



DEVONPORT HIGH SCHOOL FOR GIRLS

ATTENDANCE POLICY

Named person: Alan Thomas

Category: Statutory

Review: Every 2 years or when there are significant changes

Date to be reviewed: Summer 2027

This policy has been reviewed with regard to the work/life balance of staff.

Ratified and Adopted by the Board of Trustees on: 22/09/2025

Compulsory School Age

A child reaches the end of compulsory school age on the last Friday in June of the academic year in which they turn 16. Until they are 18, they must either:

- Stay in full-time education
- Start an apprenticeship or traineeship
- Work or volunteer (for 20+ hours per week) while in part-time education or training

Aim

Devonport High School for Girls (DHSG) is committed to ensuring that every student can access a full and effective educational experience. We recognise that high attendance is a key factor in achieving academic success, emotional wellbeing, and a sense of belonging. We prioritise building strong, trusting relationships with students and their families, and we recognise that early support prevents escalation.

Objectives

- To safeguard student welfare, health, social and emotional development
- To encourage full attendance and punctuality
- To maintain accurate attendance records
- To communicate openly with families
- To identify causes of non-attendance and intervene early to address causes of absence
- To reward positive attendance
- To collaborate with external agencies when needed
- To review attendance data regularly and reduce inequalities
- To create a sense of belonging in school so students want to attend

Legal Framework

This policy complies with:

- *Working Together to Improve School Attendance* (DfE, Aug 2024)
- Education Act 1996, Education Act 2002, Education and Inspections Act 2006
- Education (Pupil Registration) Regulations (2006–2016)
- Education (Penalty Notices) (Amendment) Regulations 2013

National Expectations

- Persistent Absence (PA): below 90%
- Severe Absence (SA): below 50%
- Good attendance benchmark: 95%+
- Sixth Form benchmark: also 95%+

Parental Duty Under the Education Act 1996

Under **Section 7 of the Education Act 1996**, it is the legal duty of every parent to ensure their child receives an education. The law states:

- *“The parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable — (a) to their age, ability and aptitude, and (b) to any special educational needs they may have, either by regular attendance at school or otherwise.”*

At DHSG, we recognise the vital role parents and carers play in ensuring their child attends school regularly and punctually. We aim to work in partnership with families to remove barriers and support every student in accessing their right to a full and enriching education.

Term-time holiday

Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of school days a child can be away from school if the leave is granted. Parents/Carers should complete the school's online leave of absence request form no less than 20 days before the holiday is due to commence. If a parent/carer feels they request should be considered as exceptional circumstances a letter addressed to the Head Teacher should accompany the request.

Penalty Notices (from August 2024)

- Issued when 10 unauthorised sessions (5 days) occur within any rolling 10-school-week period
- £80 fine if paid in 21 days; £160 if paid in 28 days
- 2 fines in 3 years = £160 fine with no reduction
- 3rd offence = possible court action
- *Notice to Improve* replaces former warning letters
- After a penalty notice, **the absence clock resets**, and the **chronology begins again**
- **Notice to Improve period is 6 weeks**, during which support is monitored
- Notice to Improve follows an **Attendance Action Plan** and a **formal meeting** with the **Deputy Headteacher for Inclusion**, who also sends the letter
- See Plymouth LA flowchart (See appendix)

Leave of Absence requests

If possible, we would like all medical appointments to occur outside of school hours, however, if this is not possible you will need to complete the school's online leave of absence request form which can be found on the school's website.

Belonging and Early Support

At DHSG, we recognise that students are more likely to attend regularly and engage fully when they feel known, understood, and valued. Our approach centres on creating a sense of belonging from the earliest stages of intervention.

Tutors and pastoral staff play a central role in developing strong, supportive relationships with students and their families. Home visits are carried out with the ethos of “*checking in, not checking up*”, and if a visit cannot be undertaken, we may utilise Microsoft Teams or WhatsApp video check-ins to maintain a connection with families. Where a home visit is attempted but no one answers, staff will leave a calling card to let the family know we have tried to make contact. It is vital that we get to know each family early and proactively, building trust well before thresholds for more formal intervention are crossed.

We offer ‘soft start’ mornings and other supportive reintegration options for students returning from a period of absence. Reduced or part-time timetables are considered only as a last resort, must be time-limited, and require agreement from the Designated Safeguarding Lead (DSL) with regular review to ensure the student is supported to return to full-time education as quickly as possible.

Staged Approach to Managing Persistent Absence <90%

Stage 1 – Early Identification and Prevention

- Flag students under 95% using attendance software
- Tutor conversations during pastoral time
- Head of House (HoH) sends early support letter/email
- Attendance Officer meets weekly with Deputy Head (Inclusion)

Stage 2 – Targeted Support

- Phone calls by Attendance Officer
- Meetings with Student Support Officer (SSO)
- Subject teachers offer catch-up help
- First intervention letter sent

Stage 3 – School-Level Interventions

- Attendance Action Plan created in meeting with family and HoH
- Assign a mentor or key adult
- Reward progress (certificates, privileges, tutor praise)

Stage 4 – Multi-Agency Involvement

- Refer to Early Help, CAMHS, family workers
- Conduct supportive home visits
- Hold Attendance Panel meeting with SLT

Stage 5 – Legal Enforcement

- Final warning letter issued
- Notice to Improve period starts
- LA involvement in ESO or prosecution considered if no improvement

Authorised and Unauthorised Absence

Authorised:

- Medical appointments (evidence required when a student is persistently absent i.e. attendance is <90%)
- Religious observance
- Family bereavement

Unauthorised:

- Shopping, birthdays, family illness
- Late arrivals after registers close
- Term-time holidays
- Persistent illness without evidence

Roles and Responsibilities

Form Tutors

- Return 'Unexplained Absences' report to the Attendance Officer and Sixth Form Administrator at the end of Tutor period.
- Maintain communication with Attendance Officer, Sixth Form Administrator, HoH and SSO where there are concerns.
- Inform the DSL if attendance or punctuality patterns raise welfare concerns.

Teaching Staff

- Take punctual and accurate registers at the start of each lesson.
- Record concerns in the 'Comment Field' rather than applying unauthorised codes.
- Use a paper register if SIMS/Edulink is inaccessible.

Attendance Officer

- From 08:00, respond to absence calls from parents and check overnight answerphone messages.
- Inform Form Tutor, HoH, DSL or SSO of concerns.
- Ensure all registers are completed; follow up missed registers.
- Contact families of any student who is missing from Period 1 without explanation or contact from home.
- Run first-day absence and late reports; update attendance records.

- Meet Attendance Champion Deputy Head Teacher (DHT) Inclusion Lead weekly to discuss and monitor absence
- Liaise with the DSL to cross-reference absence and safeguarding.
- Coordinate iDASH reports and disproportionality charts.

Sixth Form Administrator

- Monitor Sixth Form attendance in liaison with Head of Sixth Form (Ho6th) and tutors.
- Send out unexplained absence reports fortnightly.
- Sign in students late to registration.
- Escalate persistent absence via green → yellow → pink → red → black letters and meetings.

Main Office Admin Team

- Answer attendance calls from 08:00.
- Record absence information or pass it to Attendance Officer.

Deputy Headteacher for Inclusion – Attendance Champion

- Named Senior Leadership Team (SLT) lead responsible for attendance strategy and culture.
- Line management of Attendance Officer.
- Chairs weekly inclusion, safeguarding and SEND meetings.
- Ensures training, oversight, and consistency across all phases.
- Liaises with Trustees and Local Authority when required.

Parents/Carers

- Keep contact details updated.
- Notify the school on the first day of absence.
- Provide medical evidence if requested.
- Arrange appointments outside school hours.
- Ensure prompt arrival and arrange alternative transport during disruptions.
- Promote good attendance and request only exceptional leave.

Students

- Attend registration on time (08:50 and 14:35).
- Explain absences and bring notes or medical evidence.
- Sign in/out when arriving late or leaving site.
- Raise attendance concerns with tutors, HoH, or Sixth Form staff.

Sixth Form Monitoring Routine

- Letter sequence: Green → Yellow → Pink → Red → Black.
- Weekly tutor meetings for attendance <90%.

- Interventions escalate through Assistant Head of Sixth Form to Head of Sixth Form and final parental meeting.

Authorised Absence

Examples include:

- Medical appointments with evidence.
- Religious observance
- Family bereavement.

Unauthorised Absence

Examples include:

- Shopping trips, birthdays, sibling illness.
- Late arrivals after close of registration.
- Truancy
- Term – time holidays (unless exceptional circumstances at the Head Teacher’s discretion)
- No medical evidence for persistent absence.
- Minding other younger children in family
- Relative visiting
- Death of pet
- Because holidays are cheaper in term time
- Menstruation
- More than one day for a family wedding

Emotionally Based School Avoidance (EBSA)

Emotionally Based School Avoidance (EBSA) is a recognised psychological condition, often formally diagnosed, which can significantly impact a student's ability to attend school. At DHSG, we understand the complex nature of EBSA and the need for a compassionate, multi-agency response. Early conversations are encouraged between families and school staff, including the SENCO, Designated Safeguarding Lead (DSL), Head of House (HoH), and Student Support Officer (SSO), to identify concerns and explore appropriate support.

Parents and carers are also encouraged to seek medical advice from their GP or contact NHS 111 if they are concerned about their child’s emotional wellbeing or school-related anxiety.

Reduced Timetables and Phased Returns

Reduced timetables and phased returns are used only in exceptional circumstances where they are deemed to be in the best interests of the student. All such arrangements must be overseen by the Designated Safeguarding Lead (DSL) to ensure they are safe, proportionate, and necessary. These arrangements must be time-limited, regularly reviewed, and clearly documented. Before any part-time provision is considered, the school will explore softer

reintegration options, such as 'soft starts' or supportive morning routines. Where a reduced timetable is agreed, it will be coordinated by the DSL in collaboration with the SENCO and Inclusion Lead, and families will be fully involved in the planning and review process to support a swift return to full-time education.

Religious Observance

DHSG recognises the importance of religious observance within a diverse school community. In accordance with statutory guidance, the school will authorise absence for religious observance where the day is exclusively set apart by the religious body to which the parent/carer belongs. The number of days authorised is at the discretion of the Head Teacher and will usually be limited to one day per festival. Requests for additional days will be considered on a case-by-case basis and may be unauthorised if they exceed reasonable expectations. Where required, the school may seek advice from the relevant religious body to confirm observance.

Elective Home Education (EHE)

When a parent or carer expresses the intention to electively home educate their child, DHSG will offer a meeting to discuss the reasons behind the decision and to explore whether any support can be put in place to enable the student to remain in school. This meeting is not mandatory, but it provides an important opportunity to ensure that the decision is fully informed. Following written confirmation from the parent, the school will inform the Local Authority and remove the student from roll, in accordance with statutory requirements.

Record Preservation

DHSG maintains its attendance records in accordance with legal requirements. All entries in the admission register and attendance registers will be preserved for a minimum of three years from the date on which the entry was made. Electronic records are backed up securely to ensure data preservation. These records may be made available to the Local Authority or other appropriate bodies on request, as part of safeguarding or statutory enquiries.

Behaviour for Learning Link

The school's approach to attendance is closely aligned with our Behaviour for Learning policy. In keeping with our values, interventions focus on understanding barriers, building trust, and supporting students to re-engage with learning. Responses to non-attendance are relational, proportionate, and avoid punitive escalation. Where attendance concerns intersect with wellbeing or behaviour, pastoral and curriculum teams work together to ensure that support is consistent, trauma-informed, and rooted in inclusion.

Children Missing from Education (CME)

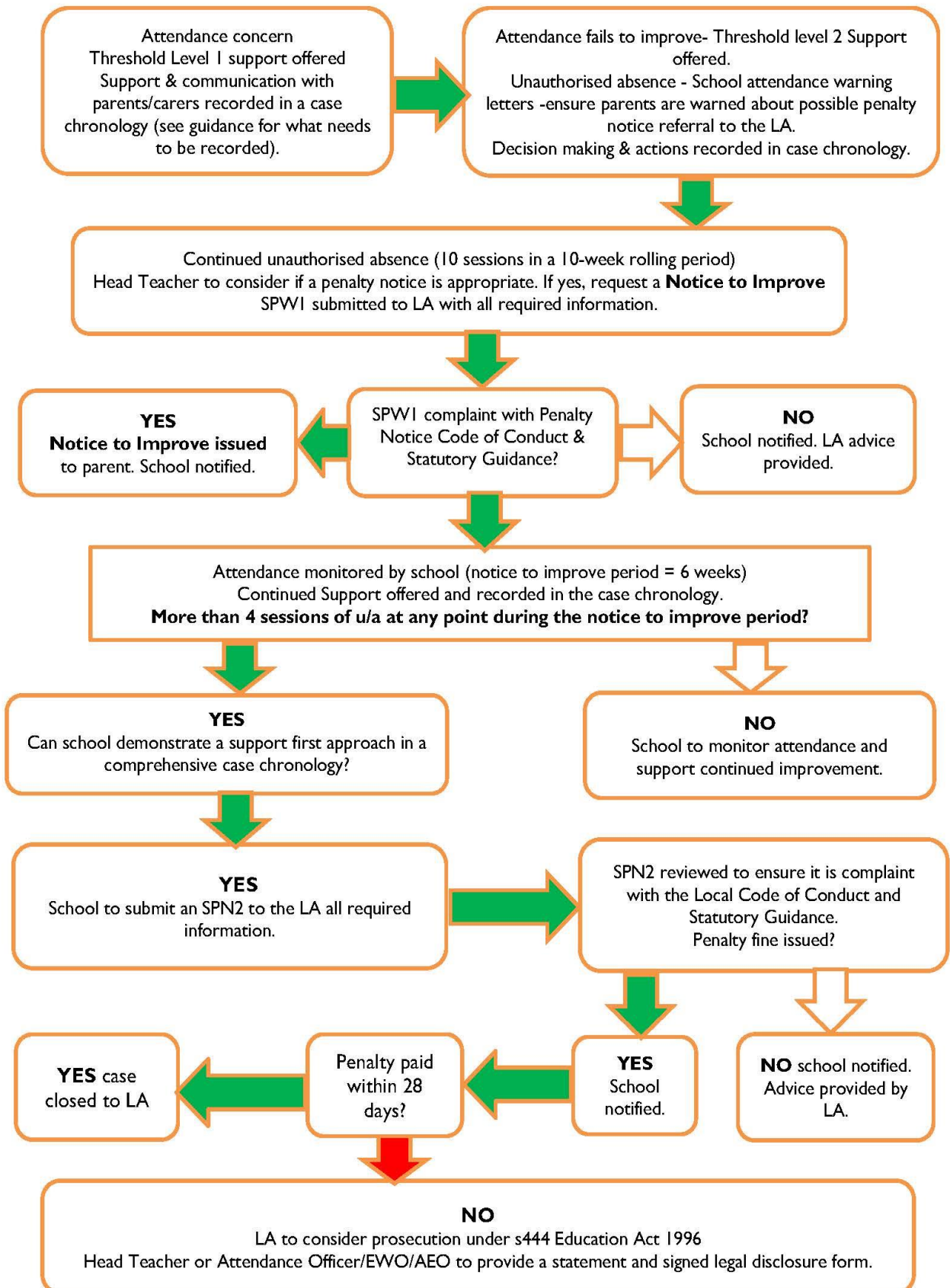
A student who has been absent for 10 consecutive school days without explanation, and where reasonable steps have failed to establish their whereabouts, will be referred

immediately to Plymouth City Council's Children Missing Education (CME) team. Reasonable steps include telephone calls to all known contacts, posted and recorded letters, home visits (leaving a calling card if there is no response), and checks with other agencies involved with the family. If a home visit cannot be undertaken, a visual check-in may be arranged via Microsoft Teams or WhatsApp. All contact attempts are logged and shared with the CME team, who can be reached at cme@plymouth.gov.uk or 01752 307405. Deletion from the school roll may only take place once this referral has been actioned and approval has been given by the CME service.

Final Note

This policy reflects DHSG's ambition to create a school where every student is present, engaged, and feels they **belong**. It reflects national legislation and current DfE guidance and has been reviewed in consultation with school leaders, safeguarding staff, and pastoral teams. Regular updates will follow as required by changes in legislation or school practice.

School Attendance Penalty Notice Process



AMENDMENTS TO THE EDUCATION (PUPIL REGISTRATION) (ENGLAND) REGULATIONS 2006



The Government have changed their policy regarding school attendance and existing legal regulations, which come into force from September 2013. This means that term time holiday is removed from the regulations. **Head Teachers are no longer allowed to authorise absence from school unless it is due to exceptional circumstances.** The Absence Request form (S2) should be completed by parents/carers when requesting term time absence from school for their child, regardless of whether the absence is for a holiday, or any other reason. Also, all requests for absence should be evidenced based, e.g. medical appointment cards, letters from employers etc. **It is extremely important all schools are consistent, when authorising/refusing absence during term time.** The following is a guide as to what could/could not be exceptional circumstances for approving a child's absence from school:

Exceptional circumstances

- A specified, limited period may be granted when a family needs to spend time together because of an immediate family member's bereavement, crisis or serious illness.
- Funeral of immediate family member
- Religious observance
- Transport was not provided by the LA when it should have been
- Children of service personnel about to go on deployment (permission would be considered as long as the request is accompanied by a letter from the Commanding Officer)
- **One day** of absence could be authorised for a wedding of an immediate family member and the invitation has been provided as evidence
- One off sporting events/performing arts competitions, if the child is participating and is at county standard or above and a letter has been provided from the performing arts/sports regional governing body as evidence
- **One day** of absence could be authorised for an immediate family members graduation ceremony/passing out parade
- Medical appointments (parents/carers should be encouraged to arrange non-urgent medical appointments outside of school hours when possible. If the medical appointment is during the school day, **evidence must be provided.** Schools should not authorise a whole days absence for a medical appointment that occurs in the morning – the child would be expected to return to school in the afternoon, and vice versa.

Absence should not be authorised for reasons such as the following:

- To care for other family members
- Birthdays
- To interpret for other family members
- No school uniform/shoes
- Bullying

- Friendship problems
- Head lice
- Learning difficulties
- Family holiday
- Weddings abroad – regardless of whether it is for immediate family members
- Family Anniversaries
- Death of a pet
- Travel problems
- School refusal

This list provides examples and is not exhaustive.

(The **immediate family** is a defined group of relations, used in rules or laws to determine which members of a person's family are affected by those rules. It normally includes a person's parents, spouses, siblings and children. It can contain others connected by birth, adoption, marriage, civil partnership, or cohabitation, such as grandparents, grandchildren, siblings-in-law, half-siblings, adopted children and step-parents/step-children, and cohabiting partners)

ABSENCE CODES

Code	Meaning
B	Educated off site (approved education activity)
C	Other authorised circumstances (authorised absence)
D	Dual registration (pupil attending another educational establishment)
E	Excluded (authorised absence)
F	Extended family holiday agreed (authorised absence)
G	Family holiday not agreed (unauthorised absence)
H	Family holiday agreed (authorised absence)
I	Illness (Not medical/dental appointments) (authorised absence)
J	Interview (approved educational activity)
M	Medical appointment (authorised absence)
N	No reason provided yet for absence (unauthorised absence)
O	Unauthorised absence (not covered by any other code)
P	Approved sporting activity (approved education activity)
R	Religious observance (authorised absence)
S	Study leave (authorised absence)
T	Traveller absence (authorised absence)
U	Late after registers close (unauthorised absence)
V	Educational visit or trip (approved educational activity)
W	Work experience (approved education activity)

Code	Meaning
X	Non-compulsory school age absence
Y	Enforced school closure
Z	Student not yet on roll
#	School closed to students



S2 ABSENCE REQUEST FORM

PART 1: TO BE COMPLETED BY THE PARENT/CARER

Notes to parents/carers

The law does not grant parents an automatic right to take their child out of school during term time. Only a Head Teacher can agree to grant leave of absence and **permission must be sought at least 20 school days in advance** and must only be for **exceptional circumstances**. To request leave of absence you must have Parental Responsibility and be the parent with whom the child normally lives. If you do not have parental responsibility and/or normally live with the child, you must seek the consent of the parent who does, and that person should complete this form. Schools will only consider requests from that parent.

When deciding whether to allow term time leave, for any reason, the school will only consider:

- The reason for the leave (i.e. whether there are exceptional circumstances)
- The time and duration of the leave
- Whether or not the leave could have been taken during the statutory school holiday periods
- **Learning that will be missed**

WARNING: UNLESS YOU HAVE RECEIVED WRITTEN CONFIRMATION FROM THE SCHOOL THAT THE ABSENCE WILL BE AUTHORISED, YOU MUST NOT ASSUME THAT IT WILL BE. IF THE HEAD TEACHER REFUSES YOUR REQUEST AND YOUR CHILD IS STILL TAKEN OUT OF SCHOOL, THE ABSENCE WILL BE RECORDED AS AN UNAUTHORISED AND YOU MAY BE LIABLE TO A £80/£160 FINE. FINES ARE ISSUED TO EACH PARENT/CARER FOR EACH CHILD. IF YOU HAVE ALREADY RECEIVED A PENALTY FINE WITHIN A 3-YEAR ROLLING PERIOD, ANY FURTHER PENALTY NOTICES WILL BE CHARGED AT A RATE OF £160 WITH NO OPTION TO PAY A REDUCED RATE OF £80. PLEASE READ THE ADVICE OVERLEAF

To the Headteacher/Principal of School/College

I wish to apply for
 Name(s) of Child(ren) DOB..... School.....
(Include siblings attending other Schools) DOB School.....

to be authorised as being absent from school from to inclusive

Reason for request for absence during term time. If this is a holiday request please explain the exceptional circumstances which mean that the holiday cannot be taken during a school holiday:

Signature of Parent/Carer Date

Signature of Parent/Carer Date

PART 2: TO BE COMPLETED BY THE HEAD TEACHER/PRINCIPAL

- Authorised** The School/College agrees to your child being absent from school on the specified dates.
- Absence dates** ___/___/___ to ___/___/___
- Unauthorised** The School/College does not authorise your request for leave in term time for the following reason(s):

Learning that will be missed	No Exceptional Circumstances
The time and duration of the leave	Leave could have been taken during school holiday periods

Signed..... Head Teacher/Principal Date

HOLIDAYS IN TERM TIME. IMPORTANT: PLEASE READ THE INFORMATION BELOW

Warning: If you take your child on holiday in term time without the prior approval of the school, you may be issued a £80/£160 Penalty Fine. Both parents will be liable for a fine for each child taken on holiday during term time. In relation to education, s576 of the Education Act 1996 states that any person who has the actual day to day care and custody of the child such as a step-parent or partner, for example, is also included in the definition of a parent and will be liable for a fine. If you have already received a penalty fine within a 3-year rolling period, any further penalty notices will be charged at a rate of £160 with no option to pay a reduced rate of £80.

The Facts	The Law
<p>It is important that parents carefully consider the implications of taking their child out of school during term time.</p> <p>Research suggests that children who are taken out of school may never catch up on the course work they have missed. This may affect test results and can be particularly harmful if the child is studying for final year examinations.</p> <p>Children who struggle with English or Mathematics may also find it even harder to cope when they return to school, while younger children may find it difficult to renew friendships with their classmates.</p> <p>What you should consider: There are times during a school year when a child may experience particular problems because of term time leave such as:</p> <ul style="list-style-type: none"> • Closeness to exams or tests (Standard Attainment Tests in Year 2, 6 and 9). • During GCSE, and other examination courses. • During the first year at a new school. • At the beginning of a new school term. <p>If the school refuses a request for term time leave and the child is still taken out of school, this will be recorded as unauthorised absence and may lead to a £80/£160 fine per parent, for each child.</p> <p>Please contact your child's Headteacher if you wish to discuss your reasons for requesting the absence</p>	<p>The law does not say that parents have an automatic right to take their child out of school for holidays during term time. Amendments to the Education (Pupil Registration) (England) (Amendment) Regulations make it clear that Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of school days a child can be away from school if the leave is granted.</p> <p>From 19th August 2024, changes to legislation have introduced a national threshold of 10 sessions of unauthorised absence that can trigger a penalty notice. There are 2 sessions in each school day.</p> <p>In exceptional circumstances a Head Teacher may authorise, in advance, requests for periods of leave. The request for leave must come from a parent with whom the child normally resides.</p> <p>If a child then stays away from school for more than the authorised period this must be recorded as unauthorised absence and the parent could be liable to a penalty fine or court action in relation to failure to ensure the regular attendance of their child.</p> <p>If the child is away from school for a total of 4 weeks or more, the school may have to take the child off roll unless there is a good reason for the continued absence, such as illness. In these circumstances it is up to the parent to inform the school as once removed from roll, there is no guarantee that the child will regain a place at the school.</p> <p>Holiday prices, and the fact that the parents have booked a holiday before checking with the school, are not exceptional circumstances.</p>

<p>Other absence from school will be authorised if it is for the following reasons:</p> <ul style="list-style-type: none"> • Genuine illness • medical / dental appointments (but try to make these after school if possible). If the medical appointment occurs in the morning or afternoon, your child is expected to attend school before or after the appointment. • Days of religious observance • Exceptional circumstances, such as bereavement • Seeing a parent who is on leave from the armed forces • External examinations • When the Traveller children go on the road with their parents where the school is informed beforehand 	<p>Other absence from school will not be authorised:</p> <ul style="list-style-type: none"> • For any type of shopping • Looking after brothers, sisters or unwell parents • Minding the house • Birthdays • Resting after a late night • Relatives visiting or visiting relatives. • Because holidays are cheaper in term time • More than one day for a family wedding.
<p>The law requires schools to be open to pupils for 190 days each year, and every day is important. Please help them not to miss any of this valuable time. We hope that when you have read this leaflet you will consider that your child's education is too important to take holidays during term time.</p>	

PENALTY NOTICES

Information for parents



WHAT IS A PENALTY NOTICE? Children must go to school regularly and be on time. It is a legal requirement and essential in giving them the best start in life. Unauthorised absence from school is an offence under section 444 of the Education Act 1996.

Plymouth City Council's Attendance Support Team, along with all Plymouth Schools, are responsible for helping to tackle truancy and reduce unauthorised absences from school. One of the ways they do this is to fine the parents of children who have unauthorised absences from school. This fine is called a Penalty Notice.

HOW MUCH IS A PENALTY NOTICE? A Penalty Notice is £80 if paid within 21 days of receiving it. This rises to £160 if paid after 21 days but within 28 days of receiving it. If the penalty is not paid in full by the end of day 28, the Council must either prosecute for the offence or withdraw the notice. (A notice served by post is deemed to have been received on the second day after posting if it was delivered by first class post). **Any second penalty notice issued to the same parent for the same child within a rolling 3-year period will be charged at a higher rate of £160 with no option to pay the lower rate of £80.**

WHEN COULD I RECEIVE A PENALTY NOTICE?

A Penalty Notice could be issued if:

- Your child has 10 or more sessions of unauthorised absences from school over a rolling ten-week period. The unauthorised sessions can be either consecutive or non-consecutive. **N.B. There are two sessions in each school day.**
- Your child has been late to school after registration has closed 10 or more times over a rolling ten-week period
- Your child is found during a truancy sweep and the absence has not been authorised by the school, and there are already 10 previous unauthorised absences
- You repeatedly fail to provide the school or the local authority with reasons for your child's absences. This can include ignoring the school and Council's attempts to contact you.
- Your child is found in a public place during the first five days of a fixed term or permanent exclusion.
- You take your child on holiday during term time and the absence is not authorised by the Principal/Headteacher

Holidays during term time are not an entitlement - Amendments to The Education (Pupil Registration) (England) Regulations 2006 have made it clear that Headteachers may not grant any leave of absence during term time unless there are **exceptional circumstances**. Only Headteachers can determine the number of school days a child can be away from school if leave is granted, and parents will need to provide evidence that the circumstances are exceptional. Parents must complete the school's absence request form and submit it to the Headteacher for consideration at least 20 school days in advance.

A Penalty Notice will only be issued to the parent(s) if the pupil has had at least 10 unauthorised sessions (equivalent of 5 school days) relating to an **unauthorised holiday during term time** within a rolling 10-week period. The unauthorised sessions can be either consecutive or non-consecutive.

WHO COULD RECEIVE A PENALTY NOTICE? As with prosecutions under section 444 of the Education Act, a Penalty Notice will be issued to each parent liable for the offence.

IMPORTANT: In relation to education, the legal definition of a parent is contained in section 576 of the Education Act 1996 and includes any adult who is a natural parent, someone with parental responsibility or someone who cares for a child. This will include divorced or separated parents of a legitimate child, even if not living with the child and, for educational purposes, any person who has the actual day to day care and custody of the child such as a step-parent or partner.

HOW MANY PENALTY NOTICES CAN A PARENT BE ISSUED?

2 penalty notices can be issued to a parent for the same child within a rolling 3-year period. Any second penalty notice issued to the same parent for the same child within a rolling 3-year period being will be charged at a higher rate of £160 with no option to pay the lower rate of £80.

HOW WILL I RECEIVE THE NOTICE? By certified 1st class post.

WILL I RECEIVE A WARNING FIRST? Yes. The Attendance Support Team for Plymouth City Council will send you a 'Notice to Improve' letter which tells you about your child's unauthorised absences from school and this will give you the chance to contact us to discuss the situation. If your child has more unauthorised absence within 6 weeks of you receiving the Notice, a Penalty Notice may be issued to you.

However, this will not apply to unauthorised absence due to parents taking their child out of school for a family holiday. Headteachers can request that a penalty notice is issued to parents if without a Notice to Improve if they can prove that:

- **the request for absence was denied and that the parent was warned by the school that they could receive a penalty notice**
- **or that the child was absent without authorisation and there is sufficient evidence to show that the absence was due to a family holiday**

WHAT HAPPENS IF I DO NOT PAY? You will be prosecuted. Unlike other penalty notice schemes, the prosecution would not be for non-payment of the notice. You will be prosecuted for the offence for which the notice was issued — failing to ensure your child's regular attendance at school. This means you could receive a much more serious penalty and a criminal record if found guilty.

The fact that you failed to pay the notice could also be used as evidence in any legal proceedings taken against you.

A parent cannot be prosecuted until after the Notice payment deadline has passed (28 days). If a parent pays the penalty within 28 days, they will have discharged their liability for the offence. This means no other legal action can be taken against them for that offence.

Note: any further unauthorised absences will be treated as separate offences and can result in legal action.

CAN I APPEAL AGAINST THE PENALTY NOTICE? There is no statutory right of appeal against the issuing of a Penalty Notice. They can only be withdrawn for the following reasons:

- Where it should not have been issued. For example, where it has been issued outside the Council's Code of Conduct or where no offence has been committed.
- Where it has been issued to the wrong person.

- Where it was materially defective

If a penalty notice is withdrawn for one of the reasons above, a notice of the withdrawal will be sent to you and any amount paid will be refunded. No proceedings shall be continued or instigated against you for the offence for which the withdrawn notice was issued.

THE LEGAL BIT

Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006 introduced powers to Sections 444 of the Education Act 1996 that enable Local Education Authorities to issue Penalty Notices. Penalty Notices can be used as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

WHAT YOU SHOULD DO IF YOU ARE CONCERNED ABOUT YOUR CHILD'S ATTENDANCE

In the first instance, it is important to talk to staff at your child's school. They can often identify specific problems that might be causing your child to miss school. They can also offer Individual Attendance Plans, Attendance Contracts and other support plans that will help you and your child feel your views and concerns are being heard.

You can also contact Plymouth City Council's Attendance Support Team. They will support you and advise you of ways that could help to ensure your child's regular attendance at school. They can also put you in touch with other agencies that can provide more support and advice.

IMPORTANT EXCLUDED PUPILS

Section 103 of the Education and Inspections Act 2006, places a duty on the parents of a child excluded from school to ensure that the 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.

This means that a penalty notice could be issued to the parent of an excluded child if they are found to be in a public place during the hours of a normal school day.

If you have any questions about Penalty Notices or would like to speak to a member of the Council's Attendance Support Team about your child's attendance, please contact us.

CONTACT

Penalty Notice Officer

Attendance Support Team

Education, Participation and Skills

Plymouth City Council

Ballard House

Plymouth

PL1 3BJ

T: 01752 307405

E: penaltynoticeofficer@plymouth.gov.uk

TACKLING UNAUTHORISED HOLIDAYS AND ABSENCES

Evidence shows that truancy can lead to anti-social behaviour and youth crime.

This information is available in other languages and formats

Please call 01752 307405