Leverton Church of England Academy

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Attendance & Punctuality Policy December 2017

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| Policy updated | By Mrs Z Sirrell – February 2019 |
| Adopted by Governing Body | December 2017 |
| Next Review date | February 2020 |
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**Introduction**

Leverton Church of England Academy is a successful school and your child plays their part in making it so. We aim for an environment which enables and encourages all members of the school community to reach out for excellence. For our children to gain the greatest benefit from their education it is vital that they attend regularly and your child should be at school, on time, every day the school is open unless the reason for the absence is unavoidable.

It is very important therefore that you make sure that your child attends regularly and this policy sets out how together we will achieve this.

**Why regular attendance is important**

Any absence affects the pattern of a child’s schooling and regular absence will seriously affect their learning. Pupil absence can disrupt teaching routines. Ensuring your child’s regular attendance at school is your legal responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

Your child may be at risk of harm if they do not attend school regularly. Safeguarding the interests of each child is everyone’s responsibility. We all have a duty of care to promote the welfare and life opportunities for each child.

Failing to attend school on a regular basis will be considered as a safeguarding matter.

**Roles and responsibilities**

Parents and Carers:

* Ensure their child attends regularly and on time
* Work with the school where attendance is an issue
* Work with the Targeted Support service as appropriate
* Ensure that your child arrives at school before the close of the register at 8.50am
* Inform the school office on the first day of absence, no later than 9.00am, why your child will not be in school.
* Ensure if your child is late (after 8.50am) they are brought to the office so they can be registered and their late arrival recorded.

Class Techer:

* To record and monitor any patterns/changes in a child’s attendance and raise this with the attendance officer.
* Complete the register daily and accurately with the correct coding.
* Inform the office administration staff as soon as possible of any children that are absent without explanation.

Headteacher:

* Monitor the whole school attendance and look for patterns in pupil absence
* Liaise with Nottinghamshire County Council Targeted Support service/Family Service Enforcement Lead in instances of poor attendance
* Liaise with parents/carers to help improve attendance – this may include a home visit
* To ensure a consistent and reinforced message is delivered to parent, carers, children and the school community
* Keep governors informed about attendance within the school via the Headteacher’s report

Targeted Support/Family Service Enforcement Lead

* Work with the school to help improve the school’s attendance figures
* Work with the Headteacher and the Class Teacher to follow up poor attendance of individual children
* Make home visits and maintain contact between home and school
* Prosecute the Parent or Carers of children whose attendance falls below an acceptable level

Attendance Administration Assistant

* To ensure the computerised administration system is working effectively
* To provide regular attendance data for the Headteacher, Governors, Class Teacher and parents/carers
* To prepare any necessary correspondence with parents
* Report individual attendance to parents on a termly basis, or more regularly if attendance is causing a concern.
* To inform the headteacher of any significant individual concerns so more detailed analysis of attendance/patterns can be checked
* To process requests for absences
* To pursue reasons for absence on the first day in the interest of child safely, when the Parents/Carers have not informed the school.

**Celebrating and rewarding good attendance**

The school rewards those children who achieve 98% attendance and above on a termly basis; these children receive a certificate at the end of the term. Children with 100% attendance receive their special certificate and 100% attendance badge. A bronze badge is awarded for 100% over one term, silver for 2 terms and gold for the whole academic year. Children will 100% attendance for the whole year will also receive a special prize to mark this achievement.

Class weekly attendance is celebrated in our Friday celebration Assembly, displayed in the hall. The class with the highest attendance that week will receive the attendance cup and bear. Each half term the class with the most weekly wins will receive a treat of their choice e.g. extra playtime, a non-uniform day etc.

**Absences**

The school, not Parents/Carers, determine if an absence can be authorised. All avoidable absences will be discouraged but initially any attendance that falls below 95% within a term will trigger an investigation into the cause and appropriate action taken. The Department for Education (DfE), classifies any attendance that falls below 90% as persistent absence. The Leverton Church of England Academy Attendance guidance provides further information as an appendix to this policy (appendix 1).

The following would be classed as an authorised absence:

* Genuine illness
* Hospital appointments
* Dental appointments that cannot be made during the school holidays (children are encouraged to come to school before/after their appointment where possible)
* Family funeral/bereavement
* Cultural/religious observations
* External examinations such as dance or music exams

**The Law and School Attendance**

The DfE has made amendments to the School Attendance Regulations 2006. These amendments to the legislation **remove** the reference to ‘special circumstances’ of up to ten days leave (which maybe for the purpose of a family holiday). The existing regulations now only allow the headteacher to authorise any leave of absence during term time if there are ‘exceptional circumstances’ as determined by the headteacher.

Only schools can authorise an absence is exceptional circumstances.

These are some examples of unauthorised absences **NOT** considered ‘exceptional circumstances’:

* Family holidays
* Reunions and family events
* Shopping
* Birthdays
* Parental/sibling illness/appointments
* Woke up late/tired

**Evaluation**

This policy will be reviewed every year in the Autumn Term to ensure it is still up to date and relevant.

**Leverton Church of England Academy Attendance Guidance (appendix 1)**

**Aims of the attendance policy:**

* For all children to attend school as often as possible (98%)
* For the average whole school attendance to be above 96%
* Please note: under the new guidance when a child’s attendance falls below 90%, the DfE classifies this as ‘persistent absence’.
* Everyone in school has a responsibility to improve or maintain excellent attendance and adults in school should model these expectations as well as encourage them (i.e by not being late to class or to pick the children up from the playground).

**Daily Actions**

* School starts at 8:50am (school gates open from 8:45am). Registration is taken at 8:50am
* School doors close at 8:50am. Any child arriving late needs to be brought to the school office so that they can be signed into the class register as late and the reason for their late arrival recorded.
* Any child arriving in class after 8.50am will be given a late mark (L) in the register.
* Any child arriving after 9:30 am will be given a U mark denoting an unauthorised absence.
* If a child is absent, Parents and Carers are asked to inform school as soon as possible so that the reason for their absence is known and can be recorded in the register correctly. Parents and Carers should give an expected date of return to school, or **inform the school each day of their child’s continued absence**.
* If a call has not been received 9:30am, then a member of staff from the school office will contact the parent/carer to find out the reason for a child’s absence. This is not only to find out the reason for the absence, but also complies with our Whole School Safeguarding policy whereby it is vital we know that we know that all children are safe with either their Parents or Carers and not in a situation that may endanger them.
* During this correspondence the member of staff may ask the Parent or Carer if there is any support or help that the school can provide to the child attend school and may ask if there are any difficulties that the school should be aware of in the interests of your child’s safety and attendance at school. If the school feel it is appropriate, the member of staff has an obligation to suggest when a child should be at school (rather than off). The school does not have to accept reasons given for absence and may ask for proof of doctors or other appointments. Even when provided with a reason or evidence the absence may be record as unauthorised if staff members believe it to be the correct course of action.
* If a Class Teacher is told the reason for a child’s absence directly they will enter the reason into the notes on the Class Register. The Class Teacher is responsible for the correct administration of the register and must put the correct code in wherever possible. Failure to complete the register correctly may result in disciplinary action.
* For the afternoon sessions all these actions are completed by 1.10 pm.
* At all times we will act in a fair and consistent manner, adhering to the principles within Nottinghamshire’s Code of Conduct and their Attendance Toolkit.

**Weekly actions:**

* Every week attendance is monitored by the Attendance Administrator.

**Half termly actions:**

* Each half term pupils whose attendance or punctuality is causing concern will be identified and the Parents or Carers contacted (see example letters below).
* If appropriate, a member of staff will talk to children with low attendance to explore their issues around school and how they can improve their attendance.

**Other actions:**

* Children with attendance below 95% will be highlighted by staff at parent’s evenings. Staff will not talk in detail about attendance but will point out the impact this will have on their child’s progress. If a Parent or Carer then wishes to discuss their child’s attendance further after this meeting, they can then discuss this with Headteacher at an agreed time

**Positive rewards:**

* Each week every class’s attendance will be calculated and displayed in school on the Attendance display. The class with the best attendance that week will be given reward on the chart. Teachers will encourage their class to win the award each week and will use the school’s positive behaviour rewards to help with this where appropriate. If a class has a child with very significantly poor attendance that child is excluded from the weekly totals so as not to discourage the rest of the class. The class with the best attendance over each half term will be rewarded with an activity of their choice.
* The school will award those children who achieve 98% attendance and above on a termly basis. Children who achieve 98% to 99.9% attendance will be given a certificate at the end of the term. Those achieving 100% will be rewarded with a badge at the same assembly. They will receive a bronze badge for one term with 100% attendance, silver for two terms and gold for the whole academic year.
* Any child achieving 100% attendance for the whole academic year are given special prize to mark this achievement. These results will also be published in the half termly newsletter. All the above rewards should not penalise children with regular medical appointments and, as such, any absences recorded as ‘M’ will not count against rewards. However, this does not include regular dentist check-up appointments and other appointments that could have been made out of school hours.

**Actions taken when attendance/punctuality is causing concern:**

* Attendance begins to cause a concern when a child is absent for a number of sessions that would lead to attendance falling below 96% (the national average), has an identifiable pattern of absence (e.g. most Fridays), or changes suddenly without explanation.
* The thresholds for our school attendance are:
  + Excellent attendance = 98% and above
  + Good attendance = 97% - 96%
  + Below average attendance = 95% - 92%
  + Attendance causing concern = below 92%
  + Attendance causing significant concern in relation to persistent absence (a referral to targeted support maybe made) = 90% and below
* At this point a letter (Letter A) and a copy of the detailed attendance record will be sent home to parents to inform them of their child’s attendance and how this may impact upon their learning. This letter also informs Parents or Carers that we may not authorise any absence without appropriate evidence (appointment cards, prescriptions etc.).
* We will then start monitoring a child’s attendance and, if attendance is more than 6 unauthorised sessions absence (3 days) within a rolling 6 week period we will issue a warning letter (Letter B). This warning letter will also ask the parents/Carers to come into school and meet with the headteacher and the Class Teacher to discuss their child’s absence and if the school can help with improving attendance in any way.
* If the parents/Carers do not reply to the warning letter (letter B) then a further letter will be sent (letter C) explaining that if the parents have not made contact to arrange a meeting within a week of the data of the letter and therefore a referral to Targeted Support/Family Services is being made due to non-engagement.
* If, at any time, there are wider concerns about the child’s welfare then safeguarding procedures should be started immediately in line with the Safeguarding policy.

**Fixed penalty notices for unauthorised absences**

* If a Parent/Carer requests to take their child on holiday during school time due to exceptional circumstances they must complete the Leave of Absence request form (Appendix 3) and return it to the school office.
* This request will be considered by the Headteacher, on an individual basis, to decide if it meets the criteria for exceptional circumstances. A letter will then be written to the parent either authorising (letter D) or not-authorising (letter E) the holiday request.
* If the request is unauthorised and the parent still take s the child out of school for the holiday and they miss more than 6 sessions (3 days) then a letter will be sent to the Local Authority to request that a Penalty Notice is issued to the Parents/Carers (letter F).
* The school follows the ‘Nottinghamshire Local Code of Conduct for penalty notices issued in respect of truancy and excluded pupils’. A copy of this can be found in Appendix 4 to this policy.

Example letter A: Attendance causing concern (below 96%)

Date…..

Parents Address

Dear ……………………..

The registers at Leverton Church of England Academy show that, to date, your child has missed …… sessions of school and their attendance figure has fallen below 96%. As set out in out Attendance Policy, this is classed at a level which is below average and therefore of a concern in relation to the impact this could have on your child’s learning and progress.

As a result, …….. attendance will be monitored over the next 6 weeks from the date of this letter. If your child has more than 6 unauthorised sessions (3 days) during this period, then a further letter will be sent to you requesting an attendance meeting with myself and the class teacher. During this monitoring period appropriate evidence may need to be produced to authorise absences e.g. appointment cards, prescriptions etc.

We want every child at Leverton Church of England Academy to achieve their full potential and therefore continue to strive for good punctuality and attendance to support this.

Thank you for your support in this matter.

Yours sincerely

Mrs K Gardiner  
Attendance Officer

Example letter B: Attendance continuing to causing concern (below 95%)

Date…..

Parents Address

Dear ……………………..

In relation to my previous letter dated……. your child’s attendance has been monitored. The registers indicate that they have missed …… sessions due to unauthorised absence and their overall attendance figure is……%.

This indicates that their attendance is not improving, therefore I am requesting that you attend an attendance meeting with myself and their class teacher to discuss any concerns and identify ways we can support you to improve your child’s attendance.

Please contact the school to arrange a suitable date and time for this meeting to take place within a week of the date of this letter. As ….. attendance is important to us failure to arrange and attend this meeting may result in a referral to the Local Authority Targeted Support team in relation to your child’s attendance figures.

We want every child at Leverton Church of England Academy to achieve their full potential and therefore continue to strive for good punctuality and attendance to support this.

Thank you for your support in this matter.

Yours sincerely

Miss R Chadwick

Headteacher

Example letter C: Attendance continuing to causing concern (below 92%)

Date…..

Parents Address

Dear ……………………..

In relation to my previous letter dated……. you have failed to contact the school to arrange an attendance meeting with myself and the class teacher to discuss ways to improve ….. attendance. Therefore, I am referring the case to the Local Authority Targeted Support team to investigate and advise on the next cause of action.

We want every child at Leverton Church of England Academy to achieve their full potential and therefore continue to strive for good punctuality and attendance to support this.

Thank you for your support in this matter.

Yours sincerely

Miss R Chadwick

Headteacher

Date

**PENALTY NOTICE WARNING**

**Dear**

**Child DOB**

I note your application to take ……… out of education for 5 days to go on holiday. Schools are only allowed to agree a leave of absence during term time in exceptional circumstances.

I have considered your application and do not feel it meets the exceptional circumstances criteria and therefore your request has been declined. Should you decide to remove your child from school on the dates indicated in your application then her absence will be marked in the register as unauthorised.

An unauthorised leave of absence of more than 3 days/6 sessions (over a 6 week rolling period) for the purpose of a family holiday can lead to you being issued with a penalty notice fine of up to £120 for each child who is absent. The fines can be issued to both parents for each child.

If you do remove ……… from school for the period stated in your application, I will request that the local authority to issue a penalty fine.

Yours sincerely

Miss R Chadwick

Headteacher

1st October 2018

**Penalty Notice Warning**

Address

Dear

**Child:**

On 17th September we wrote to you to explain that Leverton Church of England Academy would not authorize ……… absence from school for 8 days for a holiday. We also informed you that this could lead to a Penalty Notice being issued to you.

I am now writing to advise you that a request has been made to the Local Authority to issue a Penalty Notice for failing to ensure that your child attends school regularly. Should you wish to discuss any of the above please do not hesitate to contact me.

Yours Sincerely

Miss R Chadwick

Headteacher

Leave of Absence Request Form

This form should be completed and submitted with two weeks of the start of the proposed leave of absence.

Parent & Carers are reminded that Leave of Absence taken without permission may result in the issuing of fixed penalty fines by the Local Authority of up to £120 per parent per child.

Parents are also reminded that Leave of Absence for the purpose of holidays in term time can no longer be granted except in the most exceptional circumstances.

Please attach a copy of appointment letter/card in the case of medical/dental appointments.

|  |  |
| --- | --- |
| Name of child: |  |
| Class: |  |
| Name of Parent(s): |  |
| Address: |  |
| Telephone Number: |  |
| Start date of proposed leave of absence: |  |
| End date of proposed leave of absence: |  |
| Number of days requested: |  |
| Reason for request: | |

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTTINGHAMSHIRE LOCAL CODE OF CONDUCT**

**FOR PENALTY NOTICES ISSUED**

**IN RESPECT OF TRUANCY AND EXCLUDED PUPILS**

**(appendix 4)**

**INTRODUCTION:**

1. The purpose of this local code of conduct is to ensure that the power to issue penalty notices is applied consistently and fairly across the local authority area and that suitable arrangements are in place for the administration of the scheme.

For the purpose of this Code of Conduct the term “school” refers to any primary or secondary phase school regardless of their status as maintained, academy or Independent Sector as well Special Schools, Free schools and Studio Schools or Pupil Referral Unit.

1. A penalty notice is a suitable intervention in circumstances where the parent is judged capable of securing their child’s regular attendance at school or whereabouts during school hours but is not willing to take responsibility for doing so. For example this may include situations where the parent fails to engage with any voluntary or supportive measures proposed to address the non-attendance, act following a warning or notification of a child’s absence from school or make adequate arrangements for the whereabouts of their child.
2. The following may issue penalty notices, although there is no requirement for them to do so:
   * authorised local authority staff;
   * head teachers and school staff authorised by them (limited by regulations to deputy and assistant heads); and
   * the police, community support officers and accredited persons.

1. Head teachers wishing to issue, or authorise their staff to issue, penalty notices should first discuss this with their school’s governing body. **Schools deciding to issue penalty Notices themselves should ensure that this is made clear to parents/carers and is reflected in their Attendance and Behaviour Policy.**

1. Any Penalty Notice issued or requests to the Local Authority for a Penalty Notice to be issued, must comply with the Local code of conduct.

**As outlined in the regulations the** **payment of all monies for Penalty Notices go to the Local Authority.**

1. The issuing of a penalty notice must not conflict with other intervention strategies or legal proceedings that are already in process.

**LEGAL BASIS FOR ISSUING PENALTY NOTICES**

1. This code of conduct has been drawn up to comply with The Education (Penalty Notices) (England) Regulations 2007 that came into force on 1st September 2007. These regulations were subsequently updated in 2012 and 2013.

1. This code of conduct applies to the parents of children of compulsory school age who are registered at a maintained school, a pupil referral unit, an Academy, a city technology college, or a city college for the technology of the arts and those attending alternative provision.

**Definition of a parent**

9. All those recognised as a parent under section 576 of the Education Act 1996 are parents for the purposes of this code of conduct. A penalty notice may be issued to each parent liable for the offence or offences.

**Parental responsibility for regular school attendance**

10. Sections 444A and 444B of the Education Act 1996 (introduced by section 23 of the Anti-social Behaviour Act 2003) introduced penalty notices as an alternative to prosecution under section 444. Parents may discharge their potential liability for conviction for an offence under section 444 by paying a penalty.

**There is no legal requirement for a penalty notice to be issued before proceeding to prosecution through the magistrates court.**

**Parental responsibility for the whereabouts of excluded pupils**

11. Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion.

The **Attendance Register** is a **Legal Document** and must be treated as such at all times. The register **must** be maintained as a wholly accurate and current record of an individual student’s education provision and their attendance at that provision.

**ISSUING PENALTY NOTICES**

1. In Nottinghamshire, both the Local Authority (through the Family Service) and Schools can issue penalty notices.

Any School deciding to issue a Penalty Notice is responsible for:

* + keeping accurate records as outlined in the Penalty Notice Toolkit and Guidance
  + ensuring that the maximum number of notices issued to a parent as set out in this document is not exceeded,
  + ensuring that a notice is not issued where court proceedings are being considered and that duplicate notices are not issued.

The Local Authority through the Family Service will be responsible for the collection of the penalty and where a Penalty Notice is unpaid (and the code of conduct has been followed in the issuing of the penalty) will take legal action under section 444(1) of the Education Act 1996 for the original offence.

**Please Note:** Nationally a high proportion of Penalty Notices (almost 50%) are unpaid and therefore may result in prosecution through the magistrates court for the original offence. Therefore it is essential that there is good written evidence that **(a)** the parent knew of the consequences of the absence and **(b)** that in the case of general unauthorised absence the parents/family were offered the opportunity to discuss and receive support to identify and overcome any barriers to school absence).

**ISSUING PENALTY NOTICES FOR TRUANCY**

1. Warning Letters and Penalty Notice Fines may be issued as follows:

**Persistent Absence**

Once a child has reached 3 days (6 sessions) unauthorised absence over a 6 week rolling period, the school can issue or ask the Local Authority to issue a warning letter. The letter will make it clear that any further absence may result in the issuing of a Penalty Notice to each parent for each child to whom persistent absence applies.

It is advised that the monitoring period for warning letters should be 12 weeks with the school will take the lead in monitoring this.

If the unauthorised absence persists and then rises to 5 days (10 sessions) over a 6 week rolling period then the school can issue or ask the Local Authority to issue Penalty Notices to each parent for each child to whom persistent absence applies.

In these cases the Local Authority may also consider what services or measures may be provided to prevent or reduce further unauthorised absence including support and interventions through the Family Service.

**Holidays During School Term Time**

If the school has evidence that a parent has removed a child from school for the purposes of a holiday during term time without authorisation and the level of absence is in excess of 3 days (6sessions) in total over a 6 week rolling period, then the school can issue or request the Local Authority to issue Penalty Notices to each parent for each child to whom unauthorised absence applies.

The standard of evidence required will be the same as that required for court cases brought under section 444(1) of the Education Act 1996. ).

The evidence should include a warning to the parent/s at the start of the 6 week time period and a record of support offered to the parent/s.

Where a penalty notice is unpaid with the 28 day deadline, it will be necessary for the person who issued a penalty notice to provide evidence for the court case by way of a Section 9 Statement (a witness statement admissible in court under the Criminal Justice Act and the Magistrates’ Courts Act and Rules).

An Enforcement Lead from the Family Service will consult with the person providing the Section 9 Statement and offer guidance as required and arrange for the Section 9 Statement to be completed in the appropriate format.

If the defendant requests the author of a Section 9 Statement to be present at the court hearing the Local Authority will notify the person concerned as soon as such a request is made.

1. A parent will be issued with no more than two penalty notices, relating to the same child, within a twelve month period.

**Where notices are issued by the Local Authority:**

1. The Family Service Enforcement Lead for each area will receive requests for penalty notices to be issued from those persons authorised to issue such notices and will oversee the process.

1. Where the issue of a penalty notice is requested it will be necessary for the Family Service Enforcement Lead to receive details of the pupil’s absence and the evidence that will be available to present to the magistrates’ court should the penalty be unpaid.

**Where notices are issued by the School / Academy:**

1. The designated person authorised by the Head Teacher to issue a Penalty Notice will oversee the process.

1. **Before the issue of a penalty notice is requested it will be necessary for the designated person to check the pupil’s absence and the evidence that will be available to present to the magistrates’ court should the penalty be unpaid.**

1. Where a penalty notice has been issued the designated person will provide a copy to the Family Service Enforcement Lead within one week.

1. The Family Service Enforcement Lead will monitor payment of the penalty and where payment is not received the LA will prosecute for the offence to which the notice applies or withdraw the notice (which can only be done in limited circumstances). All fines must be paid within the required timescales as set out in the national regulations. **There will be no flexibility to allow for the late payment of fines**

**Please Note: The Local Authority will only prosecute those cases where the Code of Conduct has been followed fully in the issuing of the Penalty Notice.**

**ISSUING PENALTY NOTICES FOR EXCLUSION**

1. For notices issued by the Local Authority**,** The Family Service Enforcement Lead for each area will receive requests for penalty notices to be issued from those persons authorised to issue such notices and will oversee the process.

1. Where penalty notices are issued by the school, the designated person authorised by the Head Teacher will oversee the process of issuing the notice in line with the Code of Conduct.

1. A penalty notice may only be issued when there is no reasonable justification for the child being in public at the times set out in the next paragraph. Reasonable justification may include pre-arranged medical and dental appointments or emergency appointments. It might also be necessary for a child to accompany a parent with similar appointments if the parent considers it inappropriate to leave the child unsupervised. Attendance at a court hearing or an interview at a police station or with the Youth Offending Service may also provide reasonable justification.

1. Where a penalty notice is requested by a school, it will be necessary for the Family Service Enforcement Lead to receive from the school evidence that a notice under section 104 of the Education and Inspections Act 2006has been given to a parent of the pupil.

Where the school is issuing the Penalty Notice, the designated person in school is responsible for checking that a notice under section 104 of the Education and Inspections Act 2006has been given to a parent of the pupil.

In addition to the above, the person issuing the notice must have evidence that the excluded pupil was present in a public place during school opening hours without reasonable justification. The time and date must be provided to ensure that this falls within the time the school at which the pupil is on roll is open and that the incident occurred within the period set out in the notice issued under section 104 of the Education and Inspections Act 2006.

Before requesting or issuing a Penalty Notice the school will need to evidence that they have checked that there was no reasonable justification for the child or young person being in a public place and that the parent had been told verbally or by letter that an excluded child cannot be seen in a public place.

Where a penalty has not been paid, it will be necessary for the person who requested the issue of a penalty notice to provide evidence for the court case by way of a Section 9 Statement (a witness statement admissible in court under the Criminal Justice Act and the Magistrates’ Courts Act and Rules).

The Family Service Enforcement Lead for each area will consult with the person providing the Section 9 Statement and offer guidance as required and arrange for the Section 9 Statement to be completed in the appropriate format.

If the defendant requests the author of a Section 9 Statement to be present at the court hearing the LA will notify the person concerned as soon as such requests are made.

26. A parent will be issued with no more than two penalty notices, relating to the same child, within a twelve month period.

**ISSUING PENALTY NOTICES FOR PERSISTENT LATENESS:**

1. A penalty notice may only be issued where a pupil is persistently late for 10 separate instances over a period of six school weeks and where these are signified as a “U” in the attendance register.

1. Schools should make it clear to parents/carers and pupils in their attendance policy what they categorise as being late (”L”) and the time after which arrival will be marked as unauthorised absence (“U”) in the attendance register.

1. The issuing of Penalty notices will be only in cases where the persistent lateness is marked as unauthorised absence.

**WITHDRAWING A PENALTY NOTICE**

1. The Education (Penalty Notices)(England) Regulations 2007 limit the circumstances in which local authorities can withdraw penalty notices and the normal response to non-payment of a penalty notice will be prosecution for the offence to which the notice relates.

1. A penalty notice **may only be** withdrawn by the local authority named in the notice as the authority to which payment is to be made. The only circumstances in which a Penalty Notice will be withdrawn include cases in which:
   * + it ought not to have been issued; or
     + it ought not to have been issued to the person named as the recipient; or
     + it appears to the authority that the notice contains material errors,
     + it interferes with existing intervention strategies or legal proceedings

1. Where a penalty notice has been withdrawn -

* notice of the withdrawal must be given to the recipient; and
* any amount paid by way of penalty in pursuance of that notice must be repaid to the person who paid it.