

OLTON PRIMARY SCHOOL
ATTENDANCE POLICY 2025-26
HEAD: MR L CHAMBERLAIN
RATIFIED SEPTEMBER 2025



Olton Primary School Pupil Attendance Policy

Introduction

Regular school attendance is essential if children are to enjoy their education and make good progress.

At Olton Primary School, we believe that regular school attendance is the key to enabling children to maximise the educational opportunities available to them and become emotionally resilient, confident and competent adults who are able to realise their full potential and make a positive contribution to their community.

Children are expected to attend school every day unless there is an acceptable reason for their absences (authorised absence) At Olton Primary School, we will challenge parents and carers and provide support where required to improve pupil's attendance.

Some pupils find it harder than others to attend school. This policy sets out how school staff will work with pupils, parents, and partners to promote, encourage and support regular attendance at school and remove any barriers to attendance.

Aims

- To set clear expectations and aspirations that all pupils have a high standard of school attendance and punctuality.
- To improve children's attainment through good attendance.
- To make attendance a priority for everyone.
- To ensure there is a clear process to identify and address emerging attendance concerns
- To work effectively with parents, pupils, and partners through building trusted relationships to work together to remove barriers to attendance.

To achieve these aims for our pupils, we are committed to the following:

- a welcoming, stimulating and safe learning environment;
- for all staff to feel happy to come to school to work with pupils, developing them to their full potential;
- listen to parents and pupils to understand barriers to attendance
- build trusted relationships with parents and pupils where attendance concerns can be discussed, understood.
- high expectations of our pupils and all staff;
- a broad, balanced and relevant curriculum;
- recognise and celebrate achievements in all areas of school life;
- equal access to all aspects of the curriculum and school life;
- high quality teaching using a variety of teaching strategies;
- a range of resources that are effectively used to support and challenge learning;
- provide experiences, which will develop our pupils' spiritual, moral and cultural understanding;
- support, guidance and training for all those who teach and work with our children;
- foster and maintain links with our wider community

Attendance Partnership Expectations

We expect the following from all of our pupils:

- To attend school regularly (attend school every day unless there is an acceptable reason for their absences ie an absence authorised by the Head Teacher or his Deputy Head Teacher.)
- To arrive on time and appropriately prepared for the day, having eaten breakfast or attend breakfast club;

- To talk to a member of staff about any problem or reason that may prevent them from attending school.

We expect the following from parents and carers:

- To ensure their children attend school regularly and punctually;
- To ensure contact is made with school, as soon as is reasonably practical, whenever their child is unable to attend;
- To ensure that their children arrive in school well prepared for the school day, having eaten breakfast.
- To talk to a member of school staff about any problem or reason that may prevent them from attending school.

Parents and pupils can expect the following from school:

- Early contact with parents when a pupil fails to attend school without providing good reason
- Regular, efficient and accurate recording of attendance
- To inform parents if a pupil's attendance falls below expected levels
- To listen and understand the barriers to school attendance and offer appropriate support and agree appropriate plans to improve attendance.
- Follow up support if needed.

Roles and Responsibilities for Attendance

- Mrs Gray (Deputy Head Teacher) is the school Attendance Champion, a named senior member of staff with responsibility for attendance issues and can be contacted through the school office.
- The first point of contact for parents and pupils with any attendance concerns is Mrs Gadd (Attendance Officer) and she can be contacted via the school office.
- Members of school staff, both teaching and non-teaching, have responsibility for attendance issues in school.

Role	Responsibilities
Schools Governors <u>Named Person:</u> <u>Mrs McCarthy (Chair)</u> <u>Mrs Dunlevy-Wilkes (Co-chair)</u>	• Ensure compliance with relevant legislation (eg pupil registration, attendance registers) • Reviewing school attendance • Agreeing and Reviewing School Policy
Head Teacher <u>and or Attendance Champion</u> <u>Mr Chamberlain (Head)</u> <u>Mrs Gray (Deputy)</u>	• Compliance with relevant legislation • Data analysis and Strategic Plan for attendance. • Implementing school policy and leading on whole school approach. • Authorising/unauthorising absences • Responding to leave of absence request • Ensuring there are clearly defined roles and responsibilities for attendance • Ensuring all staff have appropriate training • Overview of clear and escalating interventions • Evaluation of interventions. • Promoting school attendance. • Responsibility for links with CSAWS and the LA Statutory Team.
Class Teachers /Form Tutors	• Marking registers • Promoting importance of regular school's attendance • Providing early warning of attendance concerns • Positive role modelling

	• Following policy and procedures consistently. • Point of contact for parents to discuss concerns • Creating a welcoming environment
Pastoral/Non teaching staff Named staff: Mrs Carter (Behaviour and Learning Mentor) Family Support Workers- Mrs Napier & Mrs Glover	• Supporting families where attendance is an issue or where a change in circumstances has or could impact a child's ability to attend school regularly. • Signposting families to external services to improve attendance outcomes for children. • To be an additional point of contact for parents to discuss concerns about attendance. • To liaise with the leadership/attendance champion regarding issues of attendance and punctuality. • To conduct home visits during absence to check on well-being. (Staff will not come into the home but will request to physically see the pupil).
Attendance Officer Named staff: Mrs Gadd	• To oversee the daily record of attendance across the school. • To ensure that absence and issues around punctuality are swiftly followed up and concerns escalated to the senior leadership team or other services as required. • To make referrals to Children Missing Education (CME) • To early identify any concerns or punctuality issues and identify any patterns or trends associated with pupil attendance. • To be the first point of contact in the school office for attendance and punctuality issues/questions. • To work in collaboration with the Head/ Deputy Head Teacher. • Administration of school attendance letters, leave of absence letters etc. • Producing attendance reports • Communication with CSAWS.
Designated Safeguarding Lead Named staff: Mr Chamberlain (Lead DSL) Mrs Gray(Deputy DSL)	• To review all attendance issues in relation to wider knowledge and concerns and to ensure a co-ordinated approach in swiftly improving attendance. • Challenge and escalate concerns where required to ensure all children attend school regularly in order to improve life opportunities and skills.
School Office Named Staff: Mrs Jones (Office Manager) Mrs Fitzpatrick (Senior Office Admin)	• Maintaining registers • First day calling/text messages • Identifying children whose absence needs further follow up action in line with the school absence procedure. • Late arrivals/ punctuality • Process for clearing registers

- Attendance matters are reviewed by the head and members of the Senior Leadership Team.
- Attendance issues are reported, on a minimum termly basis, to the Governing Body.
- School will liaise with the Local Authority Attendance Support Team at a minimum, termly
- School uses Central School Attendance and Welfare Service Ltd (CSAWS) to support the school with the processes associated with children's attendance at school. School employ CSAWS to provide the legal monitoring services and support that will help reduce the number of persistent absent pupils and improve whole school attendance.

Expected Levels of Attendance

Attending school regularly and on time has a positive impact on learning, progress and therefore the best life chances for pupils. Research shows that attendance and punctuality are important factors in school success.

Children are expected to attend school every day unless there is an acceptable reason for their absences (authorised absence)

98-100%	Excellent. Accessing all learning opportunities
96-97%	Good. Very few learning opportunities missed
94-95%	Risk of under achievement up to 50 missed lessons Up to 10 school days absent in an academic year
92-93%	Risk of under achievement Up to 75 missed lessons Up to 15 school days absent in an academic year.
90-92	Severe risk of under achievement Up to 100 missed lessons Up to 19 school days absent in an academic year
90% and below	Extreme risk of underachievement over 100 missed lessons Pupil is persistently absent upwards of 22 school days absent in an academic year
50% and below	Extreme risk of underachievement Pupil is severely absent At least half of all lessons and days missed

Support

Our school procedures follow a support first model expectations set out by the Department for Education in the guidance Working Together to improve school attendance (September 2024).

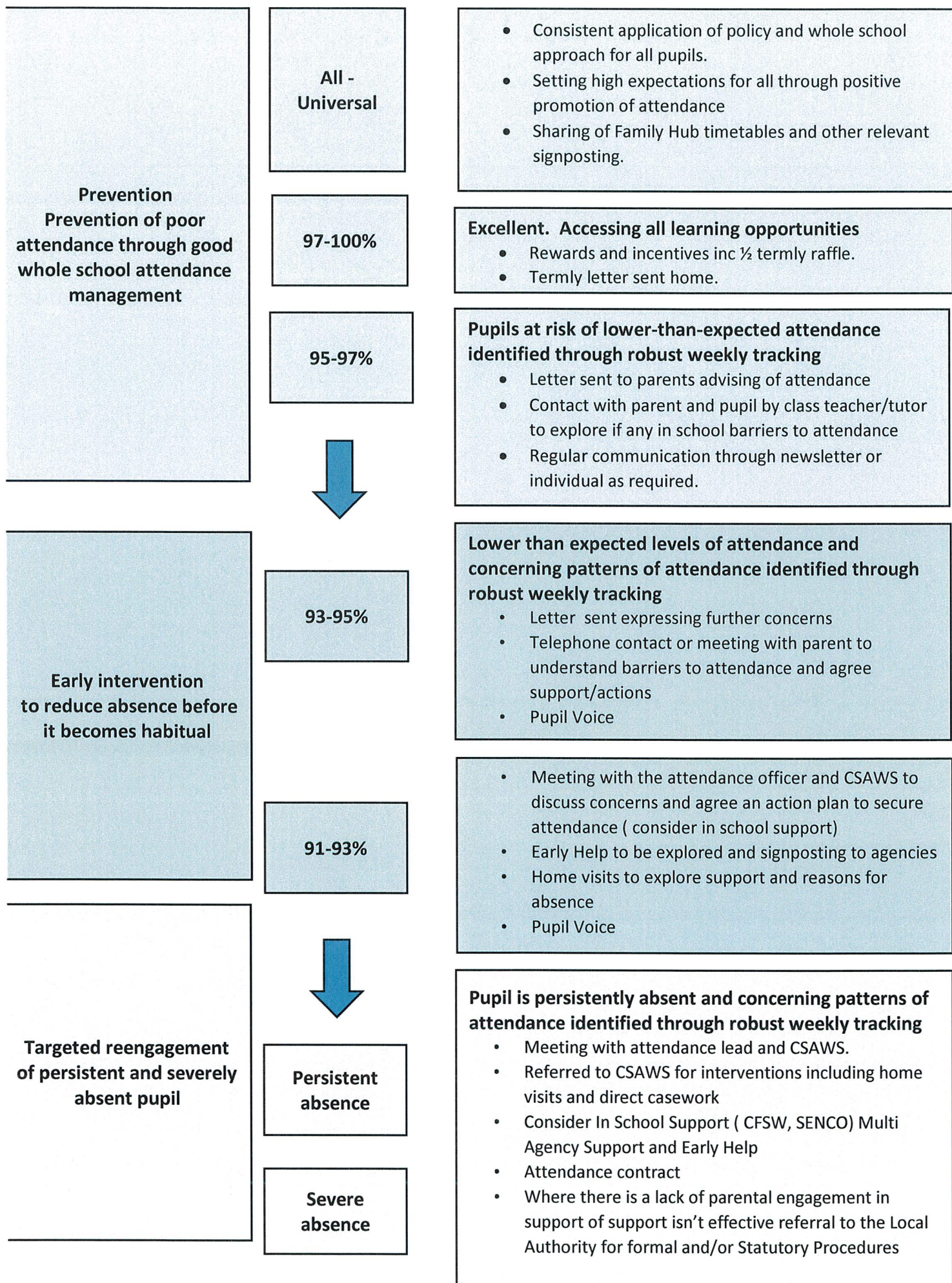
Our procedures are based around the principles and stages of:

- Preventing poor attendance
- Early intervention and Early Help to address early patterns of poor attendance and agree ways to improve
- Targeted interventions (including Early Help and Formal interventions) for those children who are persistently absent or severely absent
- Understanding barriers to individuals' attendance and agree individual plans for children with specific needs.
- Formal Statutory Interventions where support has not been effective or engaged with.
- We will use attendance data, daily, weekly, half termly and termly to identify children whose attendance is declining and any concerning patterns of attendance.
- We will support pupils' parents and carers by working together to address any in-school barriers to attendance.

- Where barriers are outside of the school's control, we will discuss and offer support to parents, carers and pupils also signposting to the right voluntary support.
- Some students find it harder than others to attend school and will need targeted or specialist support.
- Attendance plans will consider individual needs.
- We will use a Graduated Response - Assess, Plan, Do, Review, to inform all plans of intervention at each stage including offers of support either formal or informal
- Attendance plans will be reviewed and where improvements haven't improved and barriers to attendance continue plans will be reviewed to understand the reasons for lack of change.



- Records will be kept of attendance interventions and action plans



The Solihull Education Participation Advisory Service (EPAS):

Olton Primary School is responsible for liaising closely with the Local Authority's Attendance Service and will follow their procedures in managing attendance issues.

- Where all voluntary support options have not been successful, or have not engaged with, the law protects pupils' right to an education and provides a range of legal interventions to formalise attendance improvement efforts, and where all other avenues have been exhausted, enforce it through prosecuting parents.
- School may refer to Solihull EPAS team for the following legal interventions/formalised support; Notice to Improve, issue of Penalty Notices, Education Supervision Orders, Attendance Prosecution.
- Prosecutions for non-school attendance must be conducted in line with the LA Non-school attendance and Penalty Notice code of conduct and the Code for Crown Prosecutors and must pass the evidential and public interest tests.

Please refer to Appendix 4 – Attendance Enforcement – Code of Conduct for more information

Legislation and statutory interventions

Parents of registered pupils have a legal duty under the Education Act 1996 (sec 444) to ensure that children of compulsory school age attend school on a regular and full-time basis. Permitting unauthorised absence from school is an offence and parents may be reported to the Education Authority if problems cannot be resolved by agreement.

All children, regardless of their circumstances, are entitled to a full time education that is suitable to their age, ability, aptitude and any special educational needs they may have. Local authorities have a duty to establish, as far as it is possible to do so, the identity of children of compulsory school age who are missing education in their area.

Parents are responsible for ensuring their children receive education. Estranged parents with whom the child has had regular contact may be prosecuted as well as the day-to-day carer. Each situation must be dealt with on an individual basis, always remembering the welfare and safety of the child is the paramount concern. The term 'parent' also includes those who are not a natural parent but have parental responsibility for the child as defined by the Children Act 1989 or who have care of the child as defined by the Education Act 1996

Penalty Notice Regulations 2024 and Statutory Guidance

Schools must consider whether a penalty notice (fine) is appropriate in each individual case where one of their pupils reaches the national threshold of 10 unauthorised absences in a rolling 10-week period.

If school considers that the trigger has been met and penalty notice is appropriate they will refer to the Local Authority in line with the Local Authority Code of Conduct.

If the Local authority issues a penalty notice it is per parent per child. The first penalty notice issued to a parent will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.

If the threshold is met a 2nd time in three years and a 2nd Penalty notice is issued to the same parent in relation to the same child – this will be a flat rate of £160 if paid within 28 days.

A third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, alternative action should be taken instead. This will often include considering prosecution.

Promoting Attendance and Preventing Absence

At Olton Primary School, we are pro-active in promoting good attendance. Our staff and Leadership team play a highly visible role in supporting children and their families. We are proud of our Busy Bees' provision which is a free before school resource aimed at supporting pupils' with higher levels of anxiety. Our family support worker team also engage positively with pupils and their families to eliminate barriers and to build positive habits regarding school attendance.

Our weekly newsletter updates all of our community on attendance and combined with motivational certificates, a positive culture of punctuality and attendance is embedded. For pupils' where attendance has been an issue, improved attendance certificates are given to celebrate success towards our goal. Applications for leave of absence during term time are considered on an individual basis and as a rule all, holidays during term time are not authorised.

Within school, an award is made for the highest attendance in EYFS, KS1 and KS2. Individual classes will be awarded a rosette and after receiving 3 awards, the class can choose either an additional breaktime, cookies or 20 minute reward time.

School Day and Punctuality

It is important that pupils are punctual so that they do not miss out on the beginning of each school day. Children must attend on time to be given a present mark for the session.

If a pupil arrives late to school every day, their learning begins to suffer. Below is a graph showing how being late to school every-day over a school year adds up to lost learning time.



(Over one academic year)

Olton Primary- arrival times.

At Olton Primary School, we operate a "soft start" across the site. This is to support traffic management outside the school and to ensure pupils arrive in a positive way to start their daily learning. Below shows arrival times and levels of lateness which are recorded in the register. Please note that lateness affects your child's overall attendance and may result in a legal fine. Pupils arriving late often show higher levels of anxiety when entering the classroom.

Nursery	Soft Start: 8:30am-8:40am	Finish: 3:15pm	Late Attendance: Up to 8:55am - 'L' After 8:55am - 'U'
KS1 (Reception, Years 1 and 2)	Soft Start: 8:40am-8:50am	Finish: 3:10pm	Late Attendance: Upto 9:05am - 'L' After 9:05am - 'U'
KS2 (Years 3-6)	Soft Start: 8:30am-8:40am	Finish: 3:00pm	Late Attendance: Upto 8:55am - 'L' After 8:55am - 'U'

Children arriving after the "soft start" time will be late for school and have to report to the school office. We ask that they are accompanied by the adult who has brought them to school.

Where a pupil arrives after the register closes, this will be classed as an unauthorised late absence (code U as per DFE compulsory attendance codes).

School registration will close at **8.55am for Nursery**

School registration will close at **9.05am for Reception and KS1**

School registration will close **at 8.55am for KS2**

The registers are monitored daily and identify pupils who are arriving late. Regular late arrival for school will be challenged as not acceptable. Pupils with U codes may be referred to the Local Authority Statutory Team for consideration of Legal Action where the trigger is met.

Early collection

Only in an emergency situation can we authorise an early collection. Any early collection is recorded against the child's attendance and you will be asked to complete a Leave of Absence form.

Absence

If a child is absent from school parents must contact the school on the first day of absence to inform the school of the reason for absence. This needs to be before 8.45 am. **Parents are expected to maintain contact with the school throughout the absence on a daily basis. Please note that Class Dojo should not be used to report absence to the class teacher and all absence must be notified through the school office.**

After registration has closed, the school registers are checked for any absences where there has been no contact by parents and reason given.

School staff will send email messages to parents to ascertain a reason for the child absence from school and follow this up with a telephone call.

If staff are concerned about a child's absence or there is no response to messages, they will follow the process in detailed in Appendix 1. This includes telephone calls to parents, other emergency contacts, home visits, referrals to the CSAWS Attendance and Welfare Officer and to the police for a safe and well check.

Where school staff have concerns about a child, they should use their professional judgement and knowledge of the individual pupil to inform their decision as to whether welfare concerns should be escalated (DFE Attendance guidance 2024)

It is imperative that up-to-date contact numbers and details are provided to school.

Schools are required to hold more than one emergency contact per child (KCSIE 2025) Emergency contact numbers should be provided and updated by the parent with whom the pupil normally resides.

If the pupil has a social worker or a youth offending worker they will be notified of any absences with no reason provided

Olton Primary School reserves the right to conduct home visits at any point during a pupil's absence. Staff will request to physically see a child but will not ask to come into a family home. Where parents are liaising with school, we will endeavour to notify of any visit.

KCSIE 2025 states: *"Schools should always know where a child is based during school hours."*

If your child is absent and not staying in their home address (possibly due to childcare on that day), you will be requested to share their carer's name and address at the time of reporting. A home visit may still be conducted if the child is away from their home address during their absence.

Illness:

Not all illness requires an absence from school. For minor childhood ailments such as coughs, colds, ear aches we would not expect children to be absent. However, when a parent makes the assessment that their child is unfit for school they should follow the above absence process.

If your child has symptoms of a respiratory infections and has a temperature or is too unwell to attend school, they should stay at home and avoid contact with others until they no longer have a temperature and are well enough to attend school.

Schools should follow up with families if they are not satisfied with the reason as to why the pupil is not in school. Schools can request supporting evidence from the family. Where the school is not satisfied with the reason given for absence, they may record this using one of the unauthorised absence codes.

If you are unsure if your child should attend school, please contact the school who will offer advice and guidance or signpost you to the relevant service.

It is a school's decision whether to accept a reason for a child's absence and whether to authorise that absence. In the majority of cases, a parent's explanation of their child's illness can be accepted without question or concern. In circumstances where there are concerns about a child's attendance or reason for absence, further evidence of a child's illness may be requested.

School will challenge parents' statements or seek additional evidence if they have any concerns regarding a child's attendance.

In fact, it is good practice to have clear systems in place to escalate any concerns about high levels of absence due to illness, including agreements about accessing additional services in order to provide appropriate support to pupils, particularly for long term illness.

The types of scenarios when medical evidence may be requested include:

- Child is absent and there are frequent odd days absences due to reported illness
- Child is absent and the same reasons for absence are frequently repeated
- Child is absent and attendance is below expected levels and there is a concerning pattern of absence/reasons for absence.
- Where there are medical problems and school may need evidence to seek additional support/provide support
- There are conflicting reasons for absence

Medical appointments

Parents should avoid making routine medical appointments and dental appointments during the school day whenever possible. In the majority of cases, appointments can be made outside of the school day/during the school holidays.

Where appointments have to be taken during the school day, parents should request permission for their child to be absent in advance whenever possible. Only the time for the appointment and travel to and from

will be classed as an authorised absence. Pupils are expected to return to school for the remainder of the day/attend school prior to the appointment.

Parents are required to provide a copy of the appointment letter or card prior to the day of the appointment. Absences will only be authorised when this information has been received.

Reintegration of Long Term Absentees

Absence can significantly interrupt the continuity of students learning, and positive strategies should be employed to minimise such effects.

Key Principles

- We should always keep in touch with a student/and his/her family during a long absence.
- We should always make sure he/she is welcomed back
- We should never make sarcastic comments about an absence – a thoughtless word can destroy hours of work by staff.

Head Teacher and SENDCo to consider a phased return where appropriate. Consideration needs to be given to any special needs the pupil may have and appropriate support identified. Consideration must be given to providing a mentor (staff member/student)

Class Teachers should ensure that the pupil feels welcomed back to school in an appropriate way and take any necessary steps to support their re-integration.

Other reasons for absences:

Other reasons for absence must be discussed with the school on each occasion. Notes will not necessarily be accepted as providing valid reasons. The school will follow DFE guidance and not authorise absences for shopping, birthdays or child minding.

Religious Observance

Olton Primary School acknowledges the multi-faith nature of British society and recognises that on some occasions, religious festivals may fall outside school holiday periods or weekends and this necessitates a consideration of authorised absence or special leave for religious observance. It is reasonable for a parent to allow their children not to attend school on any day of religious observance if recognised by the parent's religious body. However, parents are requested to give advance notice to the school if they intend their child to be absent. Religious bodies may be contacted to verify these occasions.

Olton Primary School will be guided by Solihull Council regarding the number of authorised religious observance days eg. Eid. This is usually 1 day.

Mobile Children

The School Attendance (Pupil Registration) (England) Regulations 2024 and the *Working together to improve school attendance* guidance use the term 'mobile child' to describe a child of compulsory school age who has no fixed abode and whose parent is engaged in a trade or business that requires them to move from place to place. This is a new term but covers the same children as section 444(6) of the Education Act 1996.

'No fixed abode' means that someone either does not have a settled place where they can live full-time, or they have a place where they can live full-time but they spend substantial periods of time not living there. So a mobile child could be a child whose family travels all year round as part of their trade or business and has no permanent address at all, but it also includes a child who does have a fixed place to live (like a house) but does not live there for a substantial part of the year, if their parent is engaged in a trade or business that requires them to travel from place to place. If the child is absent from school while travelling with that parent, then code T applies.

Requests for Leave of Absence (exceptional circumstances)

- The law states a leave of absence may only be granted by a school if an application is made in advance and if it considers there are exceptional circumstances relating to the application.
- A leave of absence is granted entirely at the school's discretion. Permission for a Leave of Absence from a school may only be given by a person who the school's proprietor has authorised to do so (an authorised person).
- Schools must judge each application individually considering the specific facts and circumstances and relevant background context behind each request. We request that parents attach supporting evidence e.g. A flight booking, showing date and time of booking, to reflect the emergency or the exceptional reason.
- Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.
- Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school.
- When making an application for Leave of Absence parents are advised to give sufficient information and time to allow the Head teacher the opportunity to consider all the exceptional circumstances and to notify the parents of their decision. The school may also request further information on the application and supporting documentation where appropriate.
- It is advised that if the resident parent has not received notification or a response regarding the leave of absence application, it is their responsibility to ascertain if the leave is authorised prior to the start of the leave.
- The school can only consider applications for Leave of Absence which are made by the resident parent. i.e the parent with whom the child normally resides.
- Where applications for Leave of Absences are made in advance and refused, the child is expected to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an "unauthorised" absence. Where a leave of absence is requested but additional days take either prior to or after the request, they may be considered as part of the leave of absence.
- Leave of Absences which are not made in advance cannot be authorised in line with legislation. This will result in the absence being recorded as 'unauthorised'.

Procedure for requesting a planned absence:

- All leave of absence requests will be unauthorised unless the circumstances are exceptional. A parent/carer should complete an absence request form (Appendix 2) and submit this to the school

at least 20 school days prior to the date required. School will respond to the request within two weeks. If school is aware of any language difficulties that may preclude a request form being completed appropriate support will be offered to the parent/carer.

- Leave of absence request received with less than 20 school days' notice will not be authorised. The exception to this rule would be in the case of a genuine emergency and additional evidence of said emergency must be provided.
- If the Head teacher deems that the reasons for the request are exceptional and authorises the absences a letter confirming that the request has been authorised will be sent to the parent/carer
- If the Head teacher deems that the reasons are not exceptional and the leave of absence will not be authorised. A letter informing the parents of this decision for each child and warning of the legal implications of the absence been taken will be sent to each parent. The Local Authority Letter must be used.
- If once notified in writing of the decision to unauthorise the leave of absence, the absence is taken it will be marked as an unauthorised absence on the pupils register. If the trigger of 10 unauthorised absences (sessions) is met then the absences should be referred immediately to the Education Enforcement Team for consideration and could result in the issue of a fixed penalty notice.
- If a leave of absence request is not received but school subsequently are informed, or discover through their enquiries that a holiday in term time has been taken parents will be informed in writing (using the LA template) that this absence has been unauthorised and if the trigger of 10 unauthorised sessions has been met a referral will be made for the issue of a penalty notice.
- Where schools have reason to question the veracity of a reason for absence they will make further enquiries and follow absence procedures detailed in this policy.

Attendance, Safeguarding and Children Absent from Education

A child absent from education is a potential indicator of abuse or neglect. School should follow the school's procedures for dealing with children that go absent from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation and criminal exploitation, and to help prevent the risks of their going missing in future.

All schools are required to make the local authority aware of every registered pupil who fails to attend school regularly and any children who have been absent from school, where the absence has been treated as unauthorised for a continuous period of not less than 10 school days education (Pupil Registration) (England) Regulations 2024 regulation 13).

Schools are permitted to remove compulsory-school-aged children from roll on the limited grounds set out in regulation 9 of the Education (Pupil Registration) (England) Regulations 2024.

Removing a child from the school roll is a very important decision. Children who fall out of the education system are likely to have poor outcomes and may be exposed to increased risk of harm. Schools must follow correct procedures to ensure that they do not breach their legal and safeguarding duties.

All schools (including academies and independent schools) must notify their local authority when they are about to remove a pupil's name from the school admission register under any of the fifteen grounds listed in the 2024 regulations

Schools must make reasonable enquiries to establish the whereabouts of the child jointly with the CME officer, before deleting the pupil's name from the register if the deletion is under regulation 9(1), sub-paragraphs (h) and (i).

Appendix 3 details the local Procedures that school follows.

This attendance policy is part of a broader suite of safeguarding policies including the school's Child Protection Policy and Procedures.

Tuancy within school

Olton Primary School monitor attendance to each lesson period of the school day using the registers, in order to ensure all pupils are safe in school and whereabouts known. If a pupil does not present to scheduled lessons/activities, the Senior Leadership Team and Attendance Officer are informed and staff alerted to find missing pupils. If pupils cannot be located and are suspected of leaving school premises, parents will be informed and the police notified of a missing child.

Alternative Education Providers

On rare occasions, a small number of pupils may be accessing an alternative education provider or dual registered with another school, agreed by the school for all or part of their timetable. In this instance the pupil remains on roll at Olton Primary School. Attendance to approved alternative providers is monitored. When Pupils are Dual registered at another school or alternative provider their attendance will be recorded in the register as a D code (on days they are required to attend the other school/provision). The other school/provision will record the attendance of absence. For children who are Educated Off site but not dual registered their attendance will be recorded in Olton Primary School register as a B code if they are confirmed present or the appropriate absent code if absent. The responsibility of ensuring pupils are safeguarded and receiving appropriate education remains with Olton Primary School. Keeping in Children Safe in Education 2025 states that "Schools should always know where a child is based during school hours. This includes having records of the address of the alternative provider and any subcontracted provision or satellite sites the child may attend. They should regularly review the alternative provision placements they make. Reviews should be frequent enough (at least half termly) to provide assurance that the child is regularly attending and the placement continues to be safe and meets the child's needs".

Registers

An accurate and consistent registration system is crucial both to provide a solid foundation for analysis of absence and to support any statutory interventions.

The register is a legal document and must be kept accurately. Attendance registers will be kept in accordance with legal requirements, local authority guidelines and school regulations.

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

Absence can only be authorised by a person designated to do so by the head teacher [see The Education (Pupil Registration) (England) Regulations 2024].

There are procedures in place to resolve unexplained absences within 5 working days.

School complies with and uses the DFE Compulsory National Attendance Codes to categorise absence (Appendix 3).

Use of Attendance Data

Schools must provide specific pupil information on request to the Secretary of State [The Education \(Information About Individual Pupils\) \(England\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2024/1220/contents/make)

We meet this requirement by sharing their school attendance data directly from our management information system.

We are also required to make data returns to the Local Authority:

New Pupil and Deletion returns: notifying the local authority when a pupil's name is added to or deleted from the school admission register outside of standard transition times.

Attendance returns: providing the local authority with the names and addresses of all pupils of compulsory school age who fail to attend school regularly or have been absent for a continuous period of ten school days where their absence has been recorded with one or more of the codes statistically classified as unauthorised (G, N, O, and/or U).

Sickness returns: providing the local authority with the full name and address of all pupils of compulsory school age who have been recorded with code I (illness) and who the school has reasonable grounds to believe will miss 15 days consecutively or cumulatively because of sickness.

We collect, use and store attendance information about our pupils and may receive information about you from your previous school. The information we keep regarding attendance includes name, contact details, attendance records, late records and any relevant medical information.

Attendance is reviewed at a minimum half termly, where there is cause for concern, this information is shared with CSAWS during regular attendance meetings held at school. CSAWS then follow up attendance concerns with parents and carers on school's behalf.

We meet termly or annually with the Local Authority EPAS team for Attendance Targeting Support Meetings where attendance data is shared and discussed.

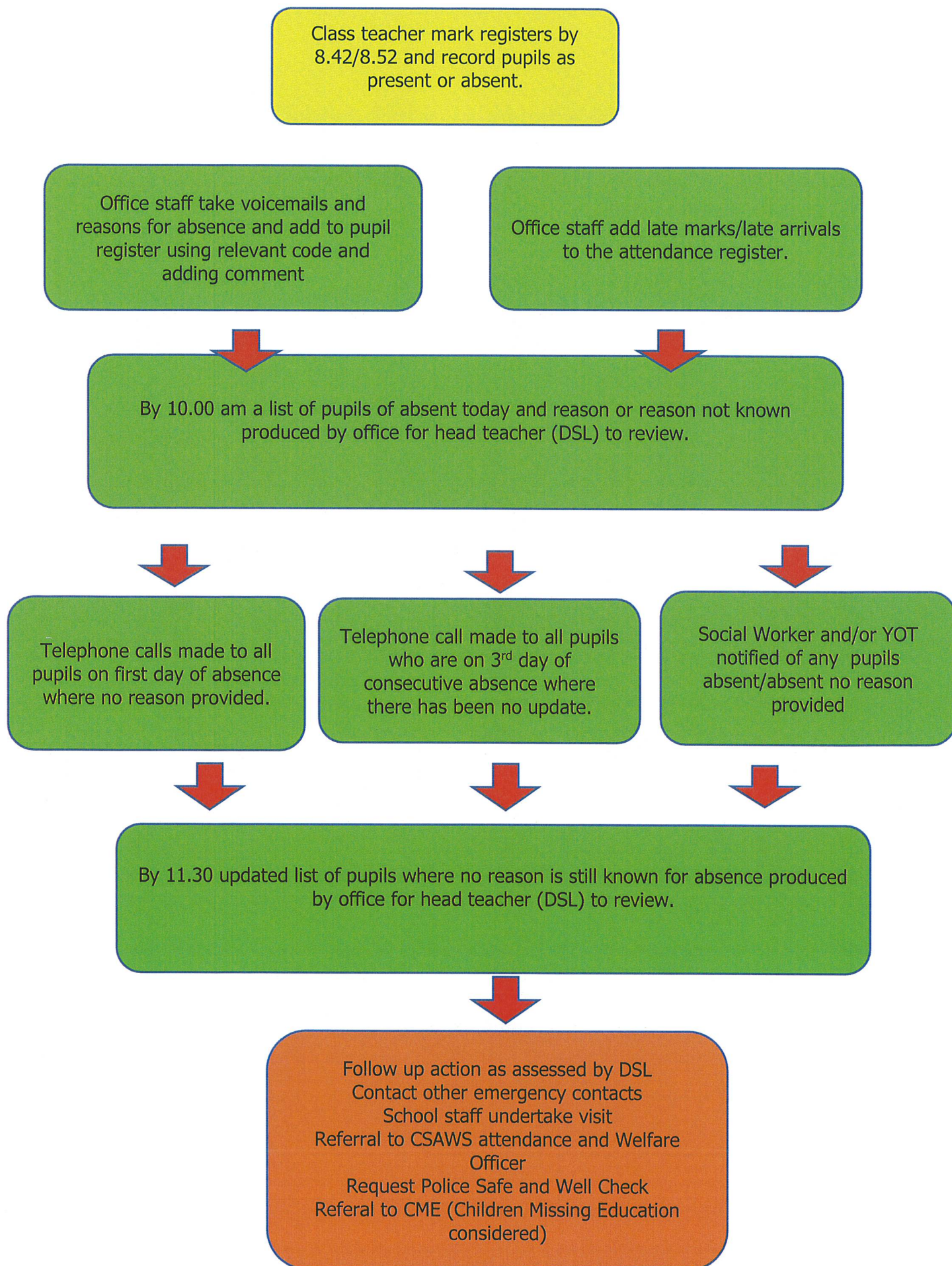
Information regarding attendance concerns may also be shared with the Local Authority as part of statutory processes.

The Head teacher will analyse attendance data half termly for whole school and groups of pupils. This will be shared with governors and used to inform the strategic plan to improve school attendance.

Attendance Data will be shared with class teachers in preparation for Pupil progress reviews and parents' evenings and to target interventions.

Attendance Data will be produced and used to promote attendance through the school newsletter, website and rewards and incentives.

Appendix 1 – Protocol for following up attendance/punctuality at Olton.



Appendix 2

SCHOOL ABSENCE REQUEST FORM

APPLICATION FOR LEAVE OF ABSENCE FOR A SCHOOL PUPIL IN TERM TIME IN EXCEPTIONAL CIRCUMSTANCES ONLY

Parent/ Carers

- This form should be completed and submitted to the school at least 4 school weeks before the start of the proposed leave of absence.
- All requests for Leave of absence will be considered by the school using this form to assess whether the leave was due to exceptional circumstances. Parent/carers do not have any legal entitlement to take their child on holiday during term time. Leave of absence for the purpose of holidays in term time will not be granted. You will be notified by the school whether permission has been granted for the leave of absence. Any leave of absences taken which have not been requested in advance will recorded as unauthorised.
- Leave of absence taken without permission may result in the issuing of a penalty notice by the local authority of £160. Any Fixed Penalty Notices issued and/or prosecution will apply to each parent for each child who fails to attend school. Further information can be found at: <https://www.solihull.gov.uk/schools-and-learning/school-attendance>
- Parents have a legal duty to ensure that their children of compulsory school age receive a suitable full-time education through regular attendance at a school or otherwise (ie home education) (Section 7 Education Act 1996).
- If a child who is of compulsory school age, who is registered at school and fails to attend regularly, it is the parent that will be guilty of an offence (Section 444 (1) Education Act 1996).

CHILD DETAILS			
Name of Child:			
DOB:		Class:	
First Date of Proposed Absence:			
Last date of Proposed Absence:			
Expected date of return to school:			
Total Days Requested on this occasion:			
Please detail below the exceptional circumstance why you are requesting to take your child out of school. (Please attach supporting evidence). You may be invited into school to discuss your request with the headteacher.			
LEAVE OF ABSENCE APPLIED FOR AT A DIFFERENT SCHOOL FOR SIBLING(S)			
Sibling School:			
Sibling Name:		Sibling DOB:	
Sibling School:			
Sibling Name:		Sibling DOB:	

PARENT/CARER DETAILS			
Name:		Name:	
Address:		Address:	
Telephone:		Telephone:	
Email:		Email:	
Who is accompanying this child on the leave of absence?			
Parent/carer name completing request form:			
Signature of parent/carer completing request form:			Date:
FOR SCHOOL USE ONLY			
Date request received by school:			
Previous requests for leave of absence?		Yes / No	
Evidence provided for exceptional circumstance?		Yes / No	
Absence Authorised:		Yes / No	
The reason(s) for this decision are:			
Unauthorised Dates	Code for Register	Authorised Dates	Code for Register
Headteacher signature:		Date:	
Date decision letter sent to parent/carer(s):			

Appendix 3 National Attendance and Absence Codes

Code	Meaning	Statistical Value
/	Present at school AM	Attending (Present)
\	Present at school PM	Attending (Present)
L	Late arrival before register is closed	Attending (Present)

K	Attending Education provision arranged the LA	Attending an approved educational activity (present)
V	Attending an Educational visit or trip	Attending an approved educational activity (present)
P	Participating in a Sporting Activity P code can only be used if the pupil is present at the activity	Attending an approved educational activity (present)
W	Attending Work Experience	Attending an approved educational activity (present)
B	Attending any other approved Educational Activity	Attending an approved educational activity (present)
D	Dual Registered at another school	Not a possible attendance (neither present or absent)

C1	Leave of absence – performance or regulated employment abroad	Authorised absence
M	Leave of absence for Medical or dental Appointment	Authorised absence
J1	Leave of absence for Interview	Authorised absence
S	Leave of absence for Studying for public examination	Authorised absence
X	Non – Compulsory School age pupil not required to attend school	Not a possible attendance
C2	Leave of absence – compulsory school age pupil subject to part time / reduced timetable	Authorised absence
C	Leave of absence for exceptional	Authorised absence
T	Parent travelling for occupational purposes	Authorised absence
R	Religious Observance	Authorised absence
I	Illness (not medical appointment)	Authorised absence
E	Suspended or Permanently excluded with no alternative provision made	Authorised absence
G	Leave of absence not granted by school	Unauthorised absence
N	Reason for absence not yet established	Unauthorised absence
O	Absent in other or unknown circumstances	Unauthorised absence
U	Arrived in school after registration closed	Unauthorised absence

Q	Unable to attend school because of lack of access arrangements (travel)	Not a possible attendance
Y1	Unable to attend due to transport normally provided not being available	Not a possible attendance
Y2	Unable to attend due to widespread travel disruption (e.g. train strikes)	Not a possible attendance
Y3	Unable to attend due to part of the school premises being closed (e.g. RAAC)	Not a possible attendance
Y4	Unable to attend due to the whole school site being unexpectedly closed (e.g. burst water mains)	Not a possible attendance
Y5	Unable to attend as pupil is in criminal justice detention	Not a possible attendance
Y6	Unable to attend in accordance with public health guidance or law (e.g. Covid self-isolation, Strep-A)	Not a possible attendance
Y7	Unable to attend because of any other unavoidable cause	Not a possible attendance



**Solihull Metropolitan
Borough Council
(SMBC)**

Code of conduct for Enforcement

September 2025

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SMBC

Code of Conduct for Enforcement.

Section 1 - Introduction

The [Working together to improve school attendance - GOV.UK](#) guidance is statutory and local authorities and schools must have regard to it as part of their efforts to maintain high levels of school attendance. This code of conduct should be read alongside the statutory guidance documents including:

- Children Missing Education
- Supporting Pupils with Medical Conditions at School
- Education for Children with Health Needs Who Cannot Attend School
- Suspensions and Exclusions
- Alternative Provision
- Keeping children safe in education

Solihull Schools must also read the 'The Attendance Enforcement – Handbook for Solihull Schools' alongside this code which gives further details for schools to make referrals and provides further resources.

This code of conduct is for:

- All school and academy trust staff, headteachers, governors, academy trustees, and alternative provision providers
- Local Authority attendance staff, early help lead practitioners, social workers, and virtual school headteachers
- Statutory safeguarding (including police and integrated care boards) and other local partners
- This guidance may also be useful for parents/carers.

The purpose of this local code of conduct is to ensure that legal intervention for unauthorised absences from school is carried out fairly and consistently across SMBC. The code sets out the arrangements for administering Penalty Notices and Prosecutions in Solihull. The code complies with the Education (Penalty Notice) Regulations 2007 as amended by the Education (Penalty Notices) (England) (Amendment) Regulations 2024, the 1996 Education Act and with relevant regulations and the Department for Education's national framework for penalty notices as set out in the '[Working together to improve school attendance](#)' (19 August 2024)

1.1 Consultation

This code has been drawn up in consultation with the headteachers and governing bodies of state-funded schools and the local police force.

1.2 Rationale

Regular and punctual attendance of pupils at schools is, under section 7 [Education Act 1996](#) ([legislation.gov.uk](#)), a legal requirement. Parents are responsible for ensuring that any 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 the child may have. It is essential for pupils to attend school regularly to maximise the opportunities available to them. For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.

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

1.3 Definition of a Parent

The 1996 Education Act defines parents in education law as:

- All natural parents, whether they are married or not.
- Any person who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989 (legislation.gov.uk) for a child or young person.
- Any person who, although not a natural parent, has care of a child or young person – having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child is considered to be a parent in education law.

The parent/carer(s) with day-to-day responsibility for the pupil's attendance will be subject to penalty notices being issued and prosecution cases. Where it is an unauthorised leave of absence it will usually be issued to the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

1.4 Definition of Compulsory School Age

Section 7 of the Education Act of 1996 imposes on parents a legal duty to secure education for their children of compulsory school age whether at school or otherwise. A child reaches compulsory school age on or after their fifth birthday:

- if they turn 5 between 1 January and 31 March they are of compulsory school age on 31 March;
- if they turn 5 between 1 April and 31 August they are of compulsory school age on 31 August.
- if they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31 December.

A child continues to be of compulsory school age until the last Friday of June in the year that they reach 16 (i.e. year 11).

1.5 Referrals to SMBC

The Attendance Enforcement Team (AET) at SMBC will process referrals from schools, other local authorities and the police for legal intervention for unauthorised absences from school. Whilst schools may commission third parties to carry out attendance functions on their behalf, the AET will communicate directly with the school, providing updates and outcomes of referrals made. Schools need to ensure they have an information sharing policy in place with any third party which confirms the school are fully responsible for ensuring the sharing, storage and distribution of all information.

Types of legal intervention:

- Notice to Improve
- Penalty Notice
- Prosecution under S444(1)
- Prosecution under S444(1A)
- School Attendance Order
- Education Supervision Order

A referral to initiate formal legal procedures can ultimately result in the issue of a Penalty Notice, or prosecution in the Magistrate's Court. This formal intervention should only be used when schools have exhausted all other strategies but have failed to improve the pupil's attendance. However, formal or legal action can be an effective deterrent preventing a pattern of school non-attendance.

1.6 SMBC Education Participation Advisory Service (EPAS) – Attendance Teams

The Attendance & EHE Advisory Team is responsible on behalf of SMBC for undertaking the following proceedings:

- Implementing and Monitoring National and Local Guidance in respect of School Attendance
- Targeted support meetings
- Providing advice and guidance for Attendance enquiries
- Identifying Children Missing from Education (CME)
- Elective Home Education (EHE) Procedures

The Attendance Enforcement Team (AET) is responsible on behalf of SMBC for undertaking the following proceedings:

- Check and processing of referrals from schools
- Issuing of Penalty Notices
- Single Justice Procedure
- Prosecution in Magistrate's Court
- Meeting and cautioning parents/carers under a PACE interview (Police and Criminal Evidence Act 1984)
- School Attendance Orders
- Education Supervision Orders

Section 2 – Support First Approach and Notice to Improve

The government expects Schools and Local Authorities to:

- Promote good attendance and reduce absence, including persistent absence.
- Ensure every pupil has access to full-time education to which they are entitled; and act early to address patterns of absence.
- Parents/carers to perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly and on time.

2.1 Support First Approach

At all stages of improving attendance, schools and partners should work in partnership with pupils and parents collaboratively to remove any barriers to attendance by building strong and trusting relationships and working together to put the right support in place.

Initial communication

Early on, when attendance concerns are emerging, a child's school will get in touch with parents to let them know what their attendance rate is and offer support, whether from the school itself or from a service that may be able to help. At this stage, advice and support will be offered by the child's school on a

voluntary basis. Families may be signposted to one of the Family Hubs where the Attendance & EHE Advisory Team offers drop-ins for advice and guidance on attendance matters. For further details of dates for parent advice drop-in sessions please contact attendanceenquiries@solihull.gov.uk

Family Helpline

The Family Helpline is a free service available to families and professionals in Solihull, offering support for parents and children. You can reach the helpline at 0121 788 4327, available Monday to Thursday from 9:00 AM to 4:30 PM, and Friday from 9:00 AM to 4:00 PM. A dedicated team of duty workers provide advice and support on a range of issues, including parenting guidance, child development, school attendance, and assistance with completing Early Help plans.

Informal action

If the child's attendance does not improve with initial support, the school's attendance officer typically writes to parents, inviting them to a meeting. This meeting allows parents to discuss the reasons for any unauthorised absences and provides an opportunity for the school and involved professionals to understand the barriers to regular attendance. It also allows for the consideration of an Early Help Assessment referral and, where appropriate, the creation of an Attendance Contract.

Continued voluntary support or intensive support

The Attendance Contract should be monitored and reviewed within an agreed timescale set at the school attendance panel meeting. In cases where the objectives in the Attendance Contract have worked to improve attendance, that may be the end of the matter. However, voluntary support may continue for a further period to ensure the underlying reasons for the child's attendance have been fully addressed and barriers overcome.

In cases where the objectives in the Attendance Contract have not worked to improve attendance, even when reviewed and adapted, it may be that the school makes a referral to one or more other agency e.g. children's services, who will work with the family to improve attendance.

2.2 SMBC arrangements for the use of a Notice to Improve.

A Notice to Improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the threshold of 10 sessions of unauthorised absence across a rolling 10 school weeks¹ period has been met, appropriate support was offered but parent did not engage, or has not worked, a school can refer for a Notice to Improve to be issued.

Schools can discuss cases with the Attendance & EHE Advisory Team if they are considering making a referral for a Notice to Improve.

Schools can choose not to use a Notice to Improve in any individual case, including cases where support is not appropriate or where they expect that it would have no impact on a parent's behaviour (e.g. because the parent has already received one for a similar offence). In these circumstances a school may refer for a penalty notice or prosecution.

2.3 When a Notice to Improve has been referred to SMBC

Once a Notice to Improve referral is submitted by a school, the AET will check to ensure the correct documentation is enclosed. If the correct paperwork is not included or the work that has been undertaken is not sufficient the referral will be rejected. The AET will issue a Notice to Improve letter to all

¹ A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

parents/carers requested. The Notice to Improve gives the parents/carers a 6 school week period (30 school days) to improve their child's attendance.

A Notice to Improve will include:

- Details of the pupil's attendance record and details of the offences.
- The benefits of regular attendance and parents' legal duty under [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/54)
- Details of the support provided so far and offers of further support appropriate.
- A 6 school week improvement period (30 school days).
- What sufficient improvement looks like, so that a penalty notice is not issued.
- A clear warning that a penalty notice may be issued, or prosecution considered, if attendance improvement is not secured within the improvement period.

During the 6 school week improvement period the school will continue to monitor the child's attendance. At the end of the period, the AET will decide if:

- Sufficient improvement during the Notice to Improve period has been made – which may include evidence of no further unauthorised absences, or a sufficient amount of improvement tailored to the specific family circumstances **or**:
- If there is no improvement in attendance following the Notice to Improve 6 school week period or conditions of the Notice to Improve have not been met, in discussion with the school, a penalty notice may be issued.

Schools are not required to wait until the 6 school week period has passed before considering a penalty notice, decisions will be taken on a case-by-case basis, based on the level of parental/pupil engagement and/or level of attendance improvement noted.

In some circumstances a penalty notice may be issued after the improvement period has ended if there are further unauthorised absences and another notice to improve is not appropriate. In exceptional circumstances the AET may decide to start prosecution as alternative to a penalty notice being issued.

Section 3 – Referrals for Penalty Notices for Leave of Absence (holidays during term time) and Irregular School Attendance.

A penalty notice may be issued to a parent as an alternative to prosecution for an unauthorised leave of absence or irregular school attendance under [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/54). They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, Alternative Provision academies, and certain off-site places.

[The Education \(Penalty Notices\) \(England\) Regulations 2007 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2007/2688) (and subsequent amendments) set out how penalty notices for school absence must be used.

The national framework for penalty notices is published in the statutory guidance 'Working together to improve school attendance'. It provides further national guidance on the operation of penalty notice schemes for school absence in England.

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

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

It is at the head teacher's discretion to authorise or unauthorise an absence for exceptional circumstances. SMBC supports head teachers in their decision making when referrals are made for legal intervention if the national legal framework has been adhered to.

Generally, the DfE does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance. Taking leave of absence during term-time due to cheaper holiday fares or other financial considerations will not be authorised.

The Head teacher should consider each application on a case-by-case basis and on its own merits. It is at the Head teacher's discretion if the exceptional circumstances warrant the authorisation of the leave. The Head teacher should also determine the number of days the pupil should be absent for and make clear to parents the date on which the pupil will be expected to return to school.

All requests for leave of absence must be made in advance by the parent/carer, in line with the school's attendance policy. Leave of absences applied for in advance but not authorised may result in a Penalty Notice. A Penalty Notice may also be issued when leave of absence has been taken but the school have not received and authorised a request in advance.

3.1 National Framework for issuing Penalty Notices

The national threshold has been met when a pupil has unauthorised absences for 10 sessions within 10 school weeks, with one of, or a combination of, the following codes:

G	Holiday not granted by the school
O	Absent in other or unknown circumstances
U	Arrived in school late after registration closed

If, in an individual case, the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

There are 3 types of referrals that can be made for a penalty notice to be issued:

1. Leave of absence
2. Irregular school attendance
3. Excluded child in a public place

A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and are not working to change behaviour, they are unlikely to be the most appropriate tool. Therefore, from the Autumn Term of 2024, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3-year rolling period and any second notice within that period is charged at a higher rate:

- The first penalty notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.
- A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days.
- A third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. In a case where the national threshold is met for a third time (or subsequent times) within those 3 years, AET may consider prosecution under Education Act 1996 (legislation.gov.uk)

For a child of compulsory school age who is a registered pupil at a school and is excluded from that school, either for a fixed period, or permanently, his/her parent/carer is guilty of an offence under 105 of the Education and Inspections Act 2006 if:

- the child in question is present in a public place during school hours without reasonable justification during the first five days of each and every period of exclusion.
- the parent/carer must have been notified by the school at the time of the exclusion of their duty and the dates it relates to.

When an exclusion penalty notice is imposed, a fee of £60 per parent per child is payable within 21 days of issue of the notice; and £120 if paid between 21 and 28 days of issue of the Notice.

3.2 Key considerations prior to the issue of a Penalty Notice for Unauthorised School Absence

Penalty notices will only be administered by the AET, to fully comply with current legislation and ensure a fair and consistent approach and to also ensure that a penalty notice is the best available tool to improve attendance and change parental behaviour.

In cases where support is not appropriate (for example, for holidays in term time), these will be considered upon referral from the school on a case-by-case basis.

Consideration will be given to whether it is in the public interest to issue a penalty notice in each case given SMBC would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment.

Where pupils move between local authority areas, SMBC can be contacted on email address cross.border@solihull.gov.uk to find out if penalty notices have been issued previously.

Where pupils attend school in SMBC but live in a different Local Authority, contact will be made to the pupil's previous local authorities to establish if any previous penalty notices have been issued in the previous 3 years.

3.3 Issuing a Penalty Notice

Once the AET receives the request for a penalty notice, the evidence will be checked against the details entered on the referral. Accepted referrals will result in a penalty notice being issued.

3.4 Payment of Penalty Notices

Arrangements for payment will be detailed within the penalty notice.

- Part payments or payment plans are not accepted, fines must be paid in full within 21 or 28 days, at the rate specified within the penalty notice.
- Payment after the deadline may be accepted in exceptional circumstances. In this situation, the higher amount of £160 is usually payable and must be paid immediately and in full.
- When paying a penalty notice fine, parents/carers are essentially agreeing to an out of court settlement in respect of the unauthorised absences to which the notice refers. Payment in full against the penalty notice discharges the parent's/carer's legal responsibility for the period of unauthorised absence outlined in the Notice and the parent/carer cannot be subsequently prosecuted for that period.
- Any revenues collected through the system must be ring-fenced to administer the penalty notice system and prosecute for the original offence in cases of non-payment. If a surplus remains after

the system has been administered and any non-payers have been prosecuted, this can be spent on SMBC's Attendance Support Offer. The AET will inform the school about whether penalty notices are paid, withdrawn, or have proceeded to prosecution, due to non-payment.

3.5 Non-Payment of Penalty Notices – Single Justice Procedure

If payment is not made in the specified time SMBC may prosecute a parent in the magistrate's court under s444(1) of the Education Act 1996.

A court file will be prepared by the AET and sent to SMBC's Legal Services team to prepare paperwork for the single justice process.

The defendant will be sent an single justice procedure court summons. They will be given the following options:

- To plead guilty and have the case heard by a single magistrate without the defendant or local authority being present. Parents have the opportunity to give written explanation to the circumstances surrounding the offence for the magistrate to consider.
- To plead guilty and have the case heard in the magistrate's court with a panel of magistrates and the local authority present.
- To plead not guilty – in this case the court will usually invite the defendant to a case management hearing before setting a trial date.

If found guilty of the s444(1) offence, a fine of up to £1000 can be imposed plus court costs. The defendant will receive a criminal record.

3.6 Procedure for withdrawing Penalty Notices

A penalty notice may be withdrawn by the AET in any case in which they determine that:

- a) Penalty notice has been issued outside of the terms of the code of conduct
- b) It ought not to have been issued or issued to the person named as the recipient
- c) It appears that the notice contains material errors
- d) Where after the expiry of 28 days, the penalty is unpaid and the Local Authority do not wish to bring legal proceedings under s444(1).

Where a penalty notice has been withdrawn in accordance with the above, a notice of the withdrawal shall be given to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it.

No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under Section 444(1/1A) of the Education Act 1996 arising out of the same circumstances.

3.7 Penalty Notice escalation process

For the escalation process, previous penalty notices include those not paid (including where prosecution was taken forward if the parent/carers pleaded or was found guilty) but not those which were withdrawn. Withdrawn penalty notices and any penalty notices issued before 19 August 2024 will not count towards the 2-penalty limit per child, per parent within a rolling 3-year period.

The following table sets out how previous penalty notices for **unauthorised absence recorded after 19 August 2024**, including those not paid and where prosecution was taken forward and the parent/carers pleaded guilty or was found guilty, will count towards the National Framework limit.

Scenario	Counts towards the limit?
Penalty Notice issued by the AET and paid within 21 days	Yes
Penalty Notice issued by the AET and paid within 28 days	Yes
Penalty Notice issued by the AET but later withdrawn	No
Penalty Notice issued by the AET. The Penalty Notice was not paid, and the local authority prosecuted for the original offence but the Court found the parent/carer not guilty	No
Penalty Notice issued by the AET. The Penalty Notice was not paid, and the local authority prosecuted for the original offence but the Court found the parent/carer guilty	Yes
A Penalty Notice is issued by the AET in respect to a child being found in a public place whilst subject to a suspension or permanent exclusion	No

Section 4 – Referrals for Prosecution

4.1 Legislation

For a child to fulfil their potential in education they need to attend school regularly and on time. The legislation states that: 'Parents have the responsibility to ensure that their children receive a suitable education, either by regular attendance at school or otherwise' (section 7 Education Act 1996).

If a child is on a school roll the school must monitor and review their attendance and act on any concerns both quickly and efficiently. Schools have a wide range of strategies available to them to identify and address unsatisfactory attendance, including, ultimately, referral to the AET for formal legal action against the parent/carer to be considered.

At all times it is important to consider the individual circumstances of each child and their family and apply appropriate strategies.

SMBC regards prosecution as a last resort when all other measures and support at the earliest opportunity have failed to assist a pupil to attend school regularly.

In some circumstances a penalty may not be appropriate therefore school need to discuss further with the AET. Upon receipt of a referral for a penalty notice, the AET may decide not to proceed with a penalty notice and start prosecution.

4.2 Referral process for Prosecution

Schools are expected to have taken all reasonable steps to identify parents/carers and have included them in all attendance concerns.

Schools should complete a Prosecution Referral. This referral and supporting documentation is submitted to the AET for the case to be considered. The referral should include:

- A registration certificate signed by the head teacher clearly showing unauthorised absence.
- Evidence of contact with parents including phone calls, home visit and meetings.
- Copies of any letters sent to all parents/carers.
- Any medical evidence that has been provided to school by parents.
- Details of parental/carer engagement or lack of engagement and reason for requesting prosecution.
- Copies of attendance contracts if there has been one completed.
- Consideration of any SEND needs or any other issues that school needed to have considered before making a referral.

4.3 What happens when prosecution referral has been submitted to the AET

If the referral is accepted the AET will consider the type of prosecution, either;

- s444(1) of the Education Act 1996 (Single Justice Procedure)
- s444 (1A) of the Education Act 1996 (Magistrates Court)

s444(1) of the Education Act 1996 (Single Justice Procedure) will be considered when:

- There has been a previous unpaid penalty notice that has proceeded to court. This would suggest that another penalty notice would not be successful.
- The escalation process within the current national penalty notice guidance means that a third penalty notice cannot be issued to the same parent in respect of the same child within 3 years of date of issue of the first.

If AET initiate prosecution under the single justice procedure a letter will be sent to the parent informing them that we are intending to prosecute. School will be asked to provide documents and evidence to the AET which will then be compiled into a court file and sent to SMBC Legal Services team - see section 3.5 for further information on the single justice process.

The parents will be prosecuted in the magistrates court. This prosecution carries a fine of up to £1000 per parent and a criminal record.

s444 (1A) of the Education Act 1996 (Magistrates Court) will be considered when:

- The parents have previously been prosecuted under s444(1) of the Education Act and there are further unauthorised absences, the AET may consider prosecuting under the aggravated offence.
- A letter will be sent to parents advising them of the possibility of prosecution. The letter has a Police and Criminal Evidence (PACE) caution. The PACE caution is also verbally delivered to parents during the process.
- Parents will be invited to an Education Network Meeting where an action plan is drawn up to prevent prosecution. This is reviewed over a period of agreed time with agencies, parent and child (if secondary school age). Review meetings will usually be set to carry out the actions in the plan.
- If there is no improvement in attendance The AET will send a final letter to parents warning them of court action.
- School will be asked to provide documents and evidence which will then be compiled into a court file and sent to SMBC Legal Services team.

If the matter is referred to the Magistrates court a summons will be issued for the parent to attend court on a specific date. If the parent fails to attend court a warrant may be issued for the parent's arrest. Once the parent appears in court the case will proceed.

If the parent is found guilty the court disposals could include:

- a fine of up to £2500 plus court costs
- a conditional discharge
- a parenting order
- a community order
- a custodial sentence of up to 3 months

4.4 Child In Need/ Child Protection Cases

All referrals that are subject to Child in Need or Child Protection procedures will be discussed with the Social Worker to decide whether it is appropriate for legal action.

4.5 Closure of a Case

Once the entire process has been completed, the school will be informed of any outcomes and the case will be closed to the AET.

Should there be future concerns regarding attendance, the school should follow their usual attendance procedures and consider re-referring to the AET.

4.6 Decision Not to Prosecute

Only the Local Authority has the power to prosecute a parent/carer under the Education Act 1996. Not all cases referred to SMBC will proceed to court.

Advice will be sought from SMBC's Solicitor in cases where a successful prosecution is in doubt or where extenuating circumstances are impacting on the family. If the advice from the SMBC Solicitor is that a case is not in the public interest or that a successful prosecution is unlikely to be secured, then the case will not proceed to court.

4.7 School Attendance Order

Section 437(1) of the Education Act 1996 states if it appears to the local authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school, or otherwise, they shall serve a notice in writing on the parent requiring him/her to satisfy them within the period specified in the notice that the child is receiving such education.

This is called a School Attendance Order and they are issued by Attendance & EHE Advisory Team. That period shall not be less than 15 days beginning with the day on which the notice is served. Before serving the order, the relevant officer shall write to the parent:

- informing him/her of their intention to serve the order,
- specifying the school which SMBC intend to name in the order.

Section 443(1) states that if a parent on whom a school attendance order is served fails to comply with the requirements of the order, s/he is guilty of an offence, unless s/he proves that s/he is causing the child to receive suitable education otherwise than at school.

If it is believed an offence has been committed, EPAS Attendance teams will work together to create a court file and then the AET will then refer to SMBC Legal services team to issue the parents with a single justice notice. This could result in a prosecution in the magistrate's court.

4.8 Education Supervision Order

The Children Act of 1989 allows SMBC to apply for an education supervision order on any child of compulsory school age, who, it is felt, is not being properly educated. An authority may apply for an education supervision order instead of, or as well as, prosecuting the parents. An authority is under a duty to consider applying for an education supervision order before starting legal proceedings against a parent.

Section 5 - Policy and Publicity

All Solihull school attendance policies should include information on legal interventions in line with statutory guidance, and this should be brought to the attention of all parents/carers. SMBC will include information on the use of penalty notices and other attendance enforcement sanctions in promotional/public information material. The EPAS Attendance teams will offer advice and support to schools in the process of enforcement of the Code of Conduct for Enforcement.

| This policy will be reviewed every three years or where major changes in legislation or policy requires it.

Section 6 - Contact details

For further information please contact EPAS Attendance Teams on:

Attendance and EHE Advisory Team:

- Telephone number: 0121 704 6191
- Email: attendanceenquiries@solihull.gov.uk

Attendance Enforcement Team (AET):

- Telephone number: 0121 704 6131
- Email: attendanceenforcement@solihull.gov.uk