ATTENDANCE POLICY

February 2024

Repton Primary School

	Date	Minute No.	Review date
Approved by Governors	14/03/2024	11/140324	
Reviewed by Governors	_____	_____	_____
Reviewed by Governors	_____	_____	_____
Reviewed by Governors	_____	_____	_____

REPTON PRIMARY SCHOOL ATTENDANCE POLICY

RATIONALE

We expect all children on roll to attend every day, when the school is in session, as long as they are fit and healthy enough to do so. We do all we can to encourage the children to attend and to put in place appropriate procedures. We believe that the most important factor in promoting good attendance is development of positive attitudes towards school. To this end, we strive to make our school a happy and rewarding experience for all children. We will also make the best provision we can for those children who, due to ill health, are prevented from coming to school.

It is the expectation of everyone within the wider school community to support pupils to:

- Attend school regularly
- Attend school punctually
- Attend school prepared

We will achieve this by:

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

LEGISLATION AND GUIDANCE

This policy meets the requirements of the working together to improve school attendance from the Department for Education (DfE), and refers to the DfE's statutory guidance on school attendance parental responsibility measures. These documents are drawn from the 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)
- The Education (Penalty Notices) (England) (Amendment) Regulations 2013

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

GOVERNING BODY IS RESPONSIBLE FOR:

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

- Holding the Headteacher to account for the implementation of this policy

HEADTEACHER IS RESPONSIBLE FOR:

- Implementation of this policy
- Monitoring school-level absence data and reporting it to governors
- Monitoring the impact of any implemented attendance strategies
- 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
- Sending attendance letters and arranging calls and meetings with parents / carers to discuss attendance issues
- Delivering targeted intervention and support to pupils and families
- Working with the family support worker, the attendance officer and outside agencies to tackle persistent absence

TEACHERS ARE RESPONSIBLE FOR:

Teachers are responsible for recording attendance on a daily basis, using the correct codes, and submitting this information to the school office via MIS (Integris). In addition, teachers should report any attendance concerns or non-attendance patterns to the Headteacher. Teachers should also promote good attendance through positive praise and parental communication.

SCHOOL BUSINESS OFFICER IS RESPONSIBLE FOR:

- Answer calls, and listen to answer machine messages, from parents / carers about absence on a day-to-day basis and record it on the school system
- Make initial phone calls to parents / carers if a pupil is absent and the school have not been informed as to why
- Transfer calls from parents / carers to the Headteacher, in order to provide them with more detailed support on attendance
- Arranging and sending attendance letters for authorised and unauthorised absence
- Arranging and sending forms to the Local Authority re issuing fixed-penalty notices, where necessary

PARENTS / CARERS ARE EXPECTED TO:

- Make sure their child attends school every day and on time (school starts at 8.50am and finishes at 3.20pm)
- Call the school to report their child's absence before 8.30am on the day of the absence, and each subsequent day of absence, and advise on why they are absent and when they are expected to return
- Provide the school with at least 2 emergency contacts, with phone numbers, for their child
- Ensure that, where possible, appointments for their child are made outside of the school day

PUPILS ARE EXPECTED TO:

- Attend school every day
- Arrive at school on time
- Have the correct clothing and equipment required for the school day

RECORDING ATTENDANCE

We will keep an attendance register, and place all pupils onto this register. An attendance register is taken at the start of the day, 8.50am registration, and after lunchtime (times vary depending on child's year group). This means there are two sessions per day marked for attendance. The register will mark each pupil as:

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

Any amendment to the attendance register will include:

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

See Appendix 1 for the DfE attendance codes.

We will also record:

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

We will keep every entry on the attendance register for 3 years after the date on which the entry was made.

It is essential that children arriving and leaving school with a parent / carer in the school day are signed in or out from the school office. The signing in / out register in the office is used in the case of an emergency or a fire drill.

LATENESS AND PUNCTUALITY

A pupil who arrives late:

- Before the register has closed will be marked as Late (up to 9.00am), using the appropriate code
- After the register has closed will be marked as absent (after 9.00am), using the appropriate code
- Pupils who have repeated punctuality issues will be reported by the school office or teacher to the Headteacher. The child's parent / carer will be contacted to identify strategies to overcome any barriers to punctual attendance. If punctuality does not improve, the case may be escalated to more formal procedures as detailed in Appendix 6.

UNPLANNED ABSENCE

The pupil's parent / carer must notify the school of the reason for the absence on the first day of an unplanned absence by 8.30am or as soon as practically possible by calling the school office on 01283 703732. Parents / carers should call the school office and report an absence using Option 1 or 2.

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

PLANNED ABSENCE

In September 2013, the Education (Pupil Registration) (England) (Amendment) Regulations 2013 came into force. These regulations make it clear that Headteachers should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances. These regulations also state that holidays cannot be authorised retrospectively.

Any requests should be on an official school absence request form (Appendix 2) and handed into the school office for consideration prior to any holiday / leave arrangements being made.

You may be issued with a Penalty Notice should leave be taken which is not authorised. If unpaid, this could lead to prosecution under section 444(1) of The Education Act 1996.

Attending a medical or dental appointment will be counted as authorised as long as the pupil's parent / carer notifies the school in advance of the appointment. However, we encourage parents / carers to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary. The pupil's parent / carer must also apply for other types of term-time absence as far in advance as possible of the requested absence.

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. Any request should be submitted as soon as it is anticipated and, where possible, at least two 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.

FOLLOWING UP UNEXPLAINED ABSENCE

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

- Call the pupil's parent / carer on the morning of the first day of unexplained absence to ascertain the reason.
- Identify whether the absence is approved or not.
- Identify the correct attendance code to use and input onto the system 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 there are concerns about the pupil's welfare, a member of school staff may visit the address and other agencies, including the police, may be called.

CHILDREN MISSING EDUCATION

- For children who do not arrive in school and there is no explanation for their absence, school has a duty to carry out relevant searches to find out their whereabouts under the Children Missing in Education Policy.
- By day 11 at the latest, the school will advise the Local Authority of the child's unauthorised attendance.

Further details can be found in the school's Children Missing in Education Policy.

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. If issued with a fine, or penalty notice, each parent / carer must pay £60 within 21 days or £120 within 28 days. The payment must be made directly to the Local Authority. Penalty notices can be issued by a Headteacher, Local Authority Officer or the Police.

If the payment has not been made after 28 days, the Local Authority can decide whether to prosecute or withdraw the notice. Details from Derbyshire County Council's policy for penalty notices can be found at Appendix 3, 4 and 5.

CHILDREN NOT COLLECTED AT THE END OF THE SCHOOL DAY

The following procedure is followed when children are not collected by an appropriate adult at the end of the school day or extracurricular activity / school visit:

- If not collected at 3.20pm (or time of when after school activity / school visit finishes), children are kept safe with a member of school staff and attempts will be made to contact parents / carers, or other adults on the child's contact list
- If there is still no answer after 4pm then Children's Social Care / Police will be contacted so that appropriate actions can be taken.

STRATEGIES FOR PROMOTING ATTENDANCE

- Praise from teachers and Headteacher (personal reward charts if required)

ATTENDANCE MONITORING

The school will monitor attendance daily via the registration system, MIS (Integris) and patterns of attendance identified by teachers, the school office and the Headteacher. We understand that pupils have a variety of reasons for poor attendance and cohorts of pupils will be managed appropriately with respect to their individual needs. This could include, but is not limited to:

- Pupils with SEND
- Safeguarding cases
- Looked after pupils
- Pupils with complex medical needs
- Traveller families

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 individuals and / or 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 body.

Every half term, the Headteacher will (see Appendix 6):

- Analyse attendance and absence data 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
- Any pupils whose attendance is below 90% is classed as a persistent absentee and a letter will be sent informing parents / carers of this.
- If this continues the following half term, then an attendance meeting is held and the persistent absence discussed. A monitoring period of 20 school days will be in place and any absence will need evidence for it to be authorised. A further meeting will be held after the monitoring period.
- If the persistent absence persists then a Family Support Worker will be involved and the Local Authority informed where a penalty notice may be issued
- Look at historic and emerging patterns of attendance and absence, and then develop strategies to address these patterns
- Use data to monitor and evaluate the impact of any interventions put in place in order to modify them and inform future strategies

POLICY

This policy will be reviewed as guidance from the Local Authority or DfE is updated and, as a minimum, every two years by the Headteacher. At every review, the policy will be approved by the full governing body.

LINKS WITH OTHER POLICIES

This policy links to the following policies:

- Child protection and Safeguarding policy
- Behaviour policy

Safeguarding Statement

Staff at Repton Primary School strongly believe in providing a caring, positive, safe and stimulating environment that promotes the social, moral and physical development of every child.
We believe that the welfare of the child is paramount and recognise that all children, regardless of religious belief, disability, gender and racial heritage should be protected from all types of harm and abuse.

We will endeavour to safeguard children by:

- Adopting rigorous child protection procedures for staff and volunteers.
- Sharing information regarding child protection with parents / carers, staff and relevant agencies.

Appendix 1: ATTENDANCE CODES

The following codes are taken from the DfE's guidance on school attendance:

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration
****	Present (pm)	Pupil is present at afternoon registration
L	Late arrival	Pupil arrives late before register has closed
B	Off-site educational activity	Pupil is at a supervised off-site educational activity approved by the school
D	Dual registered	Pupil is attending a session at another setting where they are also registered
J	Interview	Pupil has an interview with a prospective employer/educational establishment
P	Sporting activity	Pupil is participating in a supervised sporting activity approved by the school
V	Educational trip or visit	Pupil is on an educational visit/trip organised, or approved, by the school
W	Work experience	Pupil is on a work experience placement

Code	Definition	Scenario
Authorised absence		
C	Authorised leave of absence	Pupil has been granted a leave of absence due to exceptional circumstances
E	Excluded	Pupil has been excluded but no alternative provision has been made
H	Authorised holiday	Pupil has been allowed to go on holiday due to exceptional circumstances
I	Illness	School has been notified that a pupil will be absent due to illness
M	Medical/dental appointment	Pupil is at a medical or dental appointment
R	Religious observance	Pupil is taking part in a day of religious observance
S	Study leave	Year 11 pupil is on study leave during their public examinations
T	Gypsy, Roma and traveller absence	Pupil from a traveller community is travelling, as agreed with the school
Unauthorised absence		
G	Unauthorised holiday	Pupil is on a holiday that was not approved by the school
N	Reason not provided	Pupil is absent for an unknown reason (this code should be amended when the reason emerges, or replaced with code O if no reason for absence has been provided after a reasonable amount of time)
O	Unauthorised absence	School is not satisfied with reason for pupil's absence
U	Arrival after registration	Pupil arrived at school after the register closed

Code	Definition	Scenario
X	Not required to be in school	Pupil of non-compulsory school age is not required to attend
Y	Unable to attend due to exceptional circumstances	School site is closed, there is disruption to travel as a result of a local/national emergency, or pupil is in custody
Z	Pupil not on admission register	Register set up but pupil has not yet joined the school
#	Planned school closure	Whole or partial school closure due to half-term/bank holiday/INSET day

APPENDIX 2: EXAMPLE LEAVE OF ABSENCE REQUEST FORM
See School Website for this personalised form for completion

Leave of Absence Request

IF THE REQUEST IS FOR A FAMILY HOLIDAY PLEASE SUBMIT IT BEFORE THE HOLIDAY IS BOOKED.

PLEASE NOTE - The **Education (Pupil Registration) (England) (Amendment) Regulations 2013** state that Headteachers should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Name of Child(ren) ……..Year Group ……
……Year Group ……
…….Year Group ……..

Childs Address
……
……..……
……

Name of Applicant(s) and Address (if different)……..……..
……
……..

I / We wish to apply for our child(ren) to be absent from school for EXCEPTIONAL CIRCUMSTANCES on the following dates: From…….
To……..

Total number of days our child(ren) will be absent from school …….

Please supply in as much detail as possible the reason for your request and why you feel it is **exceptional circumstances**. Please include the names of the adult(s) who will be with your child(ren) during their absence from school. Continue over page if required

Signed (both parents if applicable) **Date**
……
Signed:……
Signed:……

Tel: No…….. Tel No……..

Email……..
Email……

HT Sign	*Date*	*Authorised*	*Unauthorised*

GUIDANCE FOR REQUESTING THE ISSUE OF A PENALTY NOTICE FOR UNSATISFACTORY SCHOOL ATTENDANCE

A Penalty Notice is an alternative to prosecution, however should only be considered as a last resort, where unauthorised absence is an ongoing concern and there has been no improvement despite offers of support.

Pre-legal/preventative work:

- All unauthorised absence should be dealt with immediately using internal school support systems.
- Undertake standard school procedures including class teacher involvement, first day calling processes and letters home.
- If there is no satisfactory improvement, then a key worker should be allocated to engage with the child and parent/carer on a case work basis.
- Evidence must be available to demonstrate that the parent/carer has been offered on-going support and an Early Help Assessment has been undertaken. Refusal to consent to an EHA can form part of the evidence of lack of parental engagement.
- Where possible, the views of child and the parent/carer should be obtained to identify and remove all reasonable barriers to support the child's attendance
- It is good practice for the key worker to attempt at least 1 home visit made by appointment as part of the early help preventative support work undertaken. This should help the worker understand the lived experience of the child and support can be adapted to take account of any specific needs.
- Once a case is opened, please ensure that other members of staff who may have contact with the child/family are aware and asked to record any contact on a central log as this may be required as evidence for court.
- Evidence and record all support - letters / texts/ telephone

contacts / home visits / meetings in school

- It is vital that the correct addresses are obtained prior to sending any legal letters, all changes to addresses should also be noted, dated and the LA informed immediately. Reported GDPR breaches will show the school as the primary source of information.

Review of Pre-legal work:

If attendance continues to be unsatisfactory and unauthorised and it is believed that the issues of a penalty notice is warranted the following work steps should be undertaken:

- Ensure the parent/carer is made aware of their legal responsibilities and the possible consequences of non-school attendance and that this is evidenced. This could be in a meeting (minutes taken) or preferably by letter. See ***parental responsibility letter*** at this point the family should be give a clear timescale in which to make an improvement with the understanding that legal action will begin if there is no significant improvement.

- Then review the child's attendance in accordance with the timescale for improvement given to the parent/carer and determine whether a **penalty notice warning letter** should be sent or if further preventative work is required

Please be mindful of any upcoming leave of absence (holiday) requests as only one legal intervention can be undertaken for any single period of evidence.

Issuing a Penalty Notice Warning Letter

- Consider the length of the monitoring period you wish to state in the penalty notice warning letter. The minimum is 20 school days the maximum is 30 days.

- Send an individual ***penalty notice warning letter*** to each parent/carer liable for the child's attendance together with an attendance printout and penalty notice advice leaflet included with this guidance.

- Ensure the parent/carer is named and the letter is dated and addressed to their current address. The address MUST be verified prior to sending

any legal letters to avoid data breaches.

- Record whether the letter is posted by first class post or hand delivered
- Monitor the child's attendance over the stipulated number of days

Legal Consideration:

The review of attendance over the stated monitoring period must be calculated on the basis of unauthorised absence only

Where attendance is at or below 90% during this period a request for a penalty notice fine can be made unless information is received to show that legal action is not in the best interests of the child/family. If this is the case a penalty notice should not be requested and the family should be offered further support and/or signposted to other agencies.

Requesting the Issue of a Penalty Notice Fine:

Requests should be made using the ***Penalty Notice Request form***. Where a request is made all listed documents should be submitted with the form, via Perspective Lite taking into account the following:

- Attendance printouts must be complete up to the end of the period of monitoring and accurate as they may be used as evidence if the fine is unpaid and the case progresses to Court
- An explanation for the use of any registration codes other than / \ and O should be given. Requests where the temporary N code is showing within the period of absence will be rejected.
- The parent/carer of a child on a part-time timetable (reduced hours) can only be considered for legal action if prior notification has been submitted to the Local Authority evidencing that the reduced education offered is suitable for that child's needs.
- Attendance printouts for a dual registered child must be provided from both schools showing correlating registration marks
- If there are any other agencies actively working with the family they should be consulted prior to the request being made to ensure there are no reasons why this course of action would not be

appropriate.

Local Authority Considerations:

The LA will consider the issue of penalty notices in relation to the information provided and notify schools of the outcome.

Schools will also be contacted when penalty notice fines are not paid with regard to progressing cases to Court, under Single Justice Procedures, for the offence of failure to secure regular attendance at school.

Unless all requested documentation is accurate and submitted within 10 school days of the end of the monitoring period identified in the penalty notice warning letter it may not be possible to progress the case.

Information for schools on the issue of penalty notices for unauthorised leave during term-time from September 2023

The 2013 Pupil Registration Regulations have not changed. Headteachers are required to determine whether a request for absence is authorised on the grounds of exceptional circumstances or not. Each request should be taken on its own merits and based on the information provided by the parent at the time.

How to request a penalty notice
Please note the EWS can no longer accept requests unless they are submitted using the Perspective Lite system. Please ensure that the relevant administrator has the correct rights to use the system, any paper requests received after the 30 September 2023 will not be processed.

Covid 19
There should be very few situations where Covid 19 has resulted in a holiday being postponed to the 2023-24 academic year. Where this is the case, and a parent has evidence that the original holiday was booked outside of term time and the holiday provider has not given a suitable alternative that can be taken outside of term time then the Headteacher can authorise as exceptional. All other requests should be processed in line with the school policy on term time absence.

Decision making
The decision to unauthorise absence can only be made by the headteacher of the school or a member of staff with designated responsibility. If the absence is unauthorised, it is the decision of the headteacher whether or not to submit the request for a penalty notice to be issued. It is important that the school take responsibility for this decision as once issued there is no right of appeal via the LA and parents will be directed back to the school if they are querying the decision to request the penalty notice.

Once the Local Authority (LA) receives a request for a penalty notice it will be issued unless there are errors or omissions in the documents provided. Whilst we will endeavour to clarify such occurrences it is not always possible at peak demand times, and this may result in a requested penalty notice not being issued.

As part of the decision-making process Headteachers are required to consider the following:

- The information provided on the parental application, particularly who is taking the child on holiday
- Who should the penalty notice be issued against? (This should take into consideration who has parental responsibility in relation to education law balanced against the dynamics and makeup of the family).
- Is this decision consistent with the school's policy?
- Is this decision fair based on the available information?

The LA can issue penalty notices, at the request of Headteachers, for any period of unauthorised leave regardless of a child's 'wider school attendance' however penalty notice requests for absence of a single day should not be submitted unless there are exceptional reasons why it would be fair and proportionate to take legal action. If you do have a single day absence request which you believe warrants further action, please contact the team to discuss prior to submitting the PN request

Challenge letters
Where a child is absent with no reason provided and the Headteacher has grounds to believe that the child is on holiday the Headteacher may wish to challenge this absence and apply for a penalty notice to be issued. There are a range of sample letter in the pack which may assist you with this. Please note that this process must not be used to address other forms of unauthorised absence from school.

Repeated period of unauthorised leave

Derbyshire County Council code of conduct states that the LA will not issue more than two penalty notices within a 12-month period, consequently a third request will automatically result in consideration of a straight to court prosecution. Also, where a pupil is repeatedly absent without permission the LA have the right to consider a straight to court prosecution instead of issuing a penalty notice. In these cases, the LA will warn a parent in writing that this is a possible consequence of taking a further period of unauthorised leave. The school should continue to request a penalty notice as normal but may wish to inform parents who take persistent leave that this can result in a prosecution.

Important reminders

School Policy
In order for schools to use the penalty notice process they must have a policy statement which outlines the school's rule regarding leave in term-time. This can be part of a wider attendance policy or a stand-alone document. This information should be available for all parents of children at the school to view. It should be prominently placed on the school website and parents should be regularly reminded of the school rules regarding attendance. The minimum wording required can be found on appendix 1.
Please note, if the case proceeds to the Magistrates Court this document forms part of the evidence.

Letters

Please note, if the case proceeds to the Magistrates Court all letters sent to parents form part of the evidence.

Please remember to send an individual letter to each parent against who you may be requesting a legal process. All letters must be dated and addressed in full unless even if you intend to hand the letter directly to the parent.

Refusal and challenge letters sent to a parent must reflect the applicant's individual circumstances. Whilst we have provided template sample letters if the situation warrants it, you should amend these to include a wider explanation of your decision/rational in the letter.

A full pack of updated template letters, including guidance notes, a request form and the new leaflet accompanies this notice.

GDPR
It is vital that all correspondence to parents is sent to a correct address. If any documentation is sent to an incorrect address by the LA this will have to be reported as a DATA BREACH and any subsequent investigation will look at the source of the data.

For further advice and support contact **Cilla Warrington**

Email: cilla.warrington@derbyshire.gov.uk or telephone on: 01629 535756

Appendix 5: DCC GUIDANCE RE PROSECUTION

GUIDANCE FOR REQUESTING THE PROSECUTION OF A PARENT FOR FAILURE TO SECURE THEIR CHILD'S REGULAR ATTENDANCE AT SCHOOL

Requests for prosecution should be made if all other forms of intervention including early help support and the issue of penalty notices has failed to improve a child's attendance at school.

Prior Considerations:

- It is expected that a penalty notice will have been issued to the parent during the last 6 months in accordance with the staged approach to legal intervention that Derbyshire promotes

- It is unusual, although sometimes appropriate, for Court prosecution to be used as a first step. However, the Local Authority (LA) must be satisfied that such a request is justified

- The contact information held for the parent/carer and child must be up to date. Reported GDPR breaches will show the school as the primary source of information.

- The school's published attendance statement must accurately reflect the processes and actions taken by key staff

- Evidence must be available to demonstrate that the parent/carer has been offered on-going support and an Early Help Assessment has been undertaken. This should follow on from case work undertaken as part of the penalty notice process.

- The parent has been made aware of their legal responsibilities in relation to school attendance either in person (meeting with minutes taken) or by letter. See appendix A for a parental responsibility letter.

- The views of other professionals supporting the child/family; for instance, social care and school health must be sought in respect of legal action being taken.

- The parent/carer of a child on a part-time timetable (reduced hours) can only be prosecuted if the LA has been previously notified of this arrangement.

Requesting Consideration of Prosecution:

A fully completed Court Prosecution Request form must be submitted to the LA, via Perspective Lite, together with an evidence file as detailed below. See Appendix B. At the same time, the parent/carer should be notified, by letter, that their case has been referred to the LA for consideration of prosecution. See Appendix C

The evidence file should consist of the following:

- Attendance printout for the previous 12 months, this must be complete up to the end of the period of monitoring and accurate as they may be used as evidence if the fine is unpaid and the case progresses to Court

- A copy of all correspondence pertaining to school attendance sent to the parent/carer in the last 6 months

- A chronology of the preventative work undertaken up to making this request (for instance, phone calls, texts, visits) together with copies of documents including letters, meeting notes and first day calling log

- An explanation for the use of any registration codes other than / \ and O should be given. Requests where the temporary N code is showing within the period of absence will be rejected.

- The parent/carer of a child on a part-time timetable (reduced hours) can only be considered for legal action if prior notification has been submitted to the Local Authority evidencing that the reduced education offered is suitable for that child's needs.

- Attendance printouts for a dual registered child must be provided from both schools showing correlating registration marks

- Evidence that any other agencies actively working with the family have been consulted and their views recorded, prior to the request being made to ensure there are no reasons why this course of action would not be appropriate.

LA Considerations:

Once the LA receives a prosecution file the following considerations will be undertaken:

- Evidential test
- Fairness test
- Public interest test
- Education Supervision Order

Where the information provided meets the required standards for a prosecution, a warning letter will be issued to the parent/carer giving four weeks to make a significant improvement. You will be notified by email that this warning letter has been served and in 4 weeks' time an updated printout will be requested to enable a review of progress or otherwise.

If attendance has not improved and absences are unauthorised the parent/carer will be notified by the LA that their case is being submitted to the Magistrates Court for prosecution under Section 444(1) of The Education Act 1996. The offence is failing to secure a child's regular attendance at school and will normally be dealt with under Single Justice Procedures.

You will be asked to sign a certificate of attendance covering the period of evidence for the prosecution to be served with Single Justice Procedure documents.

In line with the staged approach, a second or subsequent prosecution may be taken under Section 444(1A) of the Education Act 1996. This could constitute an aggravated offence of 'knowingly' failing to secure a child's regular attendance at school and would only be considered by the Local Authority in the most serious of cases. If convicted of this offence the parent can be given a custodial sentence.

For these cases you will be asked to provide a witness statement to serve with Court documentation. Please note parents are summoned to appear at the Magistrates' Court and have the right to ask for the headteacher and/or member of school staff providing the witness statement to attend to give evidence.

Appendix 6: ATTENDANCE MANAGEMENT FLOWCHART

