



Policy: Attendance, Registration and Absence Policy

Date Reviewed by SLT:

September 2020

Next Review Date: (3 years unless otherwise advised)

2023

Attendance, Registration and Absence Policy

1. Introduction

1.1 Barrington C of E Primary School is committed to providing an education of the highest quality for all its pupils / students and recognises this can only be achieved by supporting and promoting excellent school attendance for all. This is based on the belief that only by attending school regularly and punctually will children and young people be able to take full advantage of the educational opportunities available to them. High attainment depends on good attendance. You can find further details on School attendance and the law on the Cambridgeshire County Council website via the following link:

http://www.cambridgeshire.gov.uk/info/20059/schools_and_learning/325/education_your_rights_and_responsibilities/2

1.2 The whole school community – pupils / students, parents and carers, teaching and support staff and school governors – have a responsibility for ensuring good school attendance and have important roles to play. The purpose of the policy is to clarify everyone's part in this.

1.3 The policy has been drawn up after consultation with the whole community and is based on current government and Local Authority guidance and statutory Regulations. The school will ensure that all members of the committee know of the policy and have access to it.

2. School's roles and responsibilities

2.1 All staff (teaching and support) at Barrington C of E Primary School have a key role to play in supporting and promoting excellent school attendance and will work to provide an environment in which all our pupils / students are eager to learn, feel valued members of the school community and look forward to coming to school every day. Staff also have a responsibility to set a good example in matters relating to their own attendance and punctuality.

2.2 The headteacher will oversee, direct and co-ordinate the school's working promoting regular and improved attendance and will ensure the Attendance Policy is consistently applied throughout the school. They will also ensure that up-to-date attendance data and issues are shared regularly with all staff, pupils / students and parents (who will regularly be reminded about the importance of good school attendance) and that a report is prepared for the governing body half termly. (S)he will ensure that attendance issues are identified at an early stage and that support is put in place to deal with any difficulties.

2.3 Registration

i) The school is required to mark the attendance register twice each day; once at the start of the day and once during the afternoon session. Classroom teachers are responsible for completing the attendance registers.

ii) The register will be called promptly at **9.00 am** and **1.30 pm** by each class teacher and a mark will be made during the registration period in respect of each child.

iii) The registers will close at **9.10 am** and **1.35 pm**. Any pupil / student who arrives **after** the closing of the register will count as **absent**. Pupils / students who arrive before the register closes but late will be counted as **present** but will be dealt with under the school's policy on punctuality and lateness (see para 4.5 on page 4).

2.4 Categorising absence

i) A mark will be made in respect of each child during registration. Any child who is not present at this time will be marked unauthorised absence unless leave has been granted by the school in advance or the reason for absence is already known and accepted by the school as legitimate. Where a reason for absence is given and accepted by the school at a later stage, the register will be amended in such a way that the original entry and the amendment / correction are distinguishable.

ii) Barrington C of E Primary School recognises the clear links between attendance and attainment, and attendance and safeguarding children. It recognises that inappropriate authorisation of absence can be as damaging to a child's education as authorised absence, will potentially send a message to parents that any reason for non-school attendance is acceptable and can render children extremely vulnerable to harm. If absence is frequent or continuous, and except where a child is clearly unwell, staff at Barrington C of E Primary School will therefore challenge parents about the need and reasons for their child's absence and will encourage them to keep absences to a minimum. A note or explanation from a pupil's home does not mean an absence becomes authorised. The decision whether or not to authorise an absence **will always rest with the school**.

iii) If no explanation about an absence is received by the school **within 2 weeks**, the absence will remain unauthorised;

iv) Absence will be authorised in the following circumstances:

(a) Where leave has been granted by the school in advance, for example –

- a pupil is involved in an **exceptional** special occasion – in authorising such an absence the individual circumstances of the particular case and the pupil's / student's overall pattern of attendance will be considered,
- in **exceptional** circumstances, permission has been granted for leave due to bereavement,

(b) Where the school is satisfied that the child is too ill to attend;

(c) Where the pupil / student has a medical appointment (although parents should be encouraged to make these out of school hours wherever possible, and to return their child to school immediately afterwards – or send him / her to school beforehand;

(d) where there is an unavoidable cause for the absence which is beyond the family's control, eg extreme weather conditions;

(e) the absence occurs on a day exclusively set aside for religious observance by the religious body to which the pupil's / student's parents belong;

v) Except in the circumstances described above, absences will be unauthorised. Some examples of reasons for **not** authorising absence would be:

- no explanation has been given by the parent;
- the school is not satisfied with the explanation;
- the pupil / student is shopping during school hours;
- the pupil / student is absent for **unexceptional** reasons, eg a birthday;
- the pupil / student is absent from school on a family holiday
- the pupil / student has been stopped during a truancy sweep and is unable (or the parent is unable) to give a satisfactory reason for the absence.

2.5 Approved educational activity

Where a student is engaged in off-site approved educational activities, the school will check his/her attendance on a daily basis before entering the appropriate code in the register.

2.6 Staff Training

The headteacher will ensure that all staff responsible for taking registers, including any temporary or supply staff, receive sufficient training to enable them to perform the task accurately.

3. Collection and analysis of data

3.1 The Headteacher will ensure that attendance data is complete, accurate, analysed and reported to the senior leadership team, parents and the governing body (see para. above). The report should include commentary on the trajectory and the school target. The data will inform the school's future practice to improve attendance and prevent disaffection.

3.2 Attendance is monitored by class and by reasons for absence. It is also analysed by gender, ethnicity, pupils / students with special educational needs and those who are vulnerable to poor attendance.

3.3 Accurate attendance returns are made to the DfE within the stipulated time frame.

4. Systems and strategies for managing and improving attendance

4.1 Attendance has a very high profile at Barrington C of E Primary School and is regularly discussed at assemblies and in classes. Parents are regularly reminded in newsletters and school meetings about the importance of good attendance and its links to attainment, and attendance figures are published in school reports and shared at Parent evenings.

4.2 First-day calling

Barrington C of E Primary School has in place a system of first-day calling. This means that parents will be telephoned on the first day a pupil / student is absent without explanation to establish a reason for the absence. This helps to identify at an early stage pupils / students who do not have a good reason for absence or who may be absent without their parents' knowledge.

Where it is not possible to make contact with parents on the first day of absence, the school will send a letter to them by first class post.

4.3 Meetings with parents

Where there is an emerging pattern to a pupil's / student's absence over a 3 to 4 week period (or sooner if staff are particularly concerned), with or without explanation, the school will invite parents to a meeting to discuss the reasons for the absences. Plans should be put in place with the parents and pupil / student to resolve any difficulties and improve the attendance within a specified time limit – usually no more than 6 weeks. It will be explained to parents that any future absences will be unauthorised unless there is clear evidence of a good reason for them.

4.4 Referral to the Education Attendance Officer

If there continue to be unauthorised absences by the end of the specific time (or sooner if the pupil / student is failing to attend school at all), the matter will be referred to the Education Attendance Officer.

4.5 Lateness and punctuality

Pupils / students are expected to arrive at school, and be in the correct room for registration, on time every day. It is very disruptive to their own education and that of others in their class, if they are late. Pupils / students who arrive after the register closes (see para. 2.3 (iii) on page 2) will be marked absent for the whole session (a session being a morning or an afternoon). This absence will be unauthorised unless the school is satisfied that there is a legitimate reason for the pupil / student to be late. Such a reason will not include things such as missing the bus, clothes in the washing machine or lost shoes. A pupil / student who is persistently absent by reason of lateness will be dealt with in the same way as other students with an emerging pattern of absence (see para. 4.3). If the matter is not resolved with referral to the Education Attendance Officer.

4.6 Pupils / students who arrive late for school but before the register closes are monitored for frequency of lateness. If the lateness is persistent, the parents will be requested to give adequate reason. If this is not sufficient to resolve the problem, the Education Attendance Officer is informed.

4.7 For health and safety reasons it is important that the school knows who is in the building. Pupils arriving late should therefore report to the main school office. **It is important that all pupils arriving late following this procedure.**

4.8 For the same reason it is important that pupils / students leaving the premises legitimately (eg for a medical appointment), or returning to school later in the day report to the main school office.

4.9 Post-registration truancy

Post-registration truancy occurs when a pupil / student goes missing from school having previously registered for the session. This behaviour not only means the pupil / student will not be receiving a full-time education, it also potentially renders him/her vulnerable to harm.

Barrington C of E Primary School takes this very seriously and will endeavour to ensure it does not happen. If, however, a pupil / student appears to have left the premises without authorisation, the school will try to make contact with his/her parents immediately.

5. Term-time Holidays

5.1 Term-time holidays are not permissible and will not be authorised.

UNAUTHORISED TERM TIME LEAVE (includes Holiday): Any parent who takes a child out of school for term time leave for 6 consecutive sessions (3 days) or more over a 4 week period, not authorised by the school (under exceptional circumstances rule), may receive a Penalty Notice. **Therefore Penalty Notices will be issued for single event absences of at least 3 consecutive school days or more where these absences are unauthorised because they are neither exceptional nor unavoidable. The absences must be recorded with a 'G' code in the attendance register.** Such cases will have to be supported by evidence of parents being warned about a potential Penalty Notice. *(The Supreme Court Judgement in the case between Isle of Wight Council v Platt (6th April 2017) clarified the meaning of regular school attendance in relation to Section 444 Education Act 1996. To attend school "regularly" means "in accordance with the rules prescribed by the school".)*

6. Extended leave of absence

6.1 Extended leave of absence are not permissible and will not be authorised.

7. Parents' / carers' responsibilities

7.1 The prime responsibility for ensuring children receive an appropriate and full-time education rests with parents / carers (defined by the Education Act 1996 as those with parental responsibility and those who have the care of a child), who will be supported and encouraged by Barrington C of E Primary School.

7.2 Barrington C of E Primary School expects parents / carers will:

- ensure their children attend the school regularly;
- support their children's attendance by keeping requests for absence to a minimum;
- not expect the school to automatically agree any requests for absence, and not condone unjustified absence from school.

7.3 Parents will also be expected to:

- notify the School on the first day of absence, by telephoning or emailing the school before 9.00am, or by speaking to the school secretary whilst dropping off siblings.
- ensure their children arrive at school on time, properly dressed and with the right equipment for the day;
- work in partnership with the school, for example by attending parents' meetings and consultations, signing home school diaries when asked to do so, taking an interest in their children's work and activities;
- contact the school without delay if they are concerned about any aspects of their children's school lives. The School will endeavour to support parents to address their concerns.

8. Pupils' / students' responsibilities

8.1 All pupils / students should be aware of the importance of regular school attendance.

8.2 Pupils / students should attend all their lessons on time, ready to learn.

9. Governors' responsibilities

9.1 The governing body of a maintained school shall make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school. The Governing Body of Barrington Primary School reviews and monitors attendance of all pupils and strategies to enhance attendance through the head's report to governors.

10. Sanctions for poor attendance – Penalty notices

As a school we expect attendance at school to be 100%, unless there are exceptional or unavoidable reasons for absence", which would then be authorised. The use of sanctions is a critical part of the toolkit available to every Education Attendance Officer and should be utilised alongside other strategies. The decision to apply a Penalty Notice must be based on clear threshold criteria. Please refer to the Local Authority Code of Conduct for Penalty Notices in Appendices A.

Threshold criteria for applying a penalty notice:

Unauthorised absence pattern developing

Attendance at 90% and below over previous **4** weeks –warning letter to parents that if attendance doesn't improve over monitoring period a penalty notice may be applied – school to discuss cases with EAO

Ongoing unauthorised absence

Attendance at 90% and below over previous 6 weeks – referral to Education Attendance Officer who may apply a penalty notice as an alternative to prosecuting through Magistrate courts.

Holiday in term time - Penalty Notices will be issued for single event absences of at least 3 consecutive school days or more where these absences are unauthorised because they are neither exceptional nor unavoidable. The absences must be recorded with a 'G' code in the attendance register.

Persistently late Pupils i.e after registers closed ('U' code)

Attendance at 90% and below over previous **4** weeks – referral to Education Attendance Officer who will warn parents that if attendance doesn't improve over monitoring period a PN will be applied.

Excluded Pupils - Found in public place during school hours, in the first 5 days of exclusion

Evidence of when child seen in public place – referral to Education Attendance Officer. Penalty Notice will be applied.

Parenting Contracts

Parenting Contracts for irregular school attendance have been developed in response to the provisions of Section 19 Anti-Social Behaviour Act 2003. Parenting Contracts are in line with the philosophy behind the Children Act 1989 which emphasises that Local Authorities must make every attempt to work in partnership with parents to avoid instituting Court action wherever possible. Parenting Contracts are intended to:

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- Improve the pupil's attendance to an acceptable level by identifying obstacles and agreeing a plan to overcome them
- Agree details of how to achieve change through determined actions

Following the Parenting Contract meeting should these objectives not be met, a PACE Interview under caution will be held to help provide a formal process whereby consideration can be given to the institution of action either under the Children Act 1989 or the Education Act 1996.

The PACE interview

Should a student's attendance fail to improve, in spite of help from the school and an EAO, parents will be invited to a formal PACE interview held under Caution. Before a meeting begins parents will be formally cautioned under the under the Police and Criminal Evidence Act 1984 (PACE).

Reviewing the policy

The school will review this policy regularly with its allocated Education Attendance Officer and SLT.

BARRINGTON C OF E PRIMARY SCHOOL ATTENDANCE POLICY

A GUIDE FOR PARENTS

1. When does my child need to be in School?

Your child should be at school in good time for registration. The morning register will be called promptly at **8.55am** and the afternoon register at **1.30pm**.

2. What happens if my child is late?

Registration finishes at **9.00am** in the morning and **1.35pm** in the afternoon.

If your child arrives between **8.55am** and **9.00am** he/she will be marked **late**.

If your child arrives after **9.00am** he/she will be marked **absent**.

If your child arrives between **1.30** and **1.35pm** he/she will be marked **late**.

If your child arrives after **1.35pm** he/she will be marked **absent**.

3. Does the School need letters explaining my child's absence or will a phone call do?

We would expect a parent to telephone the school on the first day of absence, before 9.30am preferably. If you do not phone us, we will phone you. However, we need a written explanation on your child's return to school. If we do not receive an explanation, or if the explanation is unsatisfactory, we will not authorise the absence, and this will be shown on your child's end of year report.

4. What reasons will the school accept for absences?

- Illness
- Emergency dental / medical appointment (please make routine appointments after school or during the holidays)
- Day of religious observance
- Family bereavement

Except in the case of illness, you should ask for permission for your child to miss school well in advance, giving full details. In cases of recurring absences through illness you may be asked to produce a medical certificate.

5. What is unacceptable?

The school will not authorise absence for day trips, visiting relatives, shopping, birthdays or looking after brothers or sisters, etc.

6. Will the School contact me if my child is absent?

The school operates a first day response to absences: we will phone you if we have not heard from you. This is because we believe it is our responsibility to ensure your child's safety as well as their regular school attendance. On returning to school we will require a letter explaining the reason for the absence.

If we are concerned about aspects of your child's attendance or punctuality we will contact you to discuss the best way forward.

7. I am thinking about sending my child on an extended absence for an overseas trip to visit relatives. What should I do?

The school recognises that such absence can be important for children to keep in touch with their extended family. Contact your child's class teacher as soon as possible to discuss the best time for such a visit. The school would strongly recommend that such absences do not take place during your child's SATs examinations. You need to complete an application form for extended leave of absence and if the Headteacher then approves the visit, the school will set work for your child to complete while away.

As far as possible we will ensure the work set reinforces the educational value of such a visit.

8. What can I do to encourage my child to attend School?

Make sure your child gets enough sleep and gets up in plenty of time each morning. Ensure that he / she leaves home in the correct clothes and properly equipped. Show your child, by your interest, that you value his / her education.

9. My child is trying to avoid coming to School. What should I do?

Contact your child's class teacher immediately and openly discuss your worries. Your child could be avoiding school for a number of reasons – difficulties with school work, bullying, friendship problems, family difficulties. It is important that we identify the reason for your child's reluctance to attend school and work together to tackle the problem.

In some cases you may find it helpful to discuss the circumstances of your child's difficulties with an Education Attendance Officer. The school may also refer you to an Education Welfare Officer who works with staff and families if difficulties with attendance arise.

10. My child has medical appointments and an ongoing medical condition. What should I do?

Supporting a child with a medical condition that has impacted their attendance is not the sole responsibility of one person. The school will work collaboratively with medical staff within the organisations being used and with outside agencies where support may be needed.

The school will draw up a Medical Healthcare plan with parents and with advice from medical health professionals. This will evidence reasons for absences from school and how provision can be altered to cater for the medical needs of the pupil.

For short term absences, school will provide work/homeEOrk and activities for school work missed. The first 3 weeks of absences remains the school's responsibility from their in house support procedures.

For prolonged support, current medical evidence is required and a treatment plan put in place. Support from 'Education Support Team for Medical Absence' team (ESTMA) is sought through a

referral using EHA Hub (Early Help Hub form). They will provide a personalised program, reintegration support and signposting to other services.

Appendices A

PENALTY NOTICES

NON-SCHOOL ATTENDANCE

CAMBRIDGESHIRE COUNTY COUNCIL

LOCAL AUTHORITY CODE OF CONDUCT

Introduction

1. Under Section 23 of the Anti-Social Behaviour Act 2003 local education authority officers, headteachers and the police have the discretionary power to issue Penalty Notices in cases of unauthorised absence from school.
2. The new power provides an alternative to prosecution of parents under Section 444 of the Education Act 1996 and enables parents to discharge potential liability for conviction for that offence by paying a penalty of £60 if paid within 21 days or £120 if paid within 28 days.
3. Should the Penalty Notice remain unpaid or have been paid only in part at the end of the 28 day period Cambridgeshire County Council must prosecute the parents for the offence to which the notice relates, or, in specified circumstances (see section 29 below), withdraw the notice.
4. Penalty Notices may only be issued in Cambridgeshire in accordance with the terms of this Code of Conduct. The purpose of the Code of Conduct is to ensure that the power is applied fairly and consistently across the County Council and that suitable arrangements are in place for the effective and efficient administration of the scheme.
5. In implementing this Code of Conduct the County Council will liaise when appropriate with neighbouring education and police authorities.
6. This Code of Conduct has been drafted in accordance with the Education (Penalty Notices) (England) Regulations 2004: Statutory Instrument 2004 No 181 and guidance issued by the Department for Education and Skills.
7. In preparing this Code of Conduct the County Council has consulted with Cambridgeshire headteachers and the Chief Officer of Cambridgeshire Constabulary. This complies with The Education (Penalty Notices) (England) Regulations 2007.

Circumstances in which Penalty Notices may be issued

8. Penalty Notice may be considered as an alternative to prosecution for failure to ensure regular school attendance in any given period of unauthorised school attendance as below:
 - A. **UNAUTHORISED ABSENCE:** As the Government changed the PA (Persistent Absence) threshold to 90% (in effect from Sept. 2015), the Local Authority may issue a Penalty Notice in relation to a child whose attendance at school is less than 90% over a given period. To allow time and opportunity for early intervention work with the family, attendance will be monitored by school and Local Authority before enforcement actions are considered. Such a Fine is intended to offer a rapid intervention, which may be used to address non-school attendance before it becomes entrenched, following guidance in section 13.
 - B. **UNAUTHORISED TERM TIME LEAVE(includes Holiday):** Any parent who takes a child out of school for term time leave for 6 consecutive sessions (3 days) or more over a 4 week period, not authorised by the school (under exceptional circumstances rule), may receive a Penalty Notice. **Therefore Penalty Notices will be issued for single event absences of at least 3 consecutive school days or more where these absences are unauthorised because they are neither exceptional nor unavoidable. The absences must be recorded with a 'G' code in the attendance register.** Such cases will have to be supported by evidence of parents being warned about a potential Penalty Notice. *(The Supreme Court Judgement in the case between Isle of Wight Council v Platt (6th April 2017) clarified the meaning of regular school attendance in relation to Section 444 Education Act 1996. To attend school "regularly" means "in accordance with the rules prescribed by the school".)*

Procedural guidelines

9. The key consideration in deciding whether to issue a Penalty Notice should be whether it is considered likely to be effective in helping the child to whom it relates to return to regular attendance.
10. Before issuing a Penalty Notice for unauthorised absence (refer to section 8A), due consideration should be given to other strategies which may help return the child concerned to regular school attendance. Such strategies might include:
 - a) writing to the child's parents to remind them of their legal responsibilities;
 - b) meeting with the child's parents;
 - c) ensuring a first-day response to any absence;

- d) setting targets for improvement;
- e) referral to the Education Attendance Officer;
- f) involvement of other services/agencies.

NB. Above strategies do not apply to term time leave / holiday. (refer to section 8B)

11. It is expected that schools will communicate with parents and issue a warning about potential Penalty Notice fine being issued for unauthorised absences. This warning can be in the form of communication sent to parents via school Newsletters, School Web page as well as any direct mail sent to individual parents
12. Head teachers and police officers should only issue a Penalty Notice following consultation, discussion, reflection and joint decision with a County Council Education Attendance Officer.
13. The Education Attendance Officer will not agree to sanction the issuing of a Penalty Notice unless he/she considers that with regard to the offence to which it relates there is sufficient evidence to secure a conviction under Section 444 of the Education Act 1996. Evidence could be letters sent to parent, minutes of meetings and record of telephone conversations.
14. A maximum of three Penalty Notices may be served on any one parent over a 12-month period.
15. **There is no statutory right of appeal against the issuing of a Penalty Notice.** A parent should therefore, if possible, be given warning of the possibility of a notice being issued (refer section 13) in order to allow him/her to make representations should he/she wish to do so. If a head teacher refuses to authorise any absence or requests for holidays during term time and parents are not happy with the decision, they should make representations to the Governing Body of the school. They should not wait and make a representation to the County Council once a Penalty Notice has been issued.

Authority to Issue a Penalty Notice

16. An Education Attendance Officer / CCC Legal Panel may issue a Penalty Notice to the parent of a child who is a registered pupil at a school in Cambridgeshire or who is a registered pupil at a school in an authority, which has an agreement to that effect with Cambridgeshire County Council.
17. A headteacher or an authorised deputy or assistant headteacher may issue a Penalty Notice to the parent of a child who is registered at his/her school, in consultation with a CCC Legal Panel.
18. A police officer, including a community support officer or other accredited person, may issue a Penalty Notice.

19. Head teachers and Police Officers should comply with the terms of this Code of Conduct when issuing a Penalty Notice and should provide a copy of any notice issued to the relevant Education Attendance Officer.

Form and Content of Penalty Notices

20. A Penalty Notice should give the following particulars alleged to constitute the offence to which the notice relates and should contain:
- a) the name and address of the person to whom the notice is issued;
 - b) the name and address of the child who is failing to attend school regularly and the name of the school at which he/she is a registered pupil;
 - c) the name, title and official details of the authorised person issuing the notice;
 - d) the date of the offence and of the issue of the notice;
 - e) the amount of the penalty which is to be paid and details of the timescales and any variation involved;
 - f) the address of the County Council office at which the penalty is to be paid and to which any correspondence relating to the notice may be sent;
 - g) the method/methods by which payment may be made;
 - h) the specified period within which the penalty should be paid;
 - i) a statement that full payment within the specified period will discharge any liability for the offence;
 - j) an explanation of the consequences should the penalty not be paid in full before the expiry of the specified period;
 - k) an explanation of the grounds on which the notice may be withdrawn.
21. Should there be more than one person liable for the offence (Section 576 Education Act 1996) a separate notice should be issued to each person, per each child.
22. Should the offence involve more than one child a separate notice should be issued for each child, per each parent.

Service of Penalty Notices

23. A Penalty Notice may be served by:
- a) giving it to the recipient; or
 - b) leaving it at the recipient's usual or last-known address; or
 - c) sending it to the recipient at that address by first-class post.
24. 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.

Methods of Payment

25. The preferred method of payment of a Penalty Notice would be on-line payment via the Cambridgeshire County Council website. However, alternative methods are available on request. Late or part payments (including instalments) will not be accepted and no reminders will be sent.

Failure to Pay a Penalty Notice

26. Should the recipient of a Penalty Notice fail to pay the full amount before the expiry of the period for paying it the County Council will either begin proceedings against the parent under Section 444 of the Education Act 1996 or withdraw the notice in accordance with specified conditions (see section 29 below).
27. An electronic record will be retained to monitor that the recipient of a Penalty Notice has or has not paid the amount due on or before the date specified and presented as evidence in any subsequent Section 444 Education Act 1996 proceedings.

Withdrawal of a Penalty Notice

28. A Penalty Notice may be withdrawn by the County Council, regardless of whom within the authority issued it, if it is deemed that:
 - a) the notice ought not to have been issued (i.e. where it has issued outside of the terms of this Code of Conduct or where no offence has been committed); or
 - b) the notice ought not to have been issued to the person named as the recipient.
29. Should a Penalty Notice be withdrawn:
 - a) notice of the withdrawal should be given to the recipient;
 - b) any amount already paid by the recipient should be reimbursed;
 - c) any proceedings under Section 444 of the Education Act 1996 instituted against the recipient should be discontinued.

Retention of Receipts and Revenue Collection

30. The County Council will retain all revenue from the issuing of Penalty Notices in order to cover the costs of issuing and enforcing notices and the cost of prosecuting those recipients of the notices who fail to pay.
31. The County Council will produce an annual audit statement as part of its usual audit procedures in order to show that income received from Penalty Notices does not exceed enforcement costs as defined above. Any surplus acquired will be surrendered to a consolidated fund.

PENALTY NOTICE

SECTION 444A

EDUCATION ACT 1996

PART 1

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his/her parent is guilty of an offence under Section 444 of the Education Act 1996.

To: (Title)

(Forenames)

(Surname)

Date of birth (if known):

Of: (Address)

.....

(Postcode)

You are a parent of (name and address of pupil) (called in this notice “the pupil”) who is a registered pupil at (name of school).

Between (date) and (date) the pupil failed to attend regularly at the school.

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £60/£120 in accordance with the table overleaf. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days. If paid after 21 days but within 28 days the penalty is doubled to £120. Payment should be made to an Education Attendance Officer at one of the following addresses:

XXXXX

Payments for term time leave / holiday should be paid to:

XXXX

NEW WAYS TO PAY TO BE ADDED HERE

(Insert address at which payment should be made)

Penalty Notices 05.09.2014 amendment in light of changes in Legislation

Payment may be made by post or in person. (Offices are open from 9 a.m. to 5 p.m.

Monday to Thursday and from 9 a.m. to 4 p.m. on Friday). Cheques should be made payable to

Cambridgeshire County Council. Should you wish to make payment in person, you are required to telephone the appropriate office in order to make a mutually convenient appointment.

Late or part payments will not be accepted and no reminders will be sent. If payment is not received by (insert date 28 days from date of issue), you may be prosecuted for the offence and could be subject to a fine of up to £2,500 and/or up to 3 months in prison.

This notice is issued by: (name)

(title)

Organisation:

Date:

Penalty Notices 05.09.2014 amendment in light of changes in Legislation

PART 2

Please complete the following and return this notice to one of the addresses overleaf.

Name:

Address:

.....

I attach payment in the sum of:

Signed:

Date:

.....

Received the sum of £..... in relation to a Penalty Notice issued

on in respect of (name of child)

Dated.....

Signed.....

Name..... (Please print)

Title.....

(A copy of this receipt should be sent to all parties subject to the Notice and a copy retained on file)

Penalty Notices 05.09.2014 amendment in light of changes in Legislation

Notes

1. Contact Details

If you have any queries about this notice please contact the relevant Education Attendance Officer at one of the addresses shown in Part 1 of the Notice.

2. Amount of penalty

The amount of the penalty is as follows:

When paid **within 21days £60**

When paid **within 28 days £120**

3. Code of Conduct

This notice is issued in accordance with a Code of Conduct drawn up by the Local Authority. Any enquiries regarding this Code of Conduct should be addressed to the relevant Education Attendance Officer at one of the addresses overleaf.

4. Withdrawal

This notice may be withdrawn should it be shown that it should not have been issued to you or has not been issued to you in accordance with the Code of Conduct. Should you believe that the notice was wrongly issued you should contact the relevant Education Attendance Officer as soon as possible (no later than within 10 days of the notice having been issued), stating why you believe the notice to have been incorrectly issued. Your query will be considered and you will be contacted to notify you whether the notice is to be withdrawn. Should it be decided not to withdraw the notice and you fail to pay the sum specified you will be liable to prosecution for the offence that your child has failed to attend school regularly.

5. Payment

You should complete the notice above (**Part 2**) and send or deliver it to one of the addresses given. Please telephone the appropriate office to make an appointment should you wish to make payment in person.

6. Prosecution

Should you not pay the penalty notice and should the notice not be withdrawn you will be prosecuted for the offence of failing to ensure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be given the opportunity to defend yourself.