



**Watford Grammar School for Girls**

## **Attendance Policy**

**Working together to improve School Attendance**

<b>This policy adopted</b>	<b>September 2024</b>
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<b>Committee Responsible</b>	<b>Curriculum</b>
<b>Statutory</b>	<b>Delegated to Curriculum</b>

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## 1. Purpose, Scope and Principles

The purpose of the policy is to provide an agreed framework to enable consistent practices and procedures to achieve excellent levels of school attendance and punctuality for all pupils.

Key Principles:

Our school aims to meet its obligations regarding school attendance by:

- Promoting good attendance and reducing absence, including persistent and severe absence
- Ensuring every pupil has access to 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
- We will also promote and support punctuality in attending lessons.

As a school we aim to:

- Maintain an attendance rate of a minimum of 97%
- Maintain parents'/carers' and students' awareness of the importance of regular attendance
- Maintain good timekeeping and punctuality

Good attendance is important because:

- Statistics show a direct link between underachievement and poor attendance
- Regular attenders make better progress, both socially and academically
- Regular attenders find school routines, school work and friendships easier to cope with
- Regular attenders find learning more satisfying
- Regular attenders settle into school more easily

## 2. Legislation and Guidance

This policy meets the requirements of 'Working together to improve School Attendance' (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:

- The Education Act 1996- Part 6
- The Education Act 2002- Part 3
- The Education and Inspections Act 2006- Part 7
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010, 2011, 2013 and 2016
- The Education (Penalty Notices) (England) (Amendment) Regulations 2013
- Working together to improve school attendance May 2022
- Summary table of responsibilities for school attendance May 2022

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

### *2.1. Associated policies:*

This policy should be read alongside these documents:

- Child protection and Safeguarding policy
- Behaviour policy

## 3. Roles and responsibilities

### *3.1. The board of trustees:*

The board of trustees 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 and help school leaders focus support on the pupils who need it
- 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

The Trustee with specific responsibility for attendance is: James Hughes

### ***3.2. The headteacher***

The headteacher is responsible for:

- Implementation of this policy
- Monitoring school-level absence data and reporting it to trustees
- Supporting staff with monitoring the attendance of individual pupils
- Monitoring the impact of any implemented attendance strategies
- Issuing fixed-penalty notices, where necessary

### ***3.3. The designated senior leader responsible for attendance (Senior Attendance Champion)***

The designated senior leader responsible is Sam Moore and can be contacted via [s.moore@watfordgirls.herts.sch.uk](mailto:s.moore@watfordgirls.herts.sch.uk)

The designated senior leader is responsible for:

- Leading attendance across the school
- Offering a clear vision for attendance improvement
- Evaluating and monitoring expectations and processes
- Having an oversight of data analysis
- Devising specific strategies to address areas of poor attendance identified through data
- Delivering targeted intervention and support to pupils and families

### ***3.4. The school attendance officer is responsible for:***

- Taking calls and emails from parents about absence on a day-to-day basis and recording it on the school system
- Monitoring and analysing attendance data
- Benchmarking attendance data to identify areas of focus for improvement
- Providing regular attendance reports to school staff and reporting concerns about attendance to the designated senior leader responsible for attendance and the headteacher
- Working with LAAO and other welfare officers to tackle persistent and severe absence
- Arranges calls and meetings with parents to discuss attendance issues
- Advising the headteacher when to issue fixed-penalty notices

The attendance officer for Years 7-11 is Beth Burns and can be contacted via [absence@watfordgirls.herts.sch.uk](mailto:absence@watfordgirls.herts.sch.uk))

For absences relating to Sixth Form students, you can email: [sixthformabsence@watfordgirls.herts.sch.uk](mailto:sixthformabsence@watfordgirls.herts.sch.uk)

### ***3.5. Form tutors/class teachers are responsible for:***

- Recording attendance daily, and for every lesson taught thereafter on Bromcom

### ***3.6. Parents/carers***

Parents/carers are expected to:

- Make sure their daughter attends every day on time
- Call the school to report their daughter's absence before 8.30am on the day of the absence and each subsequent day of absence, and advise when they are expected to return.
- Ensure that, where possible, appointments for their child are made outside of the school day.
- Provide the school with more than 1 emergency contact number for their daughter.

### 3.7 Students

Students are expected to:

- Attend every registration and timetabled session on time

## 4. Recording attendance

### 4.1. Attendance register

We will keep an attendance register and place all students on this register.

The attendance register will be taken at the start of the first session of each school day and once during the second session. It will mark whether every student is:

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

(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 student is attending an approved educational activity
- The nature of circumstances where a student 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.

The register for the first session will be taken at 8.30am and kept open until 8.45am. The register for the second session will be taken at 2.20pm (Monday, Tuesday, Wednesday and Thursday) and at 2.00pm (Friday) and kept open until 2.35pm and 2.15pm respectively

### 4.2. Unplanned absence: Procedures for parents/carers in the case of absence of their child

It is the responsibility of the parents/carers to 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. The school has a dedicated absence reporting line so that parents/carers can inform the school when their daughter is not able to attend school. Parents/carers are requested to call or email as early as possible on each day that the student does not attend, (preferably by 8.30am or as soon as practically possible) not just on the first day. If parents/carers have done this on each day, there is no need for them to write a note when their daughter returns to school.

(Please ring 01923 442788 or email [absence@watfordgirls.herts.sch.uk](mailto:absence@watfordgirls.herts.sch.uk))

For absences relating to Sixth Form students, you can email: [sixthformabsence@watfordgirls.herts.sch.uk](mailto:sixthformabsence@watfordgirls.herts.sch.uk)

Absence due to illness will be 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 parents/carers 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.

### 4.3. Planned absence

Attending a medical or dental appointment will be counted as authorised as long as the student'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 student should be out of school for the minimum amount of time necessary.

Parents/carers must also apply for other types of term-time absence as far in advance as possible of the requested absence. Go to section 5 to find out which term-time absences the school can authorise.

#### ***4.4. Lateness and punctuality***

It is important for students to arrive punctually to school. Late arrivals are disruptive to the whole class.

- Students must be in their Form Room by 8.25 am to be ready for morning registration at 8.30 am. Students arriving after this time will be required to sign in at the main reception.
- A student who arrives late but before the register has closed will be marked as late, using the appropriate code.
- Students are also expected to arrive promptly to every lesson, including lesson 5, which is used as Afternoon Registration. Students who arrive after the register has been taken will be marked with an 'L'.
- Students who arrive after 8.45am will be marked as unauthorised absence code 'U' in line with the DfE guidance. This is effectively an absence.
- Punctuality will be monitored by the Form Tutor and Head of Year. A system of support by the Form Tutor and Head of Year, and sanctions where there is continued poor punctuality, is in place. Full details can be found in the school Behaviour Policy.
- Students are expected to arrive to lessons promptly. Students who arrive late will be marked with an 'L'. If student is more than 5 minutes late then the number of minutes should be recorded. All lateness will be challenged by the subject teacher. Lateness to lessons is monitored and the same systems of support and sanctions in place as for registration.
- All lateness is recorded daily. The number of minutes late and the reason for lateness if known will also be recorded.

#### ***4.5. Following up absence***

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

- Call the student'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
- Call the parent/carer on each day that the absence continues without explanation to ensure proper safeguarding action is taken where necessary. If the school cannot reach any of the student's emergency contacts, or if the reason given for absence is not satisfactory, the school may consider a home visit, involving the Attendance Officer, a member of the DSL Team, Head of Year or an education welfare officer or the Police. Any such action will be recorded on CPOMS.
- For absences over a 5-day period, the school will require supporting medical evidence. This can include a record of GP or hospital appointment or attendance or a copy of a relevant prescription or medication.

#### ***4.6. Attendance during the school day***

The school has a system in place to identify if a student does not attend a lesson, but was in the previous lessons. When the teacher registers the lesson, he/she will contact the relevant staff who will then begin a search for that student. If a student is not found following a search, then the parents and possibly the police will be informed.

#### ***4.7. 4.7 Reporting to parents/carers***

Parents/carers are reminded of the importance of regular attendance and punctuality in our letters, the school prospectus, open evenings, and reports. Termly reports to parents indicate whether a student's attendance is Green (97-100%), Amber (92.1-96.9%) or Red (<92%)

### **5. Authorised and unauthorised absence**

#### ***5.1. Granting approval for term-time absence***

The school is always concerned about the amount of school time students miss because of term time leave. There is no entitlement to time off during term time. Leave of absence is only granted in 'exceptional circumstances' at the discretion of the Headteacher in accordance with the school policy as agreed by the board of trustees. The Headteacher considers each application for term-time absence individually, considering the specific facts, circumstances and relevant context behind the request.

Parents/Carers wishing to apply for leave of absence need to apply in writing to the Headteacher well in advance of requested absence and before booking tickets or making travel arrangements.

### **5.2. Authorised Absence**

Valid reasons for authorised absence include:

- Illness and medical/dental appointments
- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the student's parents/carers belong. If necessary, the school will seek advice from the parents'/carers' religious body to confirm whether the day is set apart.
- Close family bereavement
- Traveller students 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 student is attending educational provision.

### **5.3. Unauthorised Absence**

There are times when students are absent for reasons which are not permitted by law. These are known as "unauthorised absences". Some examples of unauthorised absence include:

- Parent's illness
- Caring for a younger sibling
- Waiting for a delivery
- Taking or collecting a relative to/from the airport
- Going for a family day out
- Sleeping in after a late night
- To celebrate a birthday
- Term time holiday/cheap flights

Where there is no explanation for an absence or where the explanation or reason for the absence is considered unsatisfactory, absence will be recorded as 'unauthorised'. If term time leave is taken without prior permission from the school, the absence will be unauthorised, and you may be liable for a fixed-penalty fine or other legal action. (Refer to section 9)

### **5.4. Study Leave**

Study leave is not granted by default and is only granted to students in Year 11 once the external exams have started. Provision will still be made available for students who wish to revise in school.

## **6. Strategies for promoting attendance**

### **6.1. Encouraging good attendance.**

Each student will be encouraged to attend school every day and to be punctual to lessons. Good attendance is acknowledged and rewarded. Reward certificates will be awarded on a termly basis for students achieving 100% attendance. 100% attendance means no absences except for the following reasons:

- Up to 3 days religious holiday
- Sporting & school organised trips

If by the end of the Summer Term a student has achieved 100% for the full school year, she will receive a certificate to mark this achievement.

- One full year equals a bronze certificate
- Two equals silver
- Three equals gold



- Four equals platinum
- Five equals diamond

### **6.2. Attendance monitoring by the school**

The Attendance Officer:

- Monitors student absence daily and follows up unexplained absences by phone calls, emails, and letters as necessary.
- Provides regular attendance reports of lates and absences to Heads of Year, and Key Stage Directors, to facilitate discussions with students and families.

The school will:

- Monitor attendance and absence data half-termly, termly and yearly across the school and at an individual student level
- Analyse attendance and absence data regularly to identify students or cohorts that need additional support with their attendance, and use this analysis to provide targeted support to these students and their families
- Look at historic and emerging patterns of attendance and absence, and then develop strategies to address these patterns.
- Publish attendance rates on the school website and in the Trustee Body's Annual Report.

### **6.3. Reducing persistent and severe absence**

Persistent absence is where a student misses 10% or more of school, and severe absence is where a student misses 50% or more of school.

The school will:

- Use attendance data to find patterns and trends of persistent and severe absence.
- Work with each identified student and their parents to understand and address the reasons for absence, including any in-school barriers to attendance.
- Consider involving the Local Authority Attendance Officer (LAAO)
- Provide access to wider support services to remove the barriers to attendance.
- Inform the student's social worker of any unexplained absences (if applicable).

Parents are expected to:

- Contact the Attendance Officer, Head of Year or Pastoral Directors for more detailed support on attendance.
- Work with the school and local authority to help them understand their child's barriers to attendance.

### **6.4. Support for students with medical conditions or SEND**

The school will:

- Maintain the same ambition for attendance and work with students and parents to maximise attendance.
- Put in place additional support and adjustments, such as an individual healthcare plan and if applicable, ensuring the provision outlined in the student's EHCP is accessed.

## **7. Sixth Form**

For absences relating to Sixth Form students, please email: [sixthformabsence@watfordgirls.herts.sch.uk](mailto:sixthformabsence@watfordgirls.herts.sch.uk)

### **7.1. PM Registration**

Year 13 students have permission to sign out at the office or using the scanners if they do not have a lesson after 12.20pm. Year 12 students will remain on site until lunchtime and do not need to return if they do not have afternoon lessons.

### **7.2. Lunchtime**

Year 12 and 13 students are permitted to leave the school premises during lunchtime. Students must sign out and back in at the office or using the scanners.

### **7.3. Driving Lessons**

Sixth Form students may apply to use non lesson time during the school day for driving lessons. Parents/carers can apply in writing to the Head of Year, detailing the name of the driving school and the times of the lessons. The school may refuse permission if there are ongoing concerns regarding the progress or attendance of the student. On the day and time of the driving lesson the student must sign out and in at the school office. The absence will be recorded as a 'B' (see Appendix 1). They must come back for any lessons or to sign out at the end of the day.

## **8. Leavers/ Children at risk of Missing Education**

The school will only remove a student from the register on the prescribed in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 (as amended by the Education (Pupil Registration) (England) (Amendment) Regulations 2016).

Regulation 12(6) states

'Where the name of a pupil is to be deleted from the admission register, the proprietor must make a return to the local authority for that pupil as soon as the ground for their deletion under regulation 8 is met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register.

Regulation 12(7) details the information schools must include in the return, namely

the full name of the pupil;  
the full name and address of any parent with whom the pupil normally resides;  
at least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;  
the particulars specified pursuant to regulation 5(1)(ca) if applicable;\* (see below)  
the particulars specified pursuant to regulation 5(1)(g) if applicable;\*\* (see below)  
the ground under regulation 8 upon which their name is to be deleted from the admission register

\*5(1)(ca) – 'where a parent of the pupil notifies the proprietor of the school or a person authorised by the proprietor of the school that the pupil will normally reside with a parent at a specified other address in the future, whether in addition to or instead of the address at which the pupil currently normally resides, the following information must be provided to the school:-

(i) the full name of the parent with whom the pupil will newly normally reside,  
(ii) the specified other address, and  
(iii) the date from which it is expected the child will normally reside there, where it is reasonably practicable for the proprietor to obtain that information'

\*\*5(1)(g) – 'where a parent of the pupil notifies the proprietor or a person authorised by the proprietor of the school that the pupil –

(i) is also registered at another school; or  
(ii) will be attending a specified other school in the future,

the name of that other school and the first date on which the pupil attended or is due to attend that school, where it is reasonably practicable for the proprietor to obtain that information'

If a student leaves and we do not have information about where they have gone, then the child is considered to be a 'Child Missing Education'. Children Missing Education (CME) are children of compulsory school age who are not registered at a school and are not receiving a suitable education otherwise than at a school. This means that the Local Authority has a legal duty to carry out investigations, which will include liaising with Children's Services, the Police and other agencies, to try and locate the child.

At Watford Grammar School for Girls we have regard to the statutory guidance 'Keeping Children Safe in Education' when making arrangements to safeguard and promote the welfare of children.

We put in place appropriate safeguarding responses for children who are absent from school without explanation, particularly on repeat occasions. Where reasonably practicable, for every student, we hold an emergency contact number for more than one person. Emergency contact numbers should be provided and updated by the parent with whom the student normally resides. This goes beyond the legal requirement but is good practice. Doing so provides the school with additional options for making contact with a responsible adult when a child is absent from school or if there is a welfare and/or safeguarding concern.

Where school staff have concerns about a child, they should use their professional judgement and knowledge of the individual student to inform their decision as to whether welfare concerns should be escalated. Concerns about students relating to their attendance should be recorded on CPOMS.

Local authorities have a duty<sup>8</sup> to put in place arrangements for identifying (as far as it is possible) those children of compulsory school age in their area who are not school registered or receiving suitable education otherwise than at school (CME.) Local authorities should trace those children and ensure that they receive full-time education.

All schools must notify the local authority when a student's name is to be deleted from the admission register under any of the grounds prescribed in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 as amended, as soon as the ground for removal is met and no later than the time at which the student's name is removed from the register. This duty does not apply where the student's name is removed after they have completed the school's final year, unless the local authority requests for such information to be provided.

Where a school notifies a local authority that a student's name is to be deleted from the admission register, the school must provide the local authority with the following information:

the full name of the student;  
the full name and address of any parent with whom the student lives;  
at least one telephone number of any parent with whom the student lives;  
the full name and address of the parent who the student is going to live with, and the date the student is expected to start living there, if applicable;  
the name of student's other or future school and the student's start date or expected start date there, if applicable; and  
the ground prescribed in regulation 8 under which the student's name is to be deleted from the admission register.

All schools must agree with the relevant local authority, the regular interval that the school will inform the local authority of any student who fails to attend school regularly or has been absent without the school's permission for a continuous period of 10 days or more.

## **9. 8.1 Elective Home Education (EHE)**

Where a parent/carer has expressed their intention to remove a child from school with a view to educating at home, the school will request a meeting with parents/carers, and other agencies, where possible to ensure the child's best educational interests are at the heart of the decision.

## **10. Fixed Penalty Notices**

Where difficulties arise with school attendance, the school takes a 'support first' approach in line with the DfE's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

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

- Support is not appropriate (e.g. a term time holiday) or where support has been provided and has either not been engaged with or has not worked, and
- They are the most appropriate tool to change parental behaviour and improve attendance for that family.

### ***10.1. When may a penalty notice for absence be appropriate?***

The National Framework for Penalty Notices, which takes effect from 19<sup>th</sup> August 2024, sets out the maximum number of penalty notices which may be issued by a local authority to each parent, for each child, in any 3-year period.

All schools must consider whether a penalty notice is appropriate for each individual case where one of their students reaches the national threshold for considering a penalty notice. Schools should not have a blanket approach of issuing or not issuing penalty notices and should make judgements on each individual case to ensure fairness and consistency across the county. Hertfordshire County Council supports all headteachers within Hertfordshire to exercise their discretion when considering the appropriateness of penalty notice fines, based on their knowledge of individual families' circumstances within their community.

The threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. A school week means any week in which there is at least one school session. The threshold may be met with any combination of the following unauthorised absence codes – i.e:

- G (unauthorised leave/holiday taken during term time),
- O (unauthorised absence)
- U (arriving late after registers have closed)

The following examples demonstrate how the national threshold of 10 sessions within a 10-week school period might be triggered (please note this is not an exhaustive list):

- 4 sessions (2 days) of holiday taken in term time plus 6 sessions of arriving late after the register closes within all 10 school weeks
- 10 consecutive sessions (5 school days) of holiday absence (G coded)
- 6 sessions of unauthorised absence taken in one week and 1 further session of unauthorised absence, per week, for the next four weeks
- The period of 10 school weeks can also span different terms or school years. For example, 2 sessions of unauthorised absence in the Summer Term and a further 8 sessions recorded within the following Autumn term.
- 5 separate days of absence (10 sessions) taken over a number of weeks. For example, a student who fails to attend school on Fridays on five separate occasions within a 10-school week period.

If in an individual case the local authority (or other authorised officer) believes a penalty notice would be appropriate, they retain the discretion to request the issue before the threshold is met.

If repeated penalty notices are being issued and they are not working to change behaviour, they are unlikely to be the most appropriate tool. The national framework for penalty notices sets out that a **maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period.** The national framework also sets out the escalation process which applies to such penalty notices. If the national threshold is met for the third time (or subsequent times) within 3 years, another tool should be used. In Hertfordshire, where a child's attendance has met the national threshold for a third time within 3 years and the parent/s have already been issued with 2 penalty notices within that period, consideration will be given to prosecution under section 444 Education Act 1996.

The three-year period and applicable escalation of fines begins from the date on which the first penalty notice is issued. For example:

- If the first penalty notice is issued on 18<sup>th</sup> September 2024 and a parent either pays £80 within 21 days or £160 within 22-28 days
- Any second penalty notice issued to that parent in respect of that child on or before the 17<sup>th</sup> September 2027 would be charged as £160, payable within 28 days
- Any third penalty notice would not be issued to the parent in respect of that child within the three-year timeframe and, in such cases where the national threshold is met for the third or subsequent time, alternative action should be considered.

The table below sets out how previous penalty notices for unauthorised absence recorded after 19<sup>th</sup> August 2024, including those not paid and where prosecution was taken forward and the parent pleaded guilty or was found guilty, will count towards the national framework limit. Withdrawn penalty notices and any penalty notices issued before 19<sup>th</sup> August 2024 will not count towards the 2-penalty limit per child, per parent within a rolling 3 year period.

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

A penalty notice may be withdrawn by the local authority under the following circumstances:

- a) Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- b) Where it has been issued to the wrong person named as the recipient

### ***10.2. Key considerations prior to the issue of a Penalty Notice for school absence***

The following consideration will be made before issuing (or requesting that another authorised officer issues) a penalty notice to ensure consistency of approach:

In cases where support **is not appropriate** (for example, for holidays in term time), consider on a case-by-case basis:

- a. Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- b. Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010?
- c. (For local authorities only) Is it in the public interest to issue a penalty notice in this case, given the local authority would be accepting responsibility for any resulting prosecution, under section 444 Education 1996, for the original offence in cases of non-payment?

In cases where support **is appropriate**, consider on a case-by-case basis:

- a. Has sufficient support already been provided? Sufficient support will usually include (as appropriate on a case-by-case basis):
  - i. Communication/s in writing, notifying parent/s of the concerns held in relation to their child's absence levels (steps need to be taken to ensure that each "parent" is in receipt of such correspondence). Where letters are hand-delivered to parents, accurate records of data/time/person to whom letter was delivered must be available.
  - ii. Opportunities for parent/s to meet with school staff to share/discuss the barrier/s to regular attendance and identify support strategies which aim to achieve improvement in attendance.
  - iii. Agreed attendance support plans making clear the role of each relevant party in improving the child's attendance levels
  - iv. Referral to wider support services
  - v. Where safeguarding concerns are identified for a pupil/family, appropriate liaison between relevant agencies including social care, police, health, other educational establishments etc.
- b. Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- c. Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010?
- d. (For local authorities only) Is it in the public interest to issue a penalty notice in this case, given the local authority would be accepting responsibility for any resulting prosecution, under section 444 Education 1996, for the original offence in cases of non-payment?

If the answer to the above questions is 'yes', then a penalty notice (or a **notice to improve** – see next section) in cases where support is appropriate will usually be issued.

In deciding whether the support that has been provided is "sufficient", Hertfordshire County Council will take account of relevant information help in respect of the pupil and family concerned.

### ***10.3. Notice to improve***

A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not previously worked, a notice to improve should usually be sent to give parent/s a final chance to engage in support.

An authorised officer can choose not to use one in any case, including cases where support is appropriate, but they do not expect a notice to improve would have any impact on a parent's behaviour (e.g. because the parent has previously received one for a similar offence).

Local arrangements for the use of Notices to Improve across Hertfordshire are as follows:

- a. Schools across Hertfordshire may issue a Notice to Improve to any parent whose child's absence levels have triggered the national threshold for a penalty notice – i.e., 10 sessions of unauthorised absence in a rolling period of 10 school weeks.
- b. The Notice to Improve may be used to offer parent/s a final opportunity to engage with support and improve the attendance levels of the child concerned. Where a parent fails to engage with the offer of support during the Notice to Improve validity period **and/or** further unauthorised absences are recorded for the student **and/or** the student fails to make significant improvements in their attendance patterns, a penalty notice may issued in line with this code of conduct.
- c. All Notices to Improve issued by Hertfordshire schools will have a validity period of 6 school weeks (a maximum of 30 school days) and will clearly list the attempts which have been made and support which has already been offered to resolve the absence concerns. Parents should be provided with clear contact details for the staff member/s within the school that they should contact to access the support that remains available during the Notice to Improve validity period.
- d. Attendance records will be reviewed daily throughout the improvement period and, where further unauthorised absence is recorded, consideration will be given as to whether a penalty notice is to be issued. Schools are not required to wait until 30 school days have passed before considering a penalty notice – decisions will need to be taken on a case-by-case basis, based on the level of parental/student engagement and/or level of attendance improvement noted.
- e. Sufficient improvement during the Notice to Improve validity period may include evidence of no further unauthorised absences within the improvement period or enough improvement tailored to the specific family circumstances.

#### ***10.4. How authorised officers will work together***

Authorised officers should work together to ensure that penalty notices are used when likely to be effective and change behaviour.

An authorised officer is a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police (including authorised officers accredited via CSAS).

Where a penalty notice is to be issued by Hertfordshire County Council or where agreement from the local authority is being sought as to the appropriateness for an authorised officer to issue a penalty notice, the two following paragraphs set out the information that should be made available to the local authority.

For penalty notices being requested/considered on the sole basis of 10 sessions of G code (i.e. 5 days, consecutive or otherwise, of holiday taken during term time over a 10 rolling week period) the local authority, within 10 school days of the student having returned to school, must be in receipt of the following:

- a. A copy of the application made by the parents relating to the period/s of absence that have been recorded using the G code
- b. A copy of the written response sent by the school, advising that the absence would not be authorised and why the reason/s for absence were not deemed to be exceptional
- c. A copy of the pupil's registration certificate, clearly showing that the national threshold has been met and that the appropriate coding has been used to allow for a penalty notice to be issued
- d. Where no application for leave has been submitted by parent/s and the leave was taken without prior discussion/knowledge of the school (e.g. where a parent has called to report their child as too unwell to attend school and the pupil is later found to have been absent due to a holiday during term time), the local authority should be provided with the communications between the school and parent/s, clearly showing that parents have been made aware of the school's intention to issue a penalty notice as a result of the unauthorised absences that have been recorded

For penalty notices being requested/considered based on 10 sessions of unauthorised absences (G, O and/or U codes – consecutive or otherwise) in a rolling period of 10 school weeks, the local authority must be in receipt of the following:

- a. Clear details of the “support first” approach which has been taken by schools/partners to identify the reasons for the student's absence, any barriers impacting the student's attendance and all support strategies which have been offered (whether engaged with by the parent/s or not) to remove any such barriers
- b. Copies of all letters/emails sent to the parent/s to advise of the concerns held in relation to their child's absence levels

- c. Copies of all letters/emails sent and/or details of all telephone calls which have been made to arrange meetings with the parent/s to establish the reasons for absence and identify what support may be needed to improve attendance patterns and prevent further unauthorised absence
- d. A copy of the attendance support plans which have been agreed with parent/s and whether these have been adhered to
- e. A link to the school's Attendance Policy which makes clear the escalation process which may be applied in cases of unresolved irregular school attendance, including the risk of legal action under the code of conduct/section 444 Education 1996.
- f. A copy of the Notice to Improve which has been issued, if applicable, to the parent/s
- g. Where a Notice to Improve has not been issued, schools will be required to share their reasons why
- h. Where a Notice to Improv has not been issued, a copy of the letter to the parent/s advising them that they are at risk of receiving a penalty notice, should further unauthorised absence be recorded for their child

Upon receipt of applications submitted by schools, the local authority will carry out the necessary checks and where the local authority has been asked to issued the penalty notice/s, this will be actioned as soon as all necessary checks have been made.

Checks made by the local authority will include:

- a. Whether any previous penalty notices have been issued to the parent in respect of the child/ren concerned to provide clear advice in regard to the fine level which is to be applied
- b. Whether there are any prosecution cases pending in respect of the family to ensure that duplication is avoided, and appropriate escalation of legal response is considered
- c. Whether there is clear evidence of a "support first" approach, in line with the "Working together to improve school attendance" statutory guidance. Where sufficient evidence has not be provided the local authority, as the independent prosecutor, will not support the issuing of a penalty notice.

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

#### ***10.5. Payment of Penalty Notice fines***

Arrangements for payment will be detailed within the Penalty Notice.

- a. The first penalty notice issued to the parent for a child will be charged at £80 if paid within 21 days, rising to £160 if paid between days 22 and 28
- b. Where it is deemed appropriate to issue a second penalty notice to the same parent for the same child within 3 years of the first offence, the second notice is charged at a flat rate of £160 and is payable within 28 days. **There is no reduced sum available in this instance.**
- c. Part payments or payment plans are not acceptable, and fines must be paid in full within 21 or 28 days, at the rate specified within the penalty notice
- d. Payment after the deadline may be accepted in exception circumstances. In this situation, the higher amount of £160 is usually payable and must be paid immediately and in full
- e. When paying a penalty notice fine, parents are essentially agreeing to an out of court settlement in respect of the unauthorised absences to which the notice refers. Payment in full against the penalty notice discharges the parent's legal responsibility for the period of unauthorised absence outlined in the Notice and the parent cannot be subsequently prosecuted for that period
- f. Any revenues collected through the system must be ring-fenced to administer the penalty notice system and prosecute for the original offence in cases of non-payment. If a surplus remains after the system has been administered and any non-payers have been prosecuted, this can be spent on the local authority's attendance support offer.

The local authority will inform the school about whether penalty notices are paid, withdrawn, or have proceeded to prosecution due to non-payment.

Where pupils move between local authority areas, Hertfordshire County Council can be contacted on [crossborder.penaltynotice@hertfordshire.gov.uk](mailto:crossborder.penaltynotice@hertfordshire.gov.uk) to find out if penalty notices have been issued previously so that appropriate escalation of fines may be applied in line with the national framework for penalty notices.

Penalty notices will be issued to the parents of children registered at Hertfordshire schools/academies, irrespective of their registered home address. This also means that follow-up prosecutions where parents fail to pay their penalty notice fine or to improve their child's attendance will extend to families resident outside of Hertfordshire. Hertfordshire County Council will notify the 'home' local authority of all students resident outside of Hertfordshire if a prosecution is undertaken as a result of irregular attendance at a Hertfordshire school. Penalty Notices will not be issued by Hertfordshire County Council to parents whose children are not on the roll of a Hertfordshire school.

#### ***10.6. Suspended/Excluded Pupils***

When a child is suspended/excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first 5 days of each and every fixed suspension or permanent exclusion (section 103 Education and Inspections Act 2006)

When requesting a penalty notice in respect of a suspended/excluded pupil, schools must be able to evidence that the following criteria have been met/considered:

- a. The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued
- b. Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person
- c. Where a pupil is present in a public place during the first 5 days of a fixed period suspension, Hertfordshire County Council would issue a penalty notice if the school is in their local authority area
- d. Where the child has been permanently excluded, the responsibility for issuing a penalty notice would fall to the local authority in which the child resides

Penalty notices issued in respect of suspended/excluded pupils will be charged at £60 if paid within 21 days, doubling to £120 if paid between days 22 and 28.

A maximum number of two suspension/exclusion penalty notices may be issued by Hertfordshire County Council to each parent, for each child, within any rolling 12-month period.



## APPENDIX 1

### Absence and Attendance Codes

The following codes are taken from the DfE's Working together to improve school attendance, September 2024

284. On each occasion the register is taken the appropriate national attendance and absence code must be entered for every pupil (of both compulsory and non-compulsory school age) whose name is listed in the admission register at the time (with the exception of a pupil who is a boarder).

285. The codes enable schools to record and monitor attendance and absence in a consistent way and are used to collect statistics. The data helps schools, local authorities, and the government gain a greater understanding of the delivery of education and the level of, and reason for, absence.

286. The codes are set out in regulation 10(2) Table 1, 10(3) Table 2 and 10(4) Table 3, 10(8) and 10(10) of the regulations and summarised below.

#### Attending the school

Relevant regulation 10(2) Table 1

Code / \: Present at the school / = morning session \ = afternoon session

287. Pupils must not be recorded as present if they are not in school during registration. If a pupil were to leave the school premises after registration, they will still be counted as attending for statistical purposes.

288. This code is classified for statistical purposes as attending.

Code L: Late arrival before the register is closed

289. The pupil was absent when the register started being taken but arrives before the register is closed. Schools should actively discourage late arrival and be alert to patterns of late arrival. All schools are expected to set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session and not longer than 30 minutes. If a pupil is marked N but arrives later in the session after the register has closed, the attendance register must be amended to mark them as absent using code U or another absence code that is more appropriate.

290. This code is classified for statistical purposes as attending.

Attending a place other than the school

Relevant regulation 10(3) Table 2

Code K: Attending education provision arranged by the local authority

291. The pupil is attending a place, other than the school or any other school at which they are a registered pupil, for educational provision arranged by a local authority under section 19(1) of the Education Act 1996 (exceptional provision of education), section 42(2), or 61(1) of the Children and Families Act 2014 (special educational provision off site). A pupil attending provision arranged by the school rather than the local authority must be recorded using Codes P or B instead.

292. Schools must also record the nature of the provision (regulation 10(5)), examples are:

- attending courses at college;
- attending unregistered alternative provision such as, home tutoring.

293. Schools should ensure that the arrangements are in place whereby the provider notifies the school of any absence by the pupil. The school must record the pupil's absence using the relevant absence code.

294. This code is classified for statistical purposes as attending an approved educational activity.

#### Code V: Attending an educational visit or trip

295. The pupil is attending a place, other than the school or any other school at which they are a registered pupil, for an educational visit or trip arranged by or on behalf of the school and supervised by a member of school staff. The visit or trip must take place during the session for which it is recorded.

296. If the pupil does not attend the visit or trip the school must record the pupil's absence using the relevant absence code.

297. This code is classified for statistical purposes as attending an approved educational activity. Code P: Participating in a sporting activity

298. The pupil is attending a place for an approved educational activity that is a sporting activity. The sporting activity must take place during the session for which it is recorded.

299. A pupil can only be recorded as attending a place for an approved educational activity if:

- the place is somewhere other than the school, another school where the pupil is registered, or a place where educational provision has been arranged for the pupil by a local authority under section 19(1) of the Education Act 1996 or sections 42(2) or 61(1) of the Children and Families Act 2014;
- the activity is of an educational nature;
- the school has approved the pupil's attendance at the place for the activity; and
- the activity is supervised by a person considered by the school to have the appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil's attendance has been approved.

300. If schools have concerns about the appropriateness of an activity, they can seek advice from the sports' national governing body. The final decision on approving the activity, however, rests with the school and they should take the effect on the pupil's general education into account.

301. Schools have responsibilities for the safeguarding and welfare of pupils attending an approved educational activity. The school will need to be satisfied that appropriate measures have been taken to safeguard the pupil. Schools should ensure that they have in place arrangements whereby the provider of the sporting activity notifies the school of any absence by the pupil. The school must record the pupil's absence using the relevant absence code.

302. This code is classified for statistical purposes as attending an approved educational activity.

#### Code W: Attending work experience

303. The pupil is attending a place for an approved educational activity that is work experience provided under arrangements made by a local authority or the school as part of the pupil's education. The work experience must take place during the session for which it is recorded.

304. A pupil can only be recorded as attending a place for an approved educational activity if:

- the place is somewhere other than the school, another school where the pupil is registered, or a place where educational provision has been arranged for the pupil by a local authority under section 19(1) of the Education Act 1996 or sections 42(2) or 61(1) of the Children and Families Act 2014;
- the activity is of an educational nature;
- the school has approved the pupil's attendance at the place for the activity; and
- the activity is supervised by a person considered by the school to have the appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil's attendance has been approved.

305. Schools have responsibilities for the safeguarding and welfare of pupils attending an approved educational activity. The school will need to be satisfied that appropriate measures have been taken to safeguard the pupil. Schools should ensure that they have in place arrangements whereby the provider of the work experience notifies the school of any absence by the pupil. The school must record the pupil's absence using the relevant absence code.

306. This code is classified for statistical purposes as attending an approved educational activity.

Code B: Attending any other approved educational activity

307. The pupil is attending a place for an approved educational activity that is not a sporting activity or work experience. The educational activity must take place during the session for which it is recorded.

308. A pupil can only be recorded as attending a place for an approved educational activity if:

- the place is somewhere other than the school, another school where the pupil is registered, or a place where educational provision has been arranged for the pupil by a local authority under section 19(1) of the Education Act 1996 or sections 42(2) or 61(1) of the Children and Families Act 2014;
- the activity is of an educational nature;
- the school has approved the pupil's attendance at the place for the activity; and
- the activity is supervised by a person considered by the school to have the appropriate skills, training, experience and knowledge to ensure that the activity takes place safely and fulfils the educational purpose for which the pupil's attendance has been approved.

309. Schools must also record the nature of the approved educational activity (regulation 10(5)), examples are:

- attending taster days at other schools;
- attending courses at college;
- attending unregistered alternative provision arranged by the school.

310. Schools have responsibilities for the safeguarding and welfare of pupils attending an approved educational activity. The school will need to be satisfied that appropriate measures have been taken to safeguard the pupil. Schools should ensure that they have in place arrangements whereby the provider of the educational activity notifies the school of any absences by the pupil. The school must record the pupil's absence using the relevant absence code.

311. As set out in the DfE's guidance on 'Providing remote education', pupils who are absent from school and receiving remote education still need to be recorded as absent using the most appropriate absence code. Schools should keep a record of, and monitor pupil's engagement with remote education, but this is not formally tracked in the attendance register.

312. This code is classified for statistical purposes as attending an approved educational activity.

Code D: Dual registered at another school

Relevant regulation 10(4) Table 3

313. The law allows a pupil to be registered at more than one school. This code is used to indicate that the pupil is absent with leave to attend the other school at which they are registered. The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school or a special school on a temporary basis.

314. The school at which the pupil is scheduled to attend must record the pupil's attendance and absence with the relevant code. Code D may only be used by either school for a session where the pupil is scheduled to attend the other school at which they are registered. Schools should ensure that they have in place arrangements whereby all unexpected and unexplained absences are promptly followed up.

315. This code is classified for statistical purposes as not a possible attendance to avoid double counting.

### **Absent - leave of absence**

Relevant regulation 10(4) Table 3

316. All schools must use the following codes to record the reason for a pupil being absent with leave:

Code C1: Leave of absence for the purpose of participating in a regulated performance or undertaking regulated employment abroad.

317. All schools can grant leaves of absence for pupils to undertake employment (paid or unpaid) during school hours. Schools maintained by a local authority and special schools not maintained by a local authority can only do so in the following circumstances (under regulation 11(2)):

- Where the local authority have granted a licence for the pupil to take part in a performance regulated by section 37(2) of the Children and Young Persons Act 1963.
- Where a pupil does not need a licence for such a performance because an exception applies under section 37(3) of the Children and Young Persons Act 1963, including where a Body of Persons Approval (BOPA) covering the pupil has been issued by the local authority in whose area the performance will take place or the Secretary of State.
- Where a Justice of the Peace has given the pupil a licence to go abroad for a performance or other regulated purpose under section 25(2) of the Children and Young Persons Act 1933.

318. Schools should be sympathetic to requests for leave of absence that are supported by a licence issued by a local authority or a BOPA; as long as the school remains satisfied that this will not have a negative effect on a pupil's education. Where a local authority licence specifies the dates that a pupil is to be away from school to perform, the school should record the absence for those days as if a leave of absence had been applied for and granted. Where the terms of the local authority licence do not specify dates, however, or where a BOPA or other exemption or licence from a Justice of the Peace applies, it is at the discretion of the school to grant leave of absence.

319. Schools that are not required to follow regulation 11, must still use this code to record a pupil who is absent with leave for the purpose of participating in a regulated performance or work abroad under a licence or exemption as described above.

320. This code is classified for statistical purposes as authorised absence.

Code M: Leave of absence for the purpose of attending a medical or dental appointment

321. Schools should encourage parents to make appointments out of school hours. Where this is not possible, they should get the school's agreement in advance and the pupil should only be out of school for the minimum amount of time necessary for the appointment.

322. Schools maintained by a local authority and special schools not maintained by a local authority can only grant leave of absence for this under regulation 11(11), where an application is made in advance by a parent the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence), and the school is satisfied that, based on the individual facts of the case, there are exceptional circumstances which justify the leave.

323. Schools that are not required to follow regulation 11, must still use this code to record a leave of absence has been granted for the purpose of attending a medical or dental appointment.

324. If a pupil is present at registration but then leaves the school to attend a medical or dental appointment during the session in question, no absence needs be recorded for that session.

325. This code is classified for statistical purposes as authorised absence.

Code J1: Leave of absence for the purpose of attending an interview for employment or for admission to another educational institution

326. Schools maintained by a local authority and special schools not maintained by a local authority can grant leave of absence, under regulation 11(4), where an application has been made in advance by the parent who the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence) and the leave is to enable the pupil to attend an interview for employment or admission to another educational institution.

327. Schools that are not required to follow regulation 11, must still use this code to record a leave of absence has been granted for the purpose of attending an interview for employment or for admission to another educational establishment.

328. This interview must take place during the session for which it is recorded.

329. This code is classified for statistical purposes as authorised absence.

Code S: Leave of absence for the purpose of studying for a public examination

330. Schools maintained by a local authority and special schools not maintained by a local authority can grant leave of absence, under regulation 11(5), for a pupil to study for a public examination and the leave has been agreed in advance with a parent who the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence).

331. Study leave should not be granted by default once tuition of the exam syllabus is complete and should be used sparingly. If schools do decide to grant study leave, provision must still be made available for those pupils who want to continue to come into school to revise.

332. Schools that are not required to follow regulation 11, must still use this code to record when a pupil is absent with leave that has been granted for the purpose of studying for a public examination.

333. This code is classified for statistical purposes as authorised absence.

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

334. Schools maintained by a local authority and special schools not maintained by a local authority can grant a leave of absence, under regulation 11(7) or (8) for a pupil not of compulsory school age to attend school part-time.

335. Schools that are not required to follow regulation 11, must still use this code to record when a pupil is absent with leave because their timetable does not require them to attend.

336. Where the pupil is absent when timetabled to attend the school, the absence must be recorded using the appropriate absence code not code X.

337. This code is classified for statistical purposes as not a possible attendance.

#### Under compulsory school age

338. In cases where a parent wishes their child to begin school on a part-time basis in line with the school admissions code, schools maintained by a local authority and special schools not maintained by a local authority may give leave of absence for sessions the pupil is not expected to attend. This must be agreed between the school and the parent they normally live with and must end at the point at which the pupil reaches compulsory school age. The times and dates when the pupil is expected to attend the school must be agreed by the school and the parent with whom the pupil normally lives with.

#### Over compulsory school age

339. Where a sixth form pupil's timetable does not require them to be on site for every session of the week, a school maintained by a local authority or a special school not maintained by a local authority may give leave of absence. The times and dates when the pupil is expected to attend the school must be agreed with the parent with whom the pupil normally lives with or the pupil.

#### Code C2: Leave of absence for a compulsory school age pupil subject to a part-time timetable

340. All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances, where it is in a pupil's best interests, there may be a need for a temporary part-time timetable to meet their individual needs in line with paragraphs 67 – 70.

341. Schools maintained by a local authority and special schools not maintained by a local authority can grant a leave of absence, under regulation 11(6) to temporarily reduce the timetable of a pupil of compulsory school age to part-time, if the school and a parent who the pupil normally lives with have agreed that, exceptionally, the pupil should temporarily be educated only part-time and have agreed the times and dates when the pupil will, during the period of temporary part-time education, be expected to attend the school.

342. Schools that are not required to follow regulation 11, must still use this code to record when a pupil is absent with leave because they are subject to a part-time timetable in line with an agreement between the school and a parent the pupil normally lives with that the pupil should temporarily be educated part-time.

343. Where a pupil is receiving a full-time education, but only part-time at the school in question (e.g. dual registration, part-time unregistered alternative provision or flexischooling) this code must not be used and the appropriate code for why the pupil is not in school for that session should be used.

#### Code C: Leave of absence for exceptional circumstance

344. All schools are able to grant a leave of absence at their discretion. A leave of absence should not, and from school maintained by a local authority or a special school not maintained by a local authority, must not be granted unless there are exceptional circumstances.

345. Schools must judge each application individually considering the specific facts and circumstances and relevant background context behind each request. Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school. A leave of absence is granted entirely at the school's discretion.

346. Schools maintained by a local authority and special schools not maintained by a local authority can only grant such a leave of absence under regulation 11(11), where an application is made in advance by a parent the pupil normally lives with (or the pupil if they will be over compulsory school age by the time of the absence).

347. Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.

348. Schools that are not required to follow regulation 11, must still use this code to record where a pupil is absent with leave for a reason that is not covered by another leave of absence code.

349. This code is classified for statistical purposes as authorised absence.

#### Pregnant pupils

350. Leave for maternity is treated like any other leave of absence in exceptional circumstances. Schools are expected to act reasonably and grant a sufficient period of leave from school, taking into consideration the specific facts and circumstances of each case. Ultimately, it is at the school's discretion how much leave to grant.

#### **Absent - other authorised reasons**

##### Code T: Parent travelling for occupational purposes

351. The pupil is a mobile child and their parent(s) is travelling in the course of their trade or business and the pupil is travelling with them. A mobile child is a child of compulsory school age who has no fixed abode and whose parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place.

352. Schools should not unnecessarily ask for proof that the parent is travelling for occupational purposes, this should only happen when there are genuine and reasonable doubt about the authenticity of the reason for absence given. If there is doubt over the reason given, the school may ask for proof that the family are required to travel for occupational purposes during the period of absence.

353. To help ensure continuity of education for pupils, when their parent(s) is travelling for occupational purposes in England, it is expected that the pupil should attend a school where their parent(s) is travelling and be dual registered at that school and their main school.

354. This code is classified for statistical purposes as authorised absence.

355. Whilst for statistical purposes this is counted as authorised absence, if a pupil's attendance was to fall below an acceptable level consideration may be given to attendance enforcement.

##### Defence in the law

356. Parents can in some circumstances, present a defence against prosecution, under section 444(6) of the Education Act 1996. This defence applies where the child has no fixed abode, and the parent can prove that they are engaged in a trade or business that requires them to travel from place to place and that the child has been attending school as regularly as the trade or business permits. If the child is aged 6 or older, the parent must also prove that the child has attended school for at least 200 sessions in the preceding 12 months. This is in addition to the requirement to prove that the child has attended as regularly as the trade or business permits, which means that if the trade or business permits the child to attend for more than 200, they should do so.

##### Code R: Religious observance

357. The pupil is absent on a day that is exclusively set apart for religious observance by the religious body the parent(s) belong to (not the parents themselves).

358. As a general rule, 'a day exclusively set apart for religious observance' is a day when the pupil's parents would be expected by the religious body to which they belong to stay away from their employment in order to mark the occasion. If in doubt, schools should seek advice from the parent's religious body about whether it has set the day apart for religious observance.

359. If a religious body sets apart a single day for a religious observance and the parent applies for more than one day, the school may only record one day using this code; the rest of the time would need a leave of absence, and this is granted at the school's discretion as set out under Code C.

360. Schools and local authorities may seek to minimise the adverse effects of religious observance on a pupil's attendance and attainment by considering approaches such as:

- Setting term dates around days for religious observance;
- Working with local faith groups to develop guidance on absence for religious observance;
- Taking INSET days that coincide with religious observance days; and
- Providing individual support for pupils who miss sessions on days exclusively set apart for religious observance.

361. This code is classified for statistical purposes as authorised absence.

Code I: Illness (not medical or dental appointment)

362. The pupil is unable to attend due to illness (both physical and mental health related). Schools should advise parents to notify them on the first day the child is unable to attend due to illness.

363. Schools are not expected to routinely request that parents provide medical evidence to support illness absences. Schools should only request reasonable medical evidence in cases where they need clarification to accurately record absence in the attendance register – i.e. making a decision that code I is the absence code that accurately describes the reason the pupil is not in school for the session in question. In the majority of cases a parent's notification that their child is too ill to attend school will be that evidence and can be accepted without question or concern. Only where the school has genuine and reasonable doubt about the authenticity of the illness should medical evidence be requested to support the absence.

364. Where medical evidence is deemed necessary, school should not be rigid about the form of evidence requested and should speak to the family about what evidence is available. Schools should be mindful that requesting additional medical evidence unnecessarily places pressure on health professionals, their staff and their appointment system, particularly if the illness is one that does not require treatment by a health professional. Where a parent cannot provide evidence in the form requested but can provide other evidence, schools should take this into account. Where a parent cannot provide any written evidence the school should have a conversation with the parent and pupil, if appropriate, which may in itself serve as the necessary evidence to record the absence.

365. This code is classified for statistical purposes as authorised absence.

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

366. The pupil is suspended from school or permanently excluded from school, but their name is still entered in the admission register, and no alternative provision has been made for the pupil to continue their education.



367. When a pupil of compulsory school age is suspended or permanently excluded on disciplinary grounds from a maintained school, pupil referral unit, academy, city technology college, or city college for the technology of the arts, alternative provision must be arranged from the sixth consecutive school day of any suspension or permanent exclusion. Where alternative provision is made for the session in question and the pupil is attending it, schools should record this using the appropriate attendance code in regulation 10(3) Table 2 or if the pupil is attending another school at which they are a registered pupil, schools should record this using code D (dual registered at another school).

368. This code is classified for statistical purposes as authorised absence.

### **Absent - unable to attend school because of unavoidable cause**

Code Q: Unable to attend the school because of a lack of access arrangements

369. The pupil is unable to attend the school because a local authority has a duty set out in regulation 10(12) or (13) to make access arrangements to enable the pupil's attendance at school and have failed to do so.

370. This code is classified for statistical purposes as not a possible attendance.

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

371. The pupil is unable to attend because the school is not within walking distance of their home and the transport to and from the school that is normally provided for the pupil by the school or local authority is not available.

372. Walking distance in relation to a child under the age of 8, means 2 miles, and for a child of 8 or above, means 3 miles. In each case measured by the nearest available route.

373. This code is classified for statistical purposes as not a possible attendance.

Code Y2: Unable to attend due to widespread disruption to travel

374. The pupil is unable to attend the school because of widespread disruption to travel caused by a local, national, or international emergency.

375. This code is classified for statistical purposes as not a possible attendance.

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

376. Part of the school premises is unavoidably out of use and the pupil is one of those that the school considers cannot practicably be accommodated in those part of the premises that remain in use.

377. This code is classified for statistical purposes as not a possible attendance.

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

Relevant regulation 10(10)

378. Where a school was planned to be open for a session, but the school is closed unexpectedly (e.g. due to adverse weather), the attendance register is not taken as usual because there is no school session. Instead, every pupil listed in the admission register at the time must be marked with code Y4 to record the fact that the school is closed.

379. This code may not be used for any planned closure such as weekends or holidays.

380. This code is classified for statistical purposes as not a possible attendance.

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

Relevant regulation 10(14)

381. The pupil is unable to attend the school because they are:

- in police detention,
- remanded to youth detention, awaiting trial or sentencing, or
- detained under a sentence of detention.

382. If a pupil is remanded to local authority accommodation, they should attend school as normal where possible and where it is not possible any absence should be recorded using the appropriate code.

383. A pupil's absence should be recorded under code Y7 (Unable to attend because of any other unavoidable cause) if they are unable to attend because they are serving a community based (i.e. non-detained) part of a sentence of detention, referral order, or youth rehabilitation order that requires them to be absent during the school day.

384. Schools are expected to communicate with the pupil's Youth Offending Team worker while the pupil is in custody and remains on the school roll to discuss the pupil's educational needs, progress and return to the school upon their release where appropriate. Education is a key part of effective resettlement, therefore it is important that schools maintain contact with the Youth Offending Team throughout the sentence to support the child's resettlement where appropriate.

385. This code is classified for statistical purposes as not a possible attendance.

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

386. The pupil's travel to or attendance at the school would be:

- contrary to any guidance relating to the incidence or transmission of infection or disease published by the Secretary of State for Health and Social Care (or the equivalent in Scotland, Wales and Northern Ireland), or
- prohibited by any legislation relating to the incidence or transmission of infection or disease.

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

387. An unavoidable cause, that is not covered by one of the other 'unable to attend' codes detailed above, is preventing the pupil from attending the school.

388. This code should be used only where something in the nature of an emergency has prevented the pupil from attending the session in question. The unavoidable cause must be something that affects the pupil, not the parent. The fact that a parent has done all they can to secure the attendance of the pupil at school does not, in itself, mean the pupil has been prevented by unavoidable cause.

389. Schools must also record the nature of the unavoidable cause (regulation 10(6)). 390. This code is classified for statistical purposes as not a possible attendance.

### **Absent - unauthorised absence**

Code G: Holiday not granted by the school

391. The school has not granted a leave of absence and the pupil is absent for the purpose of a holiday.

392. A school cannot grant a leave of absence retrospectively. If the parent did not apply in advance, leave of absence should not be granted.

393. This code is classified for statistical purposes as unauthorised absence.

Code N: Reason for absence not yet established

394. Schools must follow up all unexplained and unexpected absence in a timely manner. Every effort should be made to establish the reason for a pupil's absence. When the reason for absence has not yet been established before the register closes, the absence must be recorded with code N.

395. Where absence is recorded as code N (reason not yet established) in the attendance register, the correct absence code should be entered as soon as the reason is ascertained, but no more than 5 school days after the session (regulation 10(7) to (9)). Code N must not therefore be left on the pupil's attendance record indefinitely; if a reason for absence cannot be established within 5 school days, schools must amend the pupil's record to Code O.

396. This code is classified for statistical purposes as unauthorised absence.

Code O: Absent in other or unknown circumstances

397. Where no reason for absence is established or the school is not satisfied that the reason given is one that would be recorded using one of the codes statistically classified as authorised.

398. This code is classified for statistical purposes as unauthorised absence.

Code U: Arrived in school after registration closed

Relevant regulation 10 (7) and (8)

399. Where a pupil has arrived late after the register has closed but before the end of session.

400. Schools should actively discourage late arrival, be alert to patterns of late arrival and seek an explanation from the parent. All schools are expected to set out in their attendance policy the length of time the register will be open, after which a pupil will be marked as absent. This should be the same for every session and not longer than 30 minutes.

401. This code is classified for statistical purposes as unauthorised absence.

## **Administrative codes**

Code Z: Prospective pupil not on admission register

402. To enable schools to set up registers in advance of pupils joining the school to ease administration burdens.

403. Most school admissions involve the school or admission authority offering a place to the parent of the prospective pupil (or, in the case of admission to sixth form, the prospective pupil). An offer of a place is not an agreement. Before a pupil can be registered at a school the parent (or prospective pupil) must have accepted the offer, either by agreeing the starting day in advance or by the fact of the pupil attending the school on that day. In the normal admissions round, when parents have accepted the school place and starting day offered, the local authority can communicate that agreement to schools on behalf of the parent. This can also be the case where the local authority coordinate in-year applications for school places.

404. Schools must enter pupils' names on the admission register on the first day that the school and a person with control of the pupil's attendance have agreed that the pupil will attend the school. If no date has been agreed or notified, the pupil's name must be entered on the first day they attend the school. Names must be added before the beginning of the first session on that day.

405. If a pupil fails to attend on the agreed starting day, the school must follow this up and try to establish the reason for absence.

406. This code is not collected for statistical purposes.

Code #: Planned whole school closure

407. Whole school closures that are known and planned in advance such as:

- days between terms;
- half terms;
- occasional days (for example, bank holidays);
- weekends (where it is required by the management information system);
- up to 5 non-educational days; and
- use of the whole school as a polling station.

408. This code is not collected for statistical purpose.