Kymbrook and Thurleigh Federation

Working in partnership with families to unlock the potential of every individual. Together, we nurture a self-belief and a lifelong passion for learning.

Attendance Policy

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1. Purpose and Aims

Improving attendance is everyone's business. The barriers to accessing education are wide-ranging and often complex, both within and beyond the school gates. These barriers are frequently unique to individual pupils and families.

At Kymbrook and Thurleigh Federation, we recognise that good attendance begins with pupils feeling that school is a place where they belong and want to be. Therefore, we are committed to ensuring that our schools are calm, orderly, safe, and supportive environments where all pupils feel valued, secure, and ready to learn.

Some pupils find it more difficult to attend school than others. At every stage of improving attendance, we are committed to working collaboratively with pupils, parents/carers, and partners to identify and remove barriers. This includes building strong, trusting relationships and putting the right support in place at the earliest opportunity.

Our vision is to unlock the potential of every pupil and foster a lifelong love of learning. To achieve this, we adopt a clear and consistent approach to attendance:

Expect – We set high expectations for attendance and punctuality for all pupils

Monitor – We rigorously track attendance data to identify patterns and concerns

Listen and Understand – We seek to understand the individual circumstances behind absence

Facilitate and Formalise Support – We provide targeted, appropriate support and work with external agencies where needed

Enforce – Where necessary, we take formal action to protect every pupil's right to an education

The Federation is committed to promoting excellent attendance and punctuality in order to maximise pupils' learning, wellbeing, and future life chances. Regular attendance is fundamental to pupils achieving their full educational potential, developing positive relationships, and establishing habits for lifelong success.

This policy sets out the Federation's approach to promoting, monitoring, and improving attendance. It also outlines the expectations and responsibilities of staff, pupils, and parents/carers in ensuring that all pupils attend school regularly and punctually.

This policy applies to schools within the Federation and is implemented in accordance with statutory guidance issued by the Department for Education.

Commitment to equal opportunities

The Federation is committed to equality of opportunity for all pupils. We recognise that attendance patterns may differ across groups and will monitor the impact of our policies and procedures accordingly. We will ensure that no pupil is disadvantaged and that appropriate support is provided where needed. The effectiveness of this policy, including its impact on different groups of pupils, will be regularly reviewed by the Governing Body.

2. Principles

The Federation is committed to ensuring that:

- All pupils have access to full-time education that enables them to achieve their potential
- Attendance is recognised as a key factor in safeguarding, wellbeing, and educational success

- High expectations for attendance and punctuality are clearly communicated, consistently applied, and understood by all
- Attendance is monitored rigorously and early intervention is used to address emerging concerns
- The school works in partnership with parents/carers and relevant external agencies to support pupils and families
- Barriers to attendance are identified promptly and appropriate, proportionate support is provided
- A culture of belonging is promoted, where pupils feel safe, valued, and motivated to attend
- A graduated response is used, prioritising support but including formal intervention where necessary to protect pupils' right to education

3. Legal Framework

This policy is informed by the statutory guidance:

- Working Together to Improve School Attendance (2024)

The Federation also fulfils its responsibilities under relevant legislation, including:

- Education Act 1996
- Education Act 2002
- Children Act 2004
- Education (Pupil registration) (England) Regulations 2006

Non statutory Guidance (Best Practice):

- Regional Bedford Borough Council Penalty Notice Protocols and Early Help Pathways.
- DfE Arranging education for children who cannot attend school because of health needs Guidance (Dec 2023)
- DfE Guidance Summary of responsibilities where a mental health issue is affecting attendance (Feb 2023)
- DfE Support for pupils where a mental health issue is affecting attendance: Effective practice examples (Feb 2023)
- DfE Providing Remote Education Guidance (Aug 2024)
- DfE Parental Responsibility Measures Guidance (Jan 2025)
- Mental Health and Behaviour in Schools (Nov 2018)
- Children missing education (2025)
- Supporting pupils at school with medical conditions (2015)

4. Roles and Responsibilities

Improving attendance is a shared responsibility. The Federation works collaboratively with pupils, families, staff governors and external partners to promote and secure good attendance.

The Federation will:

- Promote high expectations for attendance and punctuality across the ethos, culture and policies of both schools
- Support both schools to maintain high expectations for all pupils, while ensuring appropriate adjustments and support for individual needs
- Recognise that absence may be a symptom of wider barriers and ensure attendance improvement is linked to supporting pupils' wellbeing and welfare
- Ensure that school leaders fulfil their statutory duties in relation to attendance

- Regularly review attendance data across the Federation, identifying patterns and trends, and comparing performance with local and national benchmarks
- Provide appropriate support and challenge to schools to secure continuous improvement
- Ensure all staff receive appropriate training and guidance on attendance procedures and responsibilities
- Promote collaboration between schools to share effective practice and implement successful strategies consistently

Executive Headteacher

The Executive Headteacher has overall responsibility for attendance across the Federation and will:

- Promote a strong culture of attendance where all pupils are expected and supported to attend regularly
- Ensure this policy is implemented effectively and consistently across both schools
- Ensure attendance is monitored rigorously and that early intervention takes place
- Work with governors, staff, families and external partners to improve attendance and remove barriers
- Ensure appropriate training, systems and resources are in place

School Leaders (including Attendance Leads)

Each school within the Federation will:

- Provide strong leadership and clear systems for attendance
- Have a designated senior leader responsible for attendance
- Ensure registers are completed accurately and on time (morning and afternoon)
- Monitor attendance data regularly to identify patterns, trends and vulnerable groups
- Identify pupils at risk of persistent or severe absence and take early action
- Lead attendance interventions and coordinate support for pupils and families

Staff Responsibilities

All staff have a role in promoting good attendance. Staff will:

- Promote a positive attendance culture and reinforce expectations
- Create a welcoming, inclusive and supportive environment where pupils feel safe and valued
- Build strong relationships with pupils and families to encourage engagement
- Complete registers accurately and on time
- Identify and report concerns about attendance or punctuality promptly
- Contribute to attendance strategies, interventions and support plans

Federation Schools (Operational Responsibilities)

Schools across the Federation will:

Promote a positive attendance culture

- Create inclusive, caring environments where pupils feel they belong
- Develop strong relationships to identify and remove barriers early

Communicate expectations and work in partnership

- Clearly communicate attendance expectations to pupils and parents/carers
- Provide guidance, encouragement and support to families

Monitor attendance and identify concerns

- Regularly review attendance data
- Identify early signs of concern and act promptly

Provide support and remove barriers

- Work with families to understand causes of absence
- Provide pastoral support, attendance plans, Early Help or referrals where needed

Use statutory processes where necessary

- Work with Bedford Borough Council where absence persists
- Follow formal procedures, including legal intervention if required

Parents/Carers

For the purposes of this policy, parent/carer is defined in accordance with the Education Act 1996 and includes:

- Birth parents (married or not)
- Individuals with parental responsibility
- Any person with care of the child

Parents/carers have a vital role and are expected to:

- Ensure their child attends school regularly and punctually
- Promote positive attitudes towards attendance
- Notify the school on the first day of absence, providing a clear reason
- Request permission in advance for planned absences (only granted in exceptional circumstances)
- Avoid arranging appointments during the school day where possible
- Keep contact details up to date
- Engage with support offered by the school

Failure to ensure regular attendance may result in the school working with Bedford Borough Council to take further action in line with statutory guidance.

Pupils

Pupils are expected to:

- Attend school every day and arrive on time unless there is a valid reason
- Be ready to learn and participate fully
- Speak to a trusted adult if they experience difficulties affecting attendance

Governing Body

The Governing Body will:

- Monitor attendance data and trends
- Hold school leaders to account for attendance outcomes
- Review the effectiveness of this policy, including its impact on different groups

Bedford Borough Council and External Partners

The Federation works in partnership with Bedford Borough Council and other agencies to support attendance. This may include:

- Access to Early Help and specialist services
- Support from Attendance Officers
- Implementation of statutory processes where necessary to secure a pupil's right to education

5. Recording Attendance

The Register

The Federation will ensure that attendance registers are completed accurately and in accordance with statutory requirements.

- Registers are taken at the start of each school session (morning and afternoon).
- In line with guidance from the Department for Education, the register will close 15 minutes after the start of the school day.
- Attendance codes will be applied in line with national guidance.

Where exceptional circumstances apply (e.g. severe weather or significant transport disruption), schools may exercise professional judgement in applying appropriate attendance codes.

Parents/carers are encouraged to inform the school in advance if they are aware that their child will be late.

Punctuality

Punctuality is an important part of good attendance and supports pupils in settling into learning effectively. All pupils are expected to arrive at school on time and be ready to learn.

Lateness before the register closes

- Pupils arriving after registration has begun but before the register closes will be marked as late using code 'L' (present).
- If a pupil is not present when the register is first taken, they will initially be marked absent and then amended to 'L' if they arrive within the registration period.
- Where an alternative start time has been agreed for exceptional reasons, pupils will be marked late if they arrive after the agreed time.

Lateness after the register closes

- Pupils arriving after the register has closed will be recorded as 'U' (unauthorised absence).
- This is recorded as an absence for the session and may contribute to legal intervention where appropriate.

Recording late arrivals

- All late arrivals must be signed in via the school's electronic system.
- A member of staff will record the time of arrival to ensure accuracy.
- Parents/carers are not permitted to sign pupils in themselves, as this record may be required as evidence in legal proceedings.

Monitoring and responding to lateness

The Federation has clear procedures to monitor and address punctuality concerns. Where patterns of lateness are identified, schools will:

- Inform parents/carers verbally and offer support where appropriate
- Issue a Stage 1 letter outlining concerns
- Invite parents/carers to attend a meeting to discuss barriers and support strategies
- Issue a Stage 2 letter where concerns persist, advising that continued lateness may result in sessions being coded as unauthorised ('U')
- Work directly with pupils (particularly in Key Stage 2) to address punctuality where appropriate

For older pupils (e.g. Years 5 and 6), where independence in travelling to school is increasing, proportionate sanctions may be considered alongside support.

Persistent lateness

Persistent lateness is taken seriously and may be referred to external services.

- A threshold of 12 late marks (L or U) within a 6-week period will trigger further action
- Persistent lateness will not be authorised

Where this threshold is met, schools will:

- Provide evidence of persistent lateness
- Demonstrate that parents/carers have been informed in writing
- Include detailed lateness reports (e.g. minutes late) in any referral

Referrals may be made to the Inclusion and Welfare Service and could result in further intervention, including penalty notices.

Incentives and support

The Federation recognises the importance of promoting positive attendance behaviours.

Incentives

- Rewards, recognition and incentives will be used to promote good punctuality
- These may include certificates, letters home, privileges or reward systems
- Positive reinforcement is prioritised as an effective motivator

Support Strategies

Where punctuality is a concern, schools may:

- Offer places at breakfast club (including use of pupil premium funding where appropriate)
- Provide pastoral or early help support
- Signpost parents/carers to parenting support or Early Help services

6. Types of Absence

Authorised absence
An absence will only be authorised where there is a valid and acceptable reason, and where appropriate evidence is provided.
Authorised absence may include:

- Genuine illness (medical evidence may be requested where appropriate)
- Medical or dental appointments (where these cannot be arranged outside school hours)
- Exceptional circumstances approved in advance by the school
- Religious observance
- Approved part-time timetables (in exceptional circumstances and agreed with the school and Local Authority)

In cases of ongoing or complex medical needs, the school will work with families and relevant professionals (e.g. School Nursing Team) to ensure appropriate support and care plans are in place.

Unauthorised Absence
An absence will be recorded as unauthorised where:

- No reason is provided for the absence
- The reason provided is not considered valid
- Leave of absence is taken without prior approval
- A pupil arrives after the register has closed (coded 'U')
- A pupil fails to return on the agreed date following authorised leave

Unauthorised absence is a serious concern and may result in further action, including referral to Bedford Borough Council for legal intervention.

Safeguarding and absence
Absence is closely linked to safeguarding. Where a pupil is absent and no reason has been provided, the school will take immediate steps to establish the pupil's whereabouts. This may include contacting parents/carers and, where appropriate, undertaking a welfare visit.
Persistent or unexplained absence may indicate safeguarding concerns, including neglect, exploitation or unmet needs. The school will work with relevant agencies to ensure pupils are safe and supported.

Leave of absence and penalty notices
In accordance with the School Attendance (Pupil Registration) (England) Regulations 2024:

- Leave of absence may only be granted in exceptional circumstances
- Requests must be made in advance and in writing
- The decision to authorise leave rests with the Headteacher

The Federation will consider each application on a case-by-case basis, taking into account government guidance.

The following are not considered exceptional circumstances:

- Family holidays
- Availability of cheaper holidays or accommodation
- Visits to relatives
- Overlapping the beginning or end of term
- Weather conditions during school holidays

Parents/carers are expected to submit requests at least four weeks in advance. Written notification of the decision will be provided. If leave is taken without authorisation, it will be recorded as unauthorised

absence. If a pupil does not return within 10 school days of the agreed return date, the school may, after consultation with Bedford Borough Council, remove the pupil from roll in line with statutory procedures.

7. Penalty Notices

Under Section 23 of the Anti-social Behaviour Act 2003, Bedford Borough Council may issue a Penalty Notice where there is unauthorised absence.

- £80 if paid within 21 days
- £160 if paid within 28 days

Penalty Notices may be issued where:

- Leave of absence is taken without authorisation
- There is persistent unauthorised absence
- Attendance concerns have not improved despite support

If a Penalty Notice is not paid, the Local Authority may proceed with prosecution through the Single Justice Process or Magistrates' Court.

The Federation will always prioritise support for families to improve attendance. However, where attendance does not improve despite support being offered, the school will work with Bedford Borough Council to take appropriate statutory action to protect the pupil's right to education.

Monitoring and Review

The Federation will:

- Monitor the impact of legal interventions on attendance outcomes
- Ensure all actions are proportionate and in line with statutory guidance
- Report attendance and intervention outcomes to the Governing Body

8. Responding to absence

The Federation follows a graduated response model, prioritising early support and intervention while making clear the legal expectations on parents/carers. This approach reflects national expectations set by the Department for Education and local procedures within Bedford Borough.

First Day Response and Recording Absence

- Registers are completed in line with statutory requirements.
- Any reason provided by parents/carers will be recorded and coded as authorised or unauthorised as appropriate.
- Where no reason is provided, the absence will be recorded as "N" (no reason given).
- If no explanation is received within 5 school days, the absence will be recorded as unauthorised.

First Day Contact

- If a pupil is absent without explanation, the school will contact parents/carers on the first day of absence (by 9:30am) to ensure the pupil's safety.
- Where a pupil attends alternative provision, absence must be reported directly to that provider, and the school will liaise to ensure accurate records.

Ongoing monitoring

Attendance is reviewed regularly to identify concerns at an early stage.

- Fortnightly, each school identifies pupils with attendance at 92% or below
- Parents/carers will be informed when attendance reaches a level of concern
- Patterns such as repeated absence, lateness, or lack of contact will be investigated

Where concerns arise, the school may:

- Contact parents/carers
- Offer support
- Arrange meetings
- Conduct home visits where appropriate

Parents/carers are expected to provide clear reasons for absence and, where possible, confirm this in writing.

Graduated response to attendance concerns

Step 1 – Early Intervention

Where attendance concerns emerge:

- Parents/carers are contacted and informed of concerns
- Support is offered to identify and address barriers
- Expectations for attendance are clearly reinforced

Step 2 - Formal meeting and support planning

If attendance does not improve:

- Parents/carers will be invited to attend a formal meeting
- Reasons for absence will be explored
- The meeting will be recorded
- An Early Help Assessment may be offered where appropriate
- Parents/carers will be informed that future absences may require medical evidence to be authorised

Step 3 – At risk of persistent Absence

If concerns continue:

- A further meeting will be arranged
- Parents/carers will be formally notified that the pupil is at risk of becoming persistently absent
- Clear attendance targets will be set
- A review period will be agreed

Step 4 – Attendance Contract (support phase)

Where appropriate, the school may implement an Attendance Contract:

- A voluntary agreement between school and parents/carers
- Typically lasting 3–6 weeks
- Includes agreed actions, support strategies, and expectations

If the contract is not followed or is ineffective, parents/carers will be notified in writing.

Step 5 – Formal Warning (Notice to Improve

If there is:

- No engagement with support
- No identified need for support
- Continued unauthorised absence

The school will move to formal action:

- Issue a Notice to Improve
- Where applicable, issue a contract termination letter alongside the notice

Step 6 – Escalation and referral

Following the review period:

- If attendance improves → progress will be acknowledged and monitored
- If attendance does not improve → the case will be referred to Bedford Borough Council

This may include:

- Referral to the Inclusion and Welfare Officer (IWO)
- Request for a Penalty Notice
- Consideration of further legal intervention

Timely intervention is essential, and the Federation will act without delay where thresholds are met.

Unauthorised absence and legal intervention

The Federation follows the National Framework for Penalty Notices and Legal Interventions.

Legal intervention may be requested in two main circumstances:

1. Unauthorised Term-Time Leave
    - Where a pupil is taken out of school without permission
    - May result in a Penalty Notice (fine)

2. Ongoing Poor Attendance
    - Where attendance remains low despite support
    - Particularly where thresholds for persistent absence are met

Federation Approach

The Federation adopts a support-first approach, working in partnership with families to remove barriers to attendance.
However:

- Where support is not effective, or
- Where support is not appropriate (e.g. unauthorised holiday),

the Federation will work with Bedford Borough Council to initiate legal intervention.
All decisions are made on a case-by-case basis, with the overriding aim of:

- Improving attendance
- Safeguarding pupils
- Protecting every child's right to education

9. Persistent and Severe Absence

Persistent Absence
A pupil is considered persistently absent if they miss 10% or more of their possible school sessions.
In practical terms, this equates to approximately:

- 1 day of absence every two weeks, or
- Around 19 school days across a full academic year

This threshold applies regardless of the reason for absence (including illness, holidays, or unauthorised absence).
Attendance below 90% significantly disadvantages pupils by creating gaps in learning, which can impact attainment, wellbeing and future outcomes.
The Federation will:

- Identify pupils at risk of, or who are persistently absent, at the earliest stage
- Work in partnership with families and Bedford Borough Council to provide targeted support
- Take a support-first approach, recognising that absence may reflect wider barriers
- Ensure interventions are proportionate, personalised and responsive

In all cases, the Federation will recognise the importance of school as a place of safety, stability and support, particularly for pupils experiencing challenges. Support will be prioritised before any consideration of formal or legal intervention.

Severe Absence
A pupil is considered severely absent if they miss 50% or more of their possible school sessions, meaning they are absent more often than they attend.
Severely absent pupils are likely to face significant and complex barriers to attendance and require intensive and coordinated support.
The Federation will:

- Prioritise pupils who are severely absent
- Work proactively with families and relevant external partners, including Bedford Borough Council, health professionals and other agencies
- Implement a multi-agency approach to remove barriers and re-engage the pupil
- Ensure support is tailored, which may include:

- Whole family support plans
- Early Help or social care involvement
- Consideration of an Education, Health and Care Plan (EHCP)
- Alternative provision, where appropriate

Safeguarding and severe absence

Where a pupil continues to be severely absent for unauthorised reasons, despite appropriate support being offered by the Federation and external partners, this may be an indicator of neglect or wider safeguarding concerns.

In such cases:

- The Federation will remain vigilant and follow safeguarding procedures
- Concerns will be discussed with relevant professionals
- A referral may be made to Children's Social Care for a full assessment

The welfare and safety of the child will remain the Federation's highest priority at all times.

10. Safeguarding and attendance

Safeguarding and promoting the welfare of children is everyone's responsibility. Promoting good attendance is a fundamental part of safeguarding, alongside ensuring pupils' wellbeing, access to education and positive relationships. The Federation recognises that poor attendance, persistent absence or unexplained absence may be indicators of safeguarding concerns, including neglect, exploitation, child employment or unmet needs. As such, attendance is monitored closely and concerns are acted upon promptly.

<u>Unexplained Absence and Welfare Checks</u>

Where a pupil is absent and no reason has been provided:

- The school will take immediate action to establish the pupil's whereabouts
- Parents/carers will be contacted on the first day of absence
- Where concerns remain, further action may include a home visit or referral to appropriate services

All unexplained absence will be followed up in line with safeguarding procedures.

<u>Children Missing Education (CME)</u>

The Federation has a statutory duty under Section 175 of the Education Act 2002 to safeguard pupils and prevent children from becoming Children Missing Education (CME).

A child is considered CME if they are:

- Of compulsory school age
- Not on a school roll
- Not receiving suitable education elsewhere
- Absent from education for a sustained period (typically four weeks or more)

The Federation will:

- Ensure all pupils are placed on admission and attendance registers from their expected start date
- Investigate any failure to attend from the first day
- Follow up unexplained and prolonged absence rigorously
- Notify Bedford Borough Council where a pupil may be at risk of becoming CME

The Federation will follow statutory guidance:

- Children Missing Education (August 2024)
- Working Together to Improve School Attendance (August 2024)

<u>Removal from Roll</u>

Pupils will only be removed from the school roll where a legal ground applies, including:

- Transfer to another school

- Elective Home Education (EHE) (with written parental notification)
- Failure to return from authorised leave
- Continuous absence for 20 school days
- Permanent exclusion
- Other statutory grounds
  All removals from roll will be carried out in line with statutory procedures and notified to Bedford Borough Council.

Elective Home Education (EHE)

Under Section 7 of the Education Act 1996, parents have a duty to ensure their child receives a suitable full-time education, either through school attendance or otherwise.

Where parents choose Elective Home Education:

- Written notification must be provided to the school
- The school will inform Bedford Borough Council before removing the pupil from roll
- Where a pupil has an Education, Health and Care Plan (EHCP), the appropriate Local Authority officer will be informed

The Local Authority will monitor the suitability of education provided. Where it is deemed unsuitable, a School Attendance Order may be issued.

Child Employment

The Federation recognises that inappropriate or excessive child employment may impact attendance and safeguarding.

A child:

- Must be 13 years or older to be employed
- Must have a valid work permit

Employment includes any paid or unpaid work contributing to a business or profit-making activity.

The Federation will:

- Be alert to patterns of absence or fatigue that may indicate inappropriate employment
- Work with families and Bedford Borough Council where concerns arise
- Report concerns where employment may be unlawful or impacting education

Parents and employers who breach child employment laws may be subject to fines.

Persistent and Severe Absence as Safeguarding Indicators

Persistent absence (below 90%) and severe absence (50% or below) may indicate that a pupil is at risk of harm. Where concerns arise, the Federation will:

- Work with families and external partners to provide support
- Consider wider safeguarding risks
- Escalate concerns in line with safeguarding procedures

Where severe absence continues despite support, this may be considered an indicator of neglect, and a referral to Children's Social Care may be made.

Multi-Agency Working

The Federation will work in partnership with:

- Bedford Borough Council
- Early Help services
- Health professionals
- Children's Social Care

This ensures a coordinated, multi-agency response to safeguarding and attendance concerns.

Safeguarding Oversight

- All staff are responsible for identifying and reporting concerns
- The school has a trained Designated Safeguarding Lead (DSL)
- Attendance concerns are regularly reviewed alongside safeguarding information

The welfare and safety of the child will remain the Federation's highest priority at all time.

Child Employment - https://www.bedford.gov.uk/schools-education-and-childcare/education-welfare/child-employment
Please contact via email only – ChildLicensing@bedford.gov.uk

Children Missing education - https://www.bedford.gov.uk/schools-education-and-childcare/education-welfare/child-missing-education-referrals
Please also refer to the working together to improve school attendance to the CME page which is attached above.

Please kindly contact your IWO before making any contact with the CME Officer

Please contact the Child Missing Education Officer via email only at cme@bedford.gov.uk
https://www.bedford.gov.uk/schools-education-and-childcare/education-welfare/child-missing-education-referrals

Appendix A

Penalty Notice Process – Leave of Absence

The information below reflects the new legislation that came into effect from 19 August 2024 in relation to the requesting of fines for unauthorised leave of absence during term time. Having 3 holidays within a 3 year period could result in legal action being taken against the parent / carer.

1st unauthorized leave of absence since 19 August 2024. (*Current school will need to check whether the request for a penalty is the 1st one since 19 August 2024. If there has been a previous request from a different local authority or another school it will be necessary to move to the next stage in the process.)* Where the criteria is met, a penalty fine will be issued for £160 but will be reduced to £80 pounds if paid with 21 days.
2nd unauthorized leave of absence since 19 August 2024. (*Current school will need to check whether the request for a penalty is the 2nd one since 19 August 2024. If there has been previous requests from a different local authority or another school it will be necessary to move to the next stage in the process.)* Where the criteria is met, a penalty fine will be issued for £160. There is no consideration for a reduction for early payment.
3rd unauthorized leave of absence since 19 August 2024. (*Current school will need to check whether the request for a penalty is the 3rd one since 19 August 2024. If there has been previous requests from a different local authority or another school it will be necessary to move to the next stage in the process.)* Where the criteria is met, a penalty fine will NOT be issued. Instead the parent/carer will be summonsed to attend court.

Any further unauthorised leave of absence may result in returning to court under Section 444 (1) of the Education Act.

Appendix B

Bedford Borough Council

Non-school Attendance – Fixed Penalty Notices

Local Code of Conduct

(revised and operational from 19 August 2024)

RATIONALE

1. Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In law an offence occurs if a parent 'fails to secure a child's attendance at school at which they are a registered pupil, and that absence is not authorised by the school. Parents are supported by school, Local Authority Services and Partner Agencies to overcome barriers to regular attendance.

2. Section 23 of the Anti-Social Behaviour Act 2003 empowers designated Local Authority (LA) Officers, Head Teachers, (& Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school. The Education (Penalty Notices) (England) Regulations 2024 came into force on 19 August 2024 and this Code of Conduct supersedes **Circular H/04/49 'Implementation of Penalty Notices and Parenting Contracts for absence from schools'.**

3. Penalty Notices supplement the existing sanctions to enforce attendance at school currently available under Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989.

4. The issuing of Penalty Notices must conform to requirements of the Human Rights Act 1998 and the Equality Act 1989.

5. The LA has the prime responsibility for developing a protocol within which all partners named in the Act will operate and has responsibility for the overall administration of the Penalty Notice Scheme.

6. This local code sets out the procedures and terms under which Penalty Notices can be issued in Bedford Borough. Authorised persons should issue Penalty Notices in compliance with this code in order to ensure that the powers are consistently applied.

PROCEDURES FOR ISSUING PENALTY NOTICES

7. Bedford Borough Council Inclusion and Welfare Service (IWS) in consultation with schools (and other agencies where appropriate) will be responsible for the decision to issue Penalty Notices. This will ensure consistency in the delivery of the scheme; avoid school-home conflicts and ensure that the Penalty Notices are not being issued when the process towards court prosecution has already started. The IWS will receive requests to issue Penalty Notices from schools, the police and neighbouring LA's. These requests will be considered provided that:

- all relevant and evidential information is supplied.
- the circumstances of the pupil's absence meet the requirements of this protocol.
- the issuing of a Penalty Notice does not conflict with other intervention strategies or other enforcement sanctions already being processed.
- the IWS is satisfied that the referred has supplied information which evidences that appropriate support has been offered to the child/ family prior to referral.

8. The IWS will aim to action all Penalty Notice referrals within 10 schools' days of receipt and where sufficient evidence of prior action(s) is/are included in the accompanying school information which is also submitted alongside the Penalty Notice Referral:

- where information is available that indicates the child has moved into the Local Authority, contact the previous authority to check whether previous Penalty Notices have been issued within the 3-year period.
- where appropriate, issues a Penalty Notice to Improve to the parent(s)* of the possibility that a Penalty Notice will be issued.
- In the same letter, where relevant, set a period of 15 school days within which the pupil must have no unauthorised absence.
- Issue a Penalty Notice through the post at the end of the 15-day period if the required level of improvement has not been achieved.

9. There is no right of appeal by parents against a penalty notice.

CIRCUMSTANCES WHERE A PENALTY NOTICE MAY BE ISSUED

10. A Penalty Notice can only be issued in cases of **unauthorised** absence.

11. The issuing of a Penalty Notice will usually be restricted to one in an academic year (this does not apply to unauthorised Leave of Absence in Term Time). If a Penalty Notice has been issued and has been issued and has been either paid or has led to a prosecution for non-payment, except in exceptional circumstances, no further Penalty Notice will be issued for the remainder of that academic year (this does not apply to Unauthorised Leave of Absence in Term Time). If the child concerned continues to accrue unauthorised absences, the case should be considered for referral to the Inclusion and Welfare Service.

12. If in an individual case the local authority (or other authorised officer) believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

13. The National Framework for Penalty Notices sets out that a maximum of 2 Penalty Notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, then the legal action under Section 444 Education Act 1996 will be initiated.

14. If more than one parent* has parental responsibility, both parents will receive a Penalty Notice (i.e. 1 person per child). In situations where there is more than one pupil in a family with irregular school attendance, multiple Penalty Notices can be issued to the same parents during the year.

15. 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 national threshold has been met and support is appropriate, but offers of support have not been engaged with by the parent or have not worked, a notice to improve should usually be sent to

give parents a final chance to engage in support. An authorised officer can choose not to use one in any case, including cases where support is appropriate, but they do not expect a Notice to Improve would have any impact on a parent's behaviour (e.g. because the parent has already received one for a similar offence). There will be no restriction on the number of times a parent may receive a Notice to Improve of the possible issuing of a Penalty Notice. A Notice to Improve will not be issued for absences related to unauthorised leave of absence in term time.

16. The issuing of a Penalty Notice is considered appropriate:

- When the pupil has taken Unauthorised Leave of Absence during term-time and the absence has not been authorised by the school, providing the school has taken into account Department for Education Statutory Guidance to inform its decision making.

- Following a Truancy Patrol when the school has recorded the absence of the pupil as unauthorised.

- In the early stages of intervention where the school or IWS believes that the sanction may lead to an improvement in attendance, e.g. persistent late arrival at school, parents' failure to attendance/ co-operate at an Attendance Contract meeting.

17. To ensure consistent delivery of Penalty Notices, the following criteria will apply:

- At least 10 sessions (equal to 5 school days) lost to unauthorised absence by the pupil during the previous 10 school weeks. The period of 10 school weeks can also span different terms or academic years.

- Except in exceptional circumstances, the parent* will receive a Notice to Improve (advising of the possibility of a Penalty Notice being issued) and a maximum of 30 school days to affect an improvement. Improvement is defined as no further unauthorised absence within the Notice to Improve period unless there are exceptional circumstances.

OTHER TYPE OF PENALTY NOTICE NOT INCLUDED IN THE NATIONAL FRAMEWORK

18. A penalty notice may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first 5 days of a fixed period or permanent exclusion. The school must have notified the parents of the days the pupil must not be present in the school place. **This type of penalty notice is not included in the National Framework** and therefore not subject to the same considerations about support being provided or count towards the limit as part of the escalation process in the case of repeat offences for non-attendance. These penalty notices are charged at £120, reduced to £60 if paid within 21 days.

PROCEDURE FOR WITHDRAWING PENALTY NOTICES

19. A Penalty Notice can only be withdrawn in the following circumstances:

- When it has been issued to a wrong person
- When the use of the Penalty Notice did not conform to the terms of this protocol
- It contains a material error.
- Not paid, and the LA has not and does not intend to instigate proceedings.

INFORMING SCHOOLS OF THE OUTCOME OF A PENALTY NOTICE

20. The IWS will inform a Headteacher on a termly basis of the outcome of referrals made for a Fixed Penalty Notice to be issued.

PAYMENT OF PENALTY NOTICES

21. The arrangement for the payment will be detailed on the Penalty Notice.

- 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 beginning with the date on which the notice is received.

- If a second Penalty Notice issued to the same parent in respect of the same pupil, this penalty notice will be charged at a flat rate of £160. **There will not be a reduction of the penalty notice if paid any earlier, this notice should be paid within 28 days.**

- A third penalty notice will not be issued to the same parent in respect of the same child where two previous penalty notices have been issued within a 3 year period of the date of the first penalty notice. In a case where the national threshold is met for a third time (or subsequent times) within these 3 years, alternative action should be taken instead. This will often include considering prosecution but may include other tools such as other attendance legal interventions i.e. School Attendance Order or Education Supervision Order.

22. Monies collected will be used for the administration of the penalty notice and prosecution.

22. Non-payment of a Penalty Notice will result in the immediate prosecution of parent(s)* under the provisions of Section 444 of the Education Act 1996 unless:

- It has been issued to the wrong person.
- The use of the Penalty Notice did not conform to the terms of this protocol.
- The notice was materially defective.
- The LA has not started legal proceedings and has no intention of doing so.

POLICY AND PUBLICITY

23. The deployment of Penalty Notices as a sanction is included in the Authority's Attendance Strategy. All school attendance policies should include information on the deployment of Penalty Notices which should be brought to the attention of parents. The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional material.

REPORTING AND REVIEW

24. A review of the deployment of the Penalty Notices will be undertaken at regular intervals and the strategy amended as appropriate.

*Definition of a parent

Section 576, Education Act 1996 defines a parent as:

- all natural parents, whether named or not;
- any person who although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person.
- any person who, although not a natural parent, has care of the child or young person. A person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered a parent in education law.
- In this document 'parent' means each and every person referred to within this definition.