- Employed when the reason for a pupil's absence has not been determined before the register closes.
- Schools must make efforts to ascertain the reason for absence promptly.
- If the reason cannot be established within five school days, the absence must be amended to Code O.
- Classified as unauthorized absence for statistical purposes.

**Code O (Absent in other or unknown circumstances):**

- Used when no reason for absence is established, or the school is not satisfied with the reason given, which doesn't align with authorized codes.
- Classified as unauthorized absence for statistical purposes.

**Code U (Arrived in school after registration closed):**

- Applied when a pupil arrives late after the register has closed but before the end of the session.
- Schools should discourage late arrival and set a specific time limit for registering attendance.
- Late arrival beyond the specified time results in the pupil being marked as absent.
- Classified as unauthorized absence for statistical purposes.

**Administrative Code Z (Prospective pupil not on admission register):**

- Utilized to set up registers in advance for prospective pupils who have not yet officially joined the school.
- Aims to streamline administrative processes.

## **Appendix 2 Derby City Council Penalty Notice Code of Conduct – Revised July 2025**

The purpose of this local code of conduct is to ensure that the penalty notices for school absence are issued in a manner that is fair and consistent across Derby City Council. The code sets out the arrangements for administering penalty notices in Derby City and must be adhered to by anyone issuing a penalty notice for school absence in the 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.

### **1. Legal Framework**

1.1 Regular and punctual attendance at school is a legal requirement under Section 7 of the Education Act 1996.

1.2 Under Section 444 of the Education Act 1996, an offence occurs if a parent/carer fails to secure a child's regular attendance at school at which they are a registered pupil, and the absence is not authorised by the school and none of the statutory defences apply.

1.3 In February 2004, the Anti-Social Behaviour Act 2003, section 23, sub-section 1 added sections 444A and 444B after section 444 of the Education Act 1996. These sections enable penalty notices to be used as an alternative to prosecution and provide parents with the opportunity to discharge liability for conviction of an offence under section 444 by paying a financial penalty to the Local Authority.

1.4 Section 105 of the Education and Inspections Act 2006 enables penalty notices to be issued to parents in relation to an excluded pupil of compulsory school age, should they fail to ensure their child is not present in a public place during school hours in the first five days of each and every fixed period or permanent exclusion without reasonable justification.

1.5 Penalty notices can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, AP academies, and certain off-site places as set out in section 444A(1)(b).

1.6 The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.

1.7 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.

1.8 A parent includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent or parents with day-to-day responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

1.9 When issuing penalty notices, the Local Authority must have regard to The Education (Penalty Notices) (England) Regulations 2007, the guidance issued by the Secretary of State, and the following legislation: Human Rights Act 1998, Equality Act 2010, Data Protection Act 1998.

### **2. Rationale**

2.1 Penalty notices must be applied consistently and fairly.

2.2 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.

2.3 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, and only resort to legal enforcement when necessary. The aim is that legal enforcement is reduced by taking a supportive approach to tackle the barriers for irregular school attendance.

2.4 The national framework for penalty notices is based on principles that penalty notices should be used in cases where:

2.4 (a) Support is not appropriate (e.g. a term time leave)

2.4 (b) Support has been offered and not engaged with or not worked.

2.4 (c) A penalty notice is deemed an appropriate tool to change parental behaviour and improve attendance for that family.

### **3. Escalation in cases of repeat offences**

3.1 A penalty notice is an out of court settlement which is intended to change parental behaviour without the need for criminal prosecution. Where a repeated penalty notice is being considered for the same parent and same child a further penalty notice is unlikely to be the most appropriate tool available. A limit of no more than 2 penalty notices being issued to the same parent and child within a 3 year (calendar year) rolling period will apply from the 19th August 2024. Notices prior to this date will not count as part of this escalation. The Local Authority retains the right to refer matters straight to Court if a Penalty Notice is not deemed appropriate.

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

3.3 Where it is deemed appropriate to issue a second penalty notice to the same parent and child within the 3-year period of the first notice, the second penalty notice is charged at a flat rate of £160 if paid within 28 days.

3.4 A third penalty notice must not be issued within a 3-year period. In any case where the threshold has been met for a third (or subsequent) time within the 3 years period, a further penalty notice cannot be issued, and alternative action should be considered instead. This may include considering prosecution but can include other legal interventions.

3.5 In cases where the 3 years has elapsed (issue date of 1st penalty notice) a further penalty notice can be issued if appropriate. The 3-year escalation will commence again.

3.6 For the purposes of paragraphs (3.2) and (3.3), any penalty notice issued under section 444A(1) of the 1996 Act before 19th August 2024 is to be disregarded.

3.7 For the purpose of the escalation process, previous penalty notices include those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) but not those which were withdrawn.

### **4. Circumstances where a penalty notice may be issued**

4.1 The school have published their attendance policy and/or written notification in the current academic year which includes a warning to parents that penalty notices can be issued in instances where a child takes an unauthorised leave of absence.

4.2 When a school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not. The national threshold has been met when a pupil has been recorded as absent for 5 school days (10 sessions) within a rolling (100 sessions) 10 school weeks. This minimum period may only be relevant where a leave of absence in term time has been taken and support is not appropriate in this instance. Otherwise, penalty notices should be considered as per 4.5.

4.3 The national framework states the following; If in an individual case the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met. Derby City Council retain the right to exercise this discretion. An example of when such discretion could be used is where a child has a pattern developing where fewer than 5 days of unauthorised absence occurs that is linked to holidays or trips away.

4.4 The use of Penalty Notices will be restricted to two per parent per the same child in a 3-year rolling period (see point 3)

4.5 Where a child has irregular attendance which includes the O and U codes, school should take a 'support first' approach as set out in the DfE guidance "Working together to improve school attendance". Where a 'support first' approach is not deemed appropriate or has failed, then a penalty notice can be considered if the Local Authority deems this as an appropriate course of action.

4.6 When a pupil persistently arrives late, schools should investigate the reason for this and offer support where appropriate to rectify the situation. Where the arrival time is after the close of registration period (Guidance for Schools and Local Authorities Absence and Attendance Codes state the register for pupils should close maximum 30 minutes after the register was taken), the late mark, code U, an unauthorised absence, should be recorded.

4.7 The Inclusion and Attendance Service will consider requests and determine the appropriate response based on the evidence provided, the level of unauthorised absence and previous involvement. The decision to request a Penalty Notice will be discussed by the Inclusion and Attendance Officer Linked to the school/academy. The decision to issue a Penalty Notice will be made on a case-by-case basis. When requesting Penalty Notices, Schools should adopt the DfE guidance 'Working together to improve school attendance' and follow the National Framework demonstrating why a penalty notice is the appropriate method to improve attendance. When the threshold is met, schools should make an assessment on a case-by-case basis whether a penalty notice can and should be requested.

The following should be considered:

if support or further support is appropriate instead, and whether there is a different tool or legal intervention that is more likely to improve attendance in this case and demonstrate why a penalty notice is the appropriate method to improve attendance.

The school should evidence support is specific to the child and family and is any activity intended to address the barriers to attendance and improve the child's attendance. For example, correspondence, meetings, additional support within school (e.g. learning support, change to class, tutor group, changes to timetable, support with uniform etc) multi-agency meetings referrals to relevant agencies, parenting contracts, transport provision etc. This is not an exhaustive list.

4.8 For penalty notices issued because of leave during term time, the amended Education (pupil regulation) (England) regulations state that the Head Teacher (or authorised person) may not grant any leave of absence during term time unless there are "exceptional circumstances" that apply to that application.

4.9 A penalty notice can be issued when leave of absence has been taken but the school have not received and authorised a request for the same in advance. The school must evidence reasonable attempts of contact during the absence period.

4.10. Excessive delayed return from a leave of absence: where leave has been granted by the head teacher, parents should be informed by letter of an agreed return date Extended periods of absence linked to holidays and/or trips away of 20 or more school days are likely to result in prosecution action rather than in a penalty notice being issued.

4.11. In all cases before a penalty notice is issued the following questions should be considered.

(a) Is the penalty notice the best available improvement tool that is most likely to change behaviour and improve attendance for that child? Or would further support or one of the other legal tools be more appropriate?

(b) Is issuing the penalty notice appropriate in this case after considering any obligations under the Equality Act 2010, such as where a pupil has a disability?

(c) The Local Authority should consider is it in the public interest to issue a penalty notice, as the Local Authority as an independent prosecutor would be responsible for deciding whether to prosecute for the original case in cases of non-payment.

(d) Any prosecution would be for the offence to which the notice relates rather than non-payment of the notice and will follow the usual procedures of a prosecution for irregular attendance (including considering an Education Supervision Order (ESO) or Parenting Order (PO) as an alternative, or in addition to prosecution).

(e) A key consideration in deciding whether to issue a penalty notice for truancy will be whether it can be effective in helping to get the pupil who is truant back into school or an alternative provision.

(f) Excluded child in a public place: when a child of compulsory school age is excluded on disciplinary grounds, the parent of that child, provided they have been served with a Notice under Section 104 of the Act, must ensure that the child is not present in a public place during school hours. This is within the first five days of that exclusion without reasonable justification. Where parents fail to ensure their child is not in a public place under these circumstances, a penalty notice may be issued.

(g) **Notice to Improve**



A Notice to Improve will be issued as a final opportunity for a parent to engage with the support offered and improve their child's attendance before a Penalty Notice is considered. This notice will be requested by the school or academy when:

- The national attendance threshold has been met, (not for the purpose of term time leave)
- Support has been identified as appropriate,
- However, the parent has either not engaged with the support offered, or the support has not led to improvement.

Once agreed upon, the Notice to Improve will be jointly issued by the school and the Local Authority. It serves as a final warning and a last chance for the parent to work with the support available before formal enforcement action is taken.

## **5. Procedures for Issuing a penalty notice**

5.1 The issuing of penalty notices will be undertaken by staff authorised by the Local Authority in order to ensure compliance with the regulations and that the provisions of this code does not conflict with other forms of statutory interventions pursued by the Inclusion and Attendance Service.

5.2. Tracking of penalty notices through the escalation process (Point 3): Any Education establishment requesting a penalty notice should include where a previous penalty notice has been issued within the 3-year period, for that parent and child via the request for a penalty notice. Where a child has moved within the Local Authority in the previous 3 years the Local Authority will hold this information. Where a child has moved out of area a central email will be used to track this information.

5.2. Penalty Notices will be issued by the Local Authority by post.

5.3. With certain exceptions, parents will receive a warning letter and 'Notice to improve' (4.11 (g)) letter before a penalty notice is issued. An exception is where unauthorised leave of absence in term time has been taken although school should respond to such a request and inform a parent in writing that a penalty notice may be issued if the leave is taken and not authorised by the school.

5.4. The Local Authority will consider requests to issue a penalty notice from Schools/Colleges/Academies and Free Schools in the local authority where agreed within the city boundaries.

5.5. The Local Authority advises that Schools/Academies and Alternative provisions maintain a clear consistent and robust approach towards granting leave of absence for exceptional circumstances, in line with their Attendance and Equal Opportunities policies and the Human Rights Act.

5.6. A penalty notice may not be considered where a parent has been subject to previous convictions under section 444(1) Or (1a) Education Act 1996 within the previous 5 years. This will also be considered where a parent has been prosecuted for siblings.

5.7 'Support' is defined as any activity intended to improve the pupil's attendance, not including issuing a penalty notice or prosecution. As part of this consideration, schools and local authorities should consider what suitable forms of support are currently available in school and where necessary from other services and agencies in the area. They should then decide whether any of those things are appropriate in the individual cases and for those that are appropriate, whether they have been provided previously or could be provided now instead of taking legal action. The Local Authority's decision on whether sufficient support has been provided before issuing a penalty notice should be treated as final.

## **6. Payments of penalty notices**

6.1 The collection of payments and issuing receipts will be administered by the Inclusion and Attendance Service on behalf of the Local Authority with support from the Revenue Protection Team.

6.2. Payment in full discharges a parent/carer's liability for the period in question.

6.3. The Local Authority will provide the school with confirmation of the payment of the penalty fee on request. The Inclusion and Attendance Service retains this revenue to cover the costs of issuing or enforcing notices.

6.4. All penalty notices will be issued in a timely manner and monitored by the Local Authority. This will ensure consistent and equitable delivery and ensure cohesion with other enforcement action.

## **7. Non-Payment of penalty notices**

7.1 As from 19 August 2024, if Payment of a penalty notice is made within 21 calendar days of receipt of the notice the charge is £80 and payment after this time but within 28 calendar days of receipt of the notice the charge is £160.

7.2 Payment in full discharges parent/carer liability for the period in question and they cannot be prosecuted under other enforcement powers for the period covered by the penalty notice. A second offence will be charged at the higher rate of £160 with no option for the second offence to be discharged at the lower rate of £80.

7.3. A non-payment of a penalty notice will incur legal proceedings through the Single Justice Procedure (SJP). The prosecution is not for the non-payment but for the failure to ensure regular attendance during the period mentioned.

## **8. Withdrawing a penalty notice once issued**

8.1 When considering legal proceedings for non-payment of a penalty notice, the Local Authority may request it be withdrawn if it determines that the penalty notice:

- ought not to have been issued i.e., it was outside the terms of this Code of Conduct
- has been issued to the wrong person; or contains material errors.

8.2 Where the requesting school has considered the circumstances and may have been provided evidence to support the absence.