# **HADLEIGH INFANT & NURSERY SCHOOL**



# **Attendance Policy**

# 2021-2022

Version	1
Document authors	Sam Proctor
Other contributors	EPHA / ECC
Policy produced (date)	November 2021
Policy approved by	FGB
Policy approved (date)	December 2021
Policy to be reviewed (date)	December 2022

# **Version History Log for this document**

Version	Date Published	Details of key changes from previous version
1	November 2021	New Policy - supersedes all previous versions.

# **Policy Overview**

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

All school staff and the Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.

# **COVID - 19**

Hadleigh Infants and Nursery will implement all DfE policies and guidelines relating to attendance during the Covid-19 pandemic. From September 2021 the expectation continues to be that all pupils will attend school.

If parents or students have concerns about attendance during the pandemic they should speak to the school office in the first instance.

# **Introduction and Background**

Hadleigh Infants and Nursery School recognises that positive behaviour and good attendance both play an essential role in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

This policy is written with the above statement in mind and underpins our school ethos to:

- Promote children's welfare and safeguarding.
- Ensure every pupil has access to the full time education to which they are entitled.
- Ensure that pupils succeed whilst at school.
- Ensure that pupils have access to the widest possible range of opportunities at school, and when they leave school.

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable. It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the *Head Teacher (Mr. S. Proctor)*, not the parent, who can authorise the absences.

Any absence affects the pattern of a child's schooling and regular absence can have a serious affect on their academic outcomes and personal development. Any pupil's absence or late arrival disrupts teaching routines which may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law; persistent absences from school may result in prosecution.

This policy has been developed in consultation with school governors, teachers, the Local Authority and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the schools commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality.
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.
- Outlining the school's rewards system to promote good or better attendance.

### **Promoting Regular Attendance**

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we will:

- Reassure parents about our preventative measures to ensure children are protected as much as they possibly can be during the current Pandemic.
- Provide parents with up-to-date and information about any COVID-19 related incidents.
- Work closely with parents who have concerns linked to safety.
- Give parents/carers details on attendance in our newsletters.
- Report to parents/carers termly on their child's attendance.
- Contact parents/carers should their child's attendance fall below the school's target for attendance.
- Celebrate excellent attendance by displaying and reporting individual and class achievements.
- Reward good or better attendance.
- Work together to improve the attendance of children.

# **Understanding Types of Absence**

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required.

**Authorised absences** are mornings or afternoons away from school for a good reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

**Unauthorised absences** are those which the school does not consider reasonable and for which no 'leave' has been given. 5 days (10 sessions) unauthorised, within a 10-week period, can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to

£2500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction.

#### Unauthorised absence includes:

- Parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- Absences which have never been properly explained.
- Children who arrive at school too late to get a mark on the attendance register.
- Shopping trips.
- Looking after other children or children accompanying siblings or parents to medical appointments.
- Celebrating their own or family birthdays.
- Holidays taken during term time without leave
- Day trips.
- Other leave of absence in term time which has not been agreed.

# **School Attendance and the Law**

By law all children of compulsory school age must receive an appropriate full-time education. Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered.

There is no longer any entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

# It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances.

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that Head Teachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Head Teacher, irrespective of the child's overall attendance. Only the Head Teacher or his designates (Mrs. K. Strickland/Miss. C. Ryan)

may authorise such a request and all applications for a leave of absence must be made using either the online form found below:

(https://docs.google.com/forms/d/e/1FAIpQLSeliO-

z e9qIRvJ8GI 2hCtgDxwFplgIB6Bhs2knwwG6w6gHA/viewform?vc=0&c=0&w=1&flr=0)

or the prescribed paper form provided by the school (this can be found in APPENDIX A). Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school in accordance with the Essex Code of Conduct.

A Penalty Notice may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, however, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

#### At Hadleigh Infants and Nursery School 'exceptional circumstances' will be interpreted as:

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time. The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

#### We will not agree leave during term time:

- At any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- During assessment and test periods in the school's calendar affecting your child.
- When a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child at the earliest opportunity. If a parent thinks their child is reluctant to attend school, we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Officers or Child and Family Support Worker.

#### Persistent Absenteeism (PA)

A pupil is defined by the Government as a 'persistent absentee' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and co-operation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark, we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

#### **Absence Procedures**

#### If a child is absent from school the parent/carer must adhere to the following procedures:

- Contact the school on the first day of absence before 9.00 am. The school has an answer phone available to leave a message if nobody is available to take your call, or call into school personally and speak to the office staff. Alternatively, you can email the school directly on <a href="mailto:absences@hadleigh-inf.essex.sch.uk">absences@hadleigh-inf.essex.sch.uk</a>.
- Contact the school on every further day of absence, again before 9.00am.
- Ensure that your child returns to school as soon as possible.

If your child is absent due to a COVID-19 related issue (self-isolating due to displaying symptoms or having a PCR test), please ensure that you make this very clear in your message. This will enable the school to provide the best course of action for all stakeholders in a timely manner.

### If your child is absent we will:

- Telephone or text you on the first day of absence if we have not heard from you.
- Write to you if your child's attendance is below 95%.
- Invite you in to school to discuss the situation with our School Pastoral Officer and/or Head Teacher, if your child's attendance is consistently under **95%**.
- Consider whether the School Welfare Officer and/or Child and Family Support Worker should become involved in the process, if absences persist.

#### **Attendance Compliance Team**

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be resolved in this way, the school may refer the child to the Local Authority. Local Authority Attendance Specialists work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see APPENDIX B for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

Local Authority Attendance Specialists work strategically with schools, families and other professionals to reduce persistent absence and improve overall attendance.

#### Lateness

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world.

### How we manage lateness:

Children are expected to arrive at their classroom between 8:45am and 8:55am. Registers are taken at 8:55am and your child will receive a late mark if they are not in by that time. Children arriving after 8:55am are required to come in to school via the school office accompanied by a parent or carer. The parent/carer will complete one of our 'Late Record Slips' and provide a reason for their lateness which is recorded. At 9.25 am the registers will be closed. If your child arrives after **9.25am** and before **9:45am** they will receive a late mark (L) in the register. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site, but this will **not** count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the School Pastoral Officer and/or Head Teacher. This meeting is designed to support the family in ensuring that the child arrives at school, on time, everyday. If the number of lateness marks does not improve, you may be invited to meet with the School Welfare Officer and/or Child and Family Support Worker. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

# **Deletion from Roll**

For any pupil leaving Hadleigh Infants and Nursery School, other than at the end of year 2, parents/carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

#### <u>Summary</u>

The school has a legal duty to publish its absence figures to parents and to promote attendance. Equally, parents have a duty to make sure that their children attend school, on time, every day. All school staff and the Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.

### FOR PUPILS AGED 5 AND ABOVE

As parents, you have a legal responsibility to ensure your child regularly attends school. *This responsibly is also set out in the Home-School Agreement, the school's rules and the school's attendance policy (all of these documents are available on the school's website and copies are available to collect from the school's main office)*. Holidays should be taken during the school holiday period. During the academic year, pupils are at school for 190 days and at home for 175 days. In order for our children to fully utilise their years in education, we believe it is vital that every message they receive reinforces the importance of school. Holidays in term time interrupt continuity of teaching and learning, disrupt the educational progress of individual children and create disruption to classes.

The school and its Governors fully understand that on occasions *exceptional circumstances* may arise that require children to miss school sessions. If the request is deemed to be exceptional circumstances, leave will be authorised. It is down to the school and Mr Proctor.

Please complete and return this form if you want to ask Mr Proctor to authorise a leave of absence during term time. You must ask well in advance and you are strongly advised to request leave of absence before you confirm your holiday arrangements. Under no circumstances will absences for family holidays in term time be authorised after they have happened.

If you take your child out of school without the approval of the school for a period of 10 sessions (equivalent to 5 whole days) within a 10 week period, you will be liable to receive a Penalty Notice for failing to ensure your child's regular school attendance. This period is reduced to 6 sessions (equivalent to 3 whole days) during the month of September. *Each parent will be liable to receive a Penalty Notice for each child who is absent.* The Penalty Notice is for £60 (per parent for each child who is recorded as absent) if paid within 21 days and £120 if paid after 21 days, but within 28 days. Failure to pay the Penalty Notice will result in you being served with a summons to appear at the Magistrates Court.

If the absence exceeds 20 days, your child's name will be removed from the school roll and you will have to reapply for a place upon your return.

At Hadleigh Infants and Nursery School, we fully recognise the importance of family holidays and activities, but believe these opportunities must be provided as well as school, not instead of. These trips and activities should be arranged during the 13 weeks holiday that your child has from school.

# APPLICATION FOR ANNUAL HOLIDAY LEAVE FROM SCHOOL



# Annual Holiday is classed as any one period of between 1 to 10 days in each academic year

	Name of Child(ren):						
	D.O.B:						
•	Class:						
	Siblings:						
Date	e of First Day of Absence:						
Date of Return:							
Number of Days Requested off school:							
Cou	Country that is to be visited during the holiday:						
Rea	Reason for leave –						
Sign	ed :	Dated:					

Your application will be considered by the Head Teacher in accordance with the school's policy on absences. A reply will be returned to you within 5 working days which will outline the school's stance on your application.

#### **APPENDIX B**

#### **ESSEX CODE OF CONDUCT**

#### PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS

#### **EXCLUDED FROM SCHOOL**

#### **ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23**

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

# LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

#### **Education Act 1996**

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

On 6 April 2017, in the case of Isle of Wight Council v Platt [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

#### **Anti-social Behaviour Act 2003**

http://www.legislation.gov.uk/ukpga/2003/38/contents

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

http://www.legislation.gov.uk/uksi/2013/757/contents/made

#### Children Act 1989

- http://www.legislation.gov.uk/ukpga/1989/41/section/36
- Crime and Disorder Act 1998
- https://www.legislation.gov.uk/ukpga/1998/37/section/16
- Education and Inspections Act 2006
- http://www.legislation.gov.uk/ukpga/2006/40/contents
- The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)
- http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made

#### **AUTHORISATION TO ISSUE PENALTY NOTICES**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme are authorised to do so.

#### CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5th birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing

another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email attendancecompliance@essex.gov.uk . A response will be sent within 3 working days. Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

# Penalty notices for unauthorised leave of absence (ULA)

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

### Penalty Notices for Irregular School Attendance (ISA)

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

https://schools.essex.gov.uk/pupils/Attendance\_Compliance/Documents/Legal%20Action% 20Warning%20Letter%20for%20schools.docx .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.

# Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

# Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

#### **Excluded children**

When a child is 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 five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

# Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

# Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

#### **PAYMENT OF PENALTY NOTICE**

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

#### WITHDRAWAL OF PENALTY NOTICE

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

- 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
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.

#### **CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS**

The Attendance Compliance Team and its local partners will review this Code of Conduct biannually unless local needs require otherwise.

#### **VERSIONS**

Original Code of Conduct was introduced in September 2004.

Most recent revision - November 2017

Revised March 2019 for implementation from April 2019

# **APPENDIX C**



The sery School
Child's name:
Class:
Current address:
Proposed date of leaving current school:
If applicable New home address:
Name of new school:
Address of new school:
Proposed date for starting new school:
Signed: Date: