

ROCKMOUNT PRIMARY SCHOOL
ATTENDANCE AND PUNCTUALITY POLICY
Updated: July 2026
Review: July 2027

This policy is based on the Croydon Local Authority agreed Attendance Policy.

INTRODUCTION

The law requires regular and punctual attendance at school for all children of statutory school age. This is to ensure that pupil achievement and attainment is maximised. Successful completion of compulsory education has a positive impact on progression into post 16 employment, education or training which enables young people to achieve economic well-being. Pupils who attend school regularly are provided with opportunities to develop skills and experiences which will enable full and active participation in their communities and in society as a whole.

We recognise that positive behaviour and good attendance are essential 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 headteacher, not the parent, who can authorise the absence.

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so 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 and may result in prosecution.

This policy has been developed in consultation with school governors, teachers, local Headteacher Associations, 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 school's commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

THE IMPORTANCE OF SCHOOL ATTENDANCE

Rockmount Primary School will implement all DfE policies and guidelines relating to attendance Improvement. The **Working Together to Improve Attendance** guidance outlines the importance of attendance being everyone's business. The barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families. Good attendance begins with school being somewhere pupils want to be and therefore the foundation of securing good attendance is that school is a calm, orderly, safe, and supportive environment where all pupils are keen and ready to learn. The expectation is that all pupils will attend school and the Pupil Attendance Policy will support this expectation. The school's risk assessment refers to attendance and the steps that the school will take to promote attendance at the current time.

AIMS

- Improve pupil achievement by ensuring high levels of attendance and punctuality.
- Improve the overall percentage of attendance to keep in line with the target of 96%+.
- Create an ethos in which good attendance and punctuality are recognised as the norm and seen to be valued by the school.
- Make attendance and punctuality a priority for all those associated with the school including parents and carers, pupils, staff and governors.
- Develop a framework which defines agreed roles and responsibilities and promotes consistency in carrying out designated tasks.
- Provide advice and guidance to pupils and parents/carers ensuring that parents/carers understand the responsibility placed on them for making sure their child attends regularly and punctually.
- Support pupils and families experiencing any difficulties at home or at school which are preventing good attendance.
- Develop a systematic approach to gathering and analysing attendance related data.
- Ensure positive and consistent communication between home and school.
- Promote effective partnerships with the Education Welfare Service and other agencies.
- Recognise the needs of individual pupils when planning reintegration following significant periods of absence.

PROMOTING REGULAR ATTENDANCE

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

To help us all to focus on this we will:

- Give parents/carers details on attendance in our newsletters
- Report to parents/carers at least annually on their child's attendance within school reports
- 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 improving attendance

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/carers and the child. If a parent/carer thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use a range of support measures including ELSA, Croydon MHST, allocation of subsidised Breakfast Club places and other outside agencies such as the School Nurse, The Local Authority or a Child and Family Support Worker.

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. Each half-day is known as a 'session'.

Authorised absences are morning or afternoon sessions away from school for a genuine 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. (This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £160, reduced to £80 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, however is not exhaustive:

- 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 after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session.
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher- may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority.
- 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 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". 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 headteachers 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.

As there is no parental right to take children away on holiday during term time, a very firm stance is taken on the removal of pupils from school during term time for the purpose of holidays. All holidays should be taken during the school holiday periods which are published annually.

If a parent still wishes to apply for leave of absence for their child, they must complete a request form detailing the extenuating circumstances. This is available from the school office.

See Appendix A

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 headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent/carer 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 Croydon Council Penalty Notice 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.

'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 (as determined by the headteacher). 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 consider applications for 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.

If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are advised to read with their children and encourage them to write a diary while they are away.

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, including academic tracking where absence affects attainment. All our PA pupils and their parents/carers are subject to a school-based meeting and the plan may include: additional support through the School Nurse, Local Attendance Advisor, 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 follow the following procedures:**

- Contact the school on the first day of absence before 9.20 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.
- Contact the school on every further day of absence, again before 9.20am
- Ensure that your child returns to school as soon as possible and you provide any medical evidence if requested to support the absence.

If your child is absent we will:

- Telephone or text you on the first day of absence if we have not heard from you however it is your responsibility to contact us
- Write to you if your child's attendance is below 95%
- Invite you in to school to discuss the situation with our School Welfare Officer, Child and Family Support Worker or Headteacher if absences persist
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions

First day calling:

The school operates a first day response to absence: we will call you if we have not heard from you in the first instance. If we are unable to contact parents/carers by telephone, we will telephone emergency contact numbers, send letters home and a home visit may be made in the interests of safeguarding. A referral will be made to Local Authority if no contact has been made with parent/carers by the 10th day of absence, at which point your child will be considered Missing from Education.

LOCAL AUTHORITY ATTENDANCE SUPPORT SERVICES

Parents/carers 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 sorted out in this way, the school may refer the child to the Local Authority. If attendance does not improve, legal action may be taken in the form of a Penalty Notice, prosecution in the Magistrates Court or the application of a Parenting Contract, 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.

REDUCED TIMETABLES, REINTEGRATION AND EMOTIONALLY BASED SCHOOL NON-ATTENDANCE (EBSNA)

Emotionally Based School Non-Attendance (EBSNA) describes situations where a pupil's emotional wellbeing, anxiety, distress, or overwhelm significantly affects their ability to attend school. EBSNA guidance emphasises that predictable routines, consistent attendance and positive relationships are the most effective ways to support children experiencing emotional barriers to attendance.

A key principle of EBSNA is that stepping away from school may bring short-term relief but can unintentionally increase anxiety about returning. When attendance becomes irregular, school can begin to feel more difficult, unfamiliar or overwhelming. Regular, supported attendance helps pupils maintain connection with learning, friendships and school routines while gradually building confidence.

The school follows the following EBSNA-aligned principles:

- Predictable routines support emotional regulation and wellbeing.
- Regular attendance helps reduce anxiety over time.
- Time away from school may provide temporary relief but can make reintegration more difficult.
- Support should focus on reducing barriers and increasing access to education wherever possible.
- Reduced timetables are not an EBSNA intervention in themselves and should only be used in exceptional circumstances.
- Parents cannot request or determine a reduced timetable; decisions are made by the school in accordance with statutory guidance, safeguarding duties and individual pupil needs.

The school recognises that some pupils may appear to cope successfully during the school day but experience significant emotional exhaustion, burnout, shutdowns or meltdowns when they return home. Many children invest considerable effort in managing social, sensory, academic and emotional demands throughout the school day and may release these emotions later in a familiar and safe environment. Whilst these experiences can be challenging for children and families, they do not necessarily indicate that school attendance is harmful or that reduced attendance is required. The school will work collaboratively with families to understand a child's experiences across both home and school and identify appropriate support strategies.

This may include:

- Identifying triggers and sources of overwhelm.
- Making reasonable adjustments where appropriate.
- Supporting emotional regulation and wellbeing.
- Providing pastoral support.
- Promoting predictable routines at home and school.
- Seeking advice from relevant professionals.
- Maintaining effective communication between home and school.

Parents and carers are encouraged to share concerns regarding burnout, distress, shutdowns or meltdowns so these can be considered as part of a holistic assessment of the child's needs.

Working with Croydon's Missing Mondays Team

Where emotional wellbeing, anxiety, SEND needs or other barriers are affecting attendance, the school will work collaboratively with Croydon's Missing Mondays Team before any consideration is given to a reduced or part-time timetable.

This may include:

- Reviewing attendance patterns and concerns.

- Identifying emotional, practical, environmental or SEND-related barriers.
- Considering available support and intervention strategies.
- Seeking advice from relevant professionals.
- Ensuring reasonable support measures have been explored.
- Determining whether any temporary timetable adjustment is necessary, appropriate and safe.

This collaborative approach helps ensure that decisions are evidence-based, child-centred and consistent with Local Authority expectations.

Reduced or Part-Time Timetables

A reduced or part-time timetable is a temporary intervention used only in exceptional circumstances where full-time education is not currently appropriate and where there is clear evidence that a short-term reduction in school hours is in the pupil's best interests. Reduced timetables are not an alternative form of education and must not be used as a long-term arrangement. The school will only consider a reduced timetable where exceptional circumstances exist and the rationale is clearly evidenced.

A reduced timetable will only be considered where:

- The pupil's needs cannot currently be met through ordinarily available provision alone.
- Appropriate support strategies and interventions have been explored.
- Relevant professionals have been consulted where appropriate.
- The arrangement forms part of a planned reintegration to full-time education.

Where a reduced timetable is agreed, the school will complete a Part-Time/Reduced Timetable Agreement and Reintegration Plan.

The agreement will include:

- Pupil details, including relevant SEND, EHCP, Early Help or Social Care involvement.
- The reason for the reduced timetable and evidence of exceptional circumstances.
- Start and proposed end dates.
- The number of hours in education each week.
- A named lead professional within school.
- The agreed timetable and provision to be accessed.
- Support and interventions to be provided.
- Involvement of external agencies where applicable.
- Safeguarding arrangements during periods when the pupil is not in school.
- Parent/carer agreement.
- Local Authority notification where required.

Reintegration Planning and Review

Every reduced timetable must be accompanied by a mandatory Reintegration Plan. The purpose of the plan is to provide a safe, structured and timely return to full-time education.

The Reintegration Plan will include:

- Clear SMART short-term targets.
- Planned increases in attendance hours.
- An expected date for return to full-time provision.
- Support strategies and interventions.
- Involvement of relevant professionals.
- Communication arrangements between home and school.
- Review dates and success criteria.

The first review meeting will take place within two weeks of the timetable commencing. Further reviews will take place regularly to evaluate progress, consider amendments and ensure the arrangement remains necessary and appropriate.

Each review will record:

- Progress towards agreed targets.
- Changes to the timetable.
- Effectiveness of support and interventions.
- Next steps towards full-time attendance.

Reduced timetables are intended to be short-term interventions. The expectation is always that pupils will be supported to return to full-time education at the earliest appropriate opportunity.

Safeguarding Responsibilities

The school retains safeguarding responsibility throughout the duration of any reduced timetable. A safeguarding plan and, where required, a risk assessment will identify:

- The location of the pupil when not in school.
- The named adult responsible for supervision.
- Arrangements to ensure the pupil's safety and wellbeing.
- Any specific safeguarding considerations.

The school will not agree arrangements that unnecessarily reduce educational access, delay reintegration, increase barriers to attendance or amount to an unofficial or unlawful exclusion. The focus will remain on supporting engagement, promoting wellbeing and ensuring every pupil can successfully access their full educational entitlement.

Reception Attendance Expectations

Rockmount School recognises that children do not reach statutory school age until after their fifth birthday and acknowledges that a degree of flexibility may be appropriate at this stage.

However, where parents accept a full-time Reception place, this is offered on the basis of full-time attendance, and children are expected to attend accordingly. This reflects standard practice across the school and supports consistent learning, the establishment of secure routines, and the development of friendships and social confidence.

Reduced or part-time timetables will only be considered in exceptional circumstances, typically where there are specific concerns such as settling difficulties, wellbeing issues, or identified additional or medical needs. Such arrangements will be short-term, closely monitored, and regularly reviewed.

Requests for part-time attendance based solely on parental preference will not normally be agreed.

Parents wishing to request a temporary adjustment to their child's timetable must submit a written request outlining the reasons for the request and the proposed attendance pattern. The school will consider each request on a case-by-case basis and will work in partnership with parents where genuine concerns arise.

While parents are not legally required to ensure full-time attendance until statutory school age, the school is not obliged to agree to part-time attendance once a full-time place has been accepted. Full-time attendance therefore remains the school's standard expectation.

<https://www.gov.uk/government/publications/summer-born-children-school-admission>

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, it 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:

The school gates are opened at 8.35 am and children are expected to be in class by 8.45 ready for lessons to start at 8.50am. Registers are taken at **8.50 am** and your child will receive a late mark 'L' if they are not in by that time. Children arriving late are required to come in to school via the school office; the parent/carer will sign them in with a member of our office staff and provide a reason for their lateness which is recorded. The school may send home 'late notes' in order to keep parents and carers informed. From time to time the Child and Family Support Worker, Headteacher or Deputy Headteacher will undertake a 'Late Gate' check, greeting late arrivals at the main entrance to the school.

At **9.20am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site 'U', 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 being issued with a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the School Welfare Officer and/or Child and Family Support Worker, but you can approach us at any time if you are having problems getting your child to school on time. 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 Rockmount Primary School, other than at the end of year 6, 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.

It is crucial that parents/carers keep school updated with current addresses and contact details for key family members in case of emergency.

Under Pupil Regulations 2006, all schools are now **legally required** to notify their Local Authority of **every new entry** to the admission register **within five days** of the pupil being enrolled. In addition to this, **every deletion** from the school register must also be notified to the Local Authority, as soon as the ground for deletion has been 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. This duty does not apply when a pupil's name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school.

Please also refer to the Children Missing from Education Policy (CME Policy)

SUMMARY

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

APPENDIX A

Advice to Parents and Carers on Pupil Leave of Absence During Term Time

What the law says

The law makes it clear that parents/carers do not have any right or entitlement to take a child out of school for a holiday during term time.

How we deal with requests for term-time holidays

Rockmount has a strict policy about term time holidays and will not authorise requests unless circumstances are exceptional.

Please do not book holidays or flights and then tell us – we are not able to authorise this leave except in exceptional circumstances.

No leave of absence will be authorised during the end of Key Stage 2 SATs week in May (the dates for the testing week are published annually). *We are at school for 190 days of the year which still leaves 175 days for holidays.*

Why is this school policy?

Regular attendance of pupils correlates closely to raising achievement which explains the importance of improving attendance in school. The publication of school's attendance levels is a significant indicator of a school's performance. Attendance figures are a key area of judgement in deciding if a school is good or outstanding in practice.

How to apply for exceptional leave during term time

Ask at the school office for an exceptional leave form. This must be completed as soon as you know of your **need** to travel. Details of travel arrangements may be requested e.g. sight of flight bookings etc. Complete the form for the attention of the Headteacher. Applications may then be referred to the Governing Body. You should expect to hear from us within 5 working days. Term time holidays will not be granted unless there are exceptional circumstances to justify it.

What are exceptional circumstances?

It is the decision of the Headteacher/Governing Body as to what might constitute exceptional circumstances and each request will be considered on an individual basis and in line with government guidelines and recommendations.

Exceptional leave is **NOT**:

Availability of cheap holidays

Availability of desired accommodation

Poor weather

Overlap with the beginning or end of terms

Exceptional leave **MAY** be:

Grandparent or close relative is seriously ill and you must leave in an emergency

Significant trauma in the family recently and a break will benefit the child – backed up by a doctor's letter

A one –off, never to be repeated occasion that can only happen at that time, e.g. close family wedding/funeral

What if I decide to go anyway?

If your child is out of school for between one and ten school days, then a Fixed Penalty Notice may be issued. If your child is out of school for more than ten days, then you risk losing your child's school place. In accordance with The Education (Pupil Registration) (England) Regulations 2006, a pupil may

be off-rolled thereby losing their school place if the absence is unauthorised and the school does not know where the child is. If you do lose a place at the school, you are then responsible for finding another school place through the Local Authority admissions process.

APPENDIX B

ROCKMOUNT PRIMARY SCHOOL Request for Exceptional Leave of Absence

The Department for Education has directed that no child should be taken out of school during term time for a holiday. All authorised and unauthorised absences are recorded on the child's annual report and contribute to the school attendance statistics published by the Department for Education.

This form must be completed for each child for whom you are requesting exceptional absence.

Child's Name:	Class:	
Siblings in school:	Class:	
Request absence from (date):		
Up to and including (date):		
Date of return to school:		
Total number of days leave requested:		
The reason for the requested absence: (please give full details)		
Parent/Carer emergency contact number during the absence:		
<i>Please tick as appropriate:</i>		
My child's attendance is 95% or above	☐	
The absence does not fall during any national testing or examination period	☐	
My child has not already taken a holiday during term time in the same academic year	☐	

I understand that a fixed penalty notice may be issued if my request is denied and my child is absent during this period.

Signed:

Date:

FOR OFFICE USE

Percentage Attendance this year to date:	
Percentage attendance last year:	
Number of days leave already taken this year:	

Authorised	
Unauthorised	

Signed: Headteacher

Date:

APPENDIX C

Headteacher: Helen Carvall
Deputy Headteachers: Vivian Bull
Amber Pearless

Tel: 020 8653 2619

Email: office@rockmount.croydon.sch.uk



ALL CAN ACHIEVE

ROCKMOUNT PRIMARY SCHOOL
CHEVENING ROAD
UPPER NORWOOD
LONDON
SE19 3ST

www.rockmountprimaryschool.co.uk

Date:

Dear Parent/Carer,

Your request for absence for (child's name)

on.....for.....day(s)

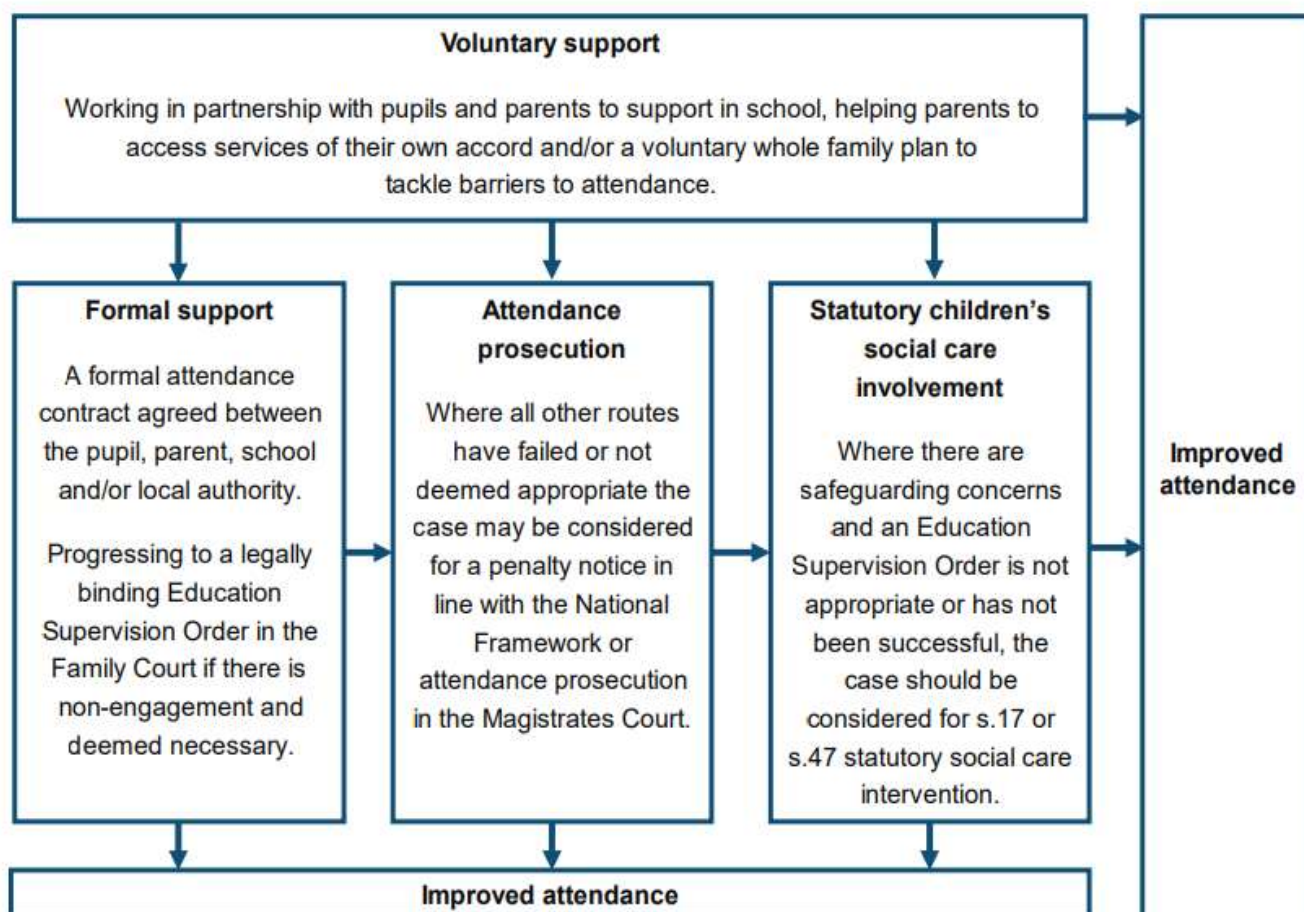
HAS BEEN AUTHORISED / HAS **NOT** BEEN AUTHORISED.

There is a strong correlation between term time absence and underachievement. A request for absence is only authorised where the circumstances are deemed to be exceptional. In the case of an absence being authorised, please ensure that all missed work is followed up on return to school.

Yours sincerely,

APPENDIX D

Providing support first before attendance legal intervention



Schools, trusts and local authorities are expected to work together and make use of the full range of legal interventions rather than relying solely on penalty notices or prosecution. It is for

individual schools and local authorities to decide whether to use them in an individual case after considering the individual circumstances of a family.

APPENDIX E

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.

AUTHORISATION TO ISSUE PENALTY NOTICES

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

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 contact Croydon Education Welfare. 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.

PAYMENT OF PENALTY NOTICE

The penalty for each parent issued with a Penalty Notice is £160 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £80. (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).

A second penalty notice issued to the same parent for the same child within a rolling 3-year period being charged at a higher rate of £160 with no option for this second offence to be discharged at the lower rate of £80.

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 – *Dfe Working Together to Improve School Attendance Guidance-National framework for fixed penalty notices*.

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.