



Annie Lennard Primary School

Attendance Policy

2023 - 2024

Updated January 2024

Review January 2026 or sooner if changes nationally

Attendance Policy

Expectations and Daily Procedures

What is good attendance and why is it important to us?

At Annie Lennard Primary School, we expect all our pupils to attend school every day that they possibly can. Ensuring a pupil's regular attendance at school is the legal responsibility of all parents/carers. We believe good and regular attendance is when a pupil reaches at least 96% attendance. This means missing no more than 8 school days during an academic year.

Research findings show there is a strong correlation between good attendance and high achievement. We believe that good attendance levels maximise opportunities for each pupil to realise their full potential.

If a pupil has 90% attendance through their primary and secondary education; it means that they have missed the equivalent of a whole year off school.

100%	Excellent attendance	Full attendance and no days missed from school – the best chance of success
96%	Good attendance	8 days missed from school
95%	Below the expected level of attendance	9 days missed – less chance of success and makes it harder for your child to make progress
91%	Below the expected level of attendance and needs to improve	18 days missed
90%	Worrying and attendance needs to improve	19 days missed (persistent absence threshold). Your child will find it very hard to make progress.
85%	Poor attendance and must improve	28 days missed
80%	Poor attendance and must improve	38 days missed

We strive to provide a welcoming, caring environment, whereby each member of the school community feels valued and secure.

We believe in working in partnership with parents and carers, pupils and governors and strive for high expectations of all our pupils, and that includes good attendance at school.

What are our daily attendance routines?

Poor punctuality is not acceptable. It is seriously detrimental to a child's learning and positive start to the school day. If your child arrives after 8.55am, they miss a short class registration period where useful information is given relating to the rest of the day and the vital introduction to an English or Maths lesson. Late arriving pupils also disrupt lessons for teachers and other pupils, can be embarrassing for the child and can also encourage absence.

Minutes late per day	Learning time lost in a year
5 minutes	3½ days
10 minutes	7 days
15 minutes	10 ½ days
20 minutes	14 days
30 minutes	21 days

Registration procedures

At Annie Lennard we take a register twice a day – once at the start of the morning at 8.55am and once at the start of the afternoon session.

The register is opened at 8.55am and closed at 9.20am. In exceptional circumstances such as bad weather or public transport difficulties, we may keep the register open for a longer period.

The start time of the afternoon session differs by year group due to lunch time arrangements.

It is the responsibility of the register marker, (class teacher or their cover), to record the pupil as present (/) or absent (N).

We keep our register electronically using the MIS system 'SIMS'.

The data is captured by calling out names from the class register. The information is then entered onto the system as the class teacher, or their cover calls out names.

At 9.20am the registers will be officially closed. In accordance with regulations, if your child arrives after that time, they will receive a mark that shows them to be on site, but this will not count as a present mark, and it will mean they have an unauthorised absence. Persistent late arrival is not acceptable and could mean parents/carers face the possibility of a legal sanction if the problem persists.

Register check and follow up

The registers are returned electronically to the school office where absences are reviewed, and late arriving pupils are added to the register. The office staff will enter a pupil onto the system, using the appropriate code in relation to the reason for absence.

Where pupils arrive late to school, the appropriate code is entered on to the register identifying where a pupil has arrived after the register has closed.

Contact is then made with parents and carers regarding any unexplained absences.

Types of absence

Every half-day absence from school has to be classified by the school (not by the parents), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required daily.

Authorised absences are mornings or afternoons away from school for a good reason like illness, medical/dental appointments which unavoidably fall in school time, or other unavoidable causes which have been agreed by the Head Teacher. We ask that routine dental, optical and medical appointments are made after school, at weekends or in school holidays, to avoid missed learning. Where a religious festival is being celebrated and falls within the school term, one day of leave will be authorised by the Head Teacher. If religious festivals fall during school holidays or weekends, pupils are expected to attend school on school days both before and after the celebration, absence will be recorded as unauthorised.

Unauthorised absences are those which the school does not consider reasonable and for which no agreement has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings.

Unauthorised absences include:

- Parents/carers keeping children off school unnecessarily.
- Absences which are not agreed by the Head Teacher
- Absences which have never been properly explained or when school do not receive a message for the absence.
- Children who arrive at school too late to get a mark (after the close of register).
- Shopping, looking after other children or birthdays.
- Leave of absence that has not been agreed by the school (including term time holidays).
- Absences for which medical evidence has not been provided but has been requested by the school.

This list is not exhaustive, and the authorisation of absence is judged on circumstances at the time. We will always try to contact parents to inform you if your child's absence has not been authorised or if additional information is required regarding the absences.

First day calling and home visits

If your child is absent, parents should:

Contact us as soon as possible on the first day of absence and every day after this that your child is absent from school. This may be done via a telephone call to our number 0121 4294284. A message can be left on the school's answerphone if a parent needs to make an early morning call before the start of the day. Or come into school and report to reception giving information regarding your child's absence personally

If your child is absent, we will:

Record your child's absence on their class register.

Telephone you if we have not heard from you. This should not be necessary as it is the parent's responsibility to inform school regarding a pupil absence. It is important to keep the school updated of any changes to contact details and provide the school with at **least 2 telephone numbers** on which they can be contacted in case of emergency. (NB: if a parent does not supply this information and the school has concerns, they may contact Children's Social Care or the Police).

Enquire about the reason for absence and provide advice and suggestions.

Make contact to discuss your child's attendance if we are concerned about a child's absence.

Please note we monitor whole school attendance below 95% on a weekly basis, with a particular focus on pupils with less than 90% attendance.

If we have not been notified of a reason for absence and have been unable to contact a parent, we will telephone alternative contacts listed for the child and ask if they are able to help and support in contacting parents.

Home visits may be carried out at any point during a pupil's absence as an additional method of contacting families.

For safeguarding purposes, where required, contact may be made with other educational providers where siblings are attending, to assist in contacting families.

If a child is absent for 3 consecutive days and all attempts of making contact have failed, the school may contact the Police to discuss the matter, and request that a 'safe and well' visit be carried out.

Parents must be aware that if the school is not informed of where a child is in school time, the child may be referred to relevant agencies for safeguarding purposes. If a child is absent for 20 school days or more and cannot be located

after diligent enquiries have been made, they will be removed from the school's roll and recorded as a 'missing child.' The child will then lose their school place at Annie Lennard Primary School.

Promotion and Celebration of Excellent Attendance

Our aim is for every pupil to achieve good attendance or better than this, because we know that good attendance is the key to your child reaching their full academic potential.

The school has targets to improve attendance and your child has an important part to play in meeting these targets.

The target level of attendance for our school is 97% attendance and we will keep you updated regularly about progress and how your child's attendance compares with this.

We monitor whole school attendance and punctuality on a regular basis, to show us where improvements need to be made. Information on any projects or initiatives the school undertakes is provided in our newsletters and displays around school.

We celebrate good attendance and punctuality at our weekly Praise Assemblies and also publish it on our weekly newsletter.

We celebrate good and improving attendance at every opportunity recognising the relationship this has with pupils' academic success.

Incentives for attendance for will include:

- Weekly Trophy for the class with the best attendance – Attendance Harry
- Half termly reward – small treats will be awarded to the 'most improved' class for the half term.
- Reward for children who have 100% attendance for the whole academic year.
- Certificates

Data and Monitoring

How we track and report the attendance of children and measure impact.

We monitor all absence thoroughly and closely track any student with attendance of 95% or below on a weekly basis. Any pupil that is on track to becoming a persistent absentee (90%) or is at risk of moving towards that mark, is given priority and parents will be informed of this.

All pupils with 95% attendance or below are monitored weekly; the school's family support worker will make contact with parents where required and will support these pupils and their families to improve attendance. Pupils who have attendance of less than 95% are reviewed in a weekly meeting, which is attended by the Attendance team. At this meeting, actions are agreed for each pupil.

We follow a fast-track approach to managing pupil absence through quick and early intervention.

We aim to work with families to tackle problems as soon as they become apparent. This may include telephone calls, letters home, invitations to attend school meetings, announced and unannounced home visits, group work and individual pupil mentoring. Impact of interventions is reviewed in meetings between the Education Welfare Officer and the Senior Leadership Team.

Patterns of attendance are analysed each half term and are benchmarked with the learning community and national trends. Intervention and support are identified from this set of data.

Attendance data is shared with parents and carers at every opportunity including Parents' Evenings, reports, text messages, letters and academic meetings.

Attendance data is shared with staff and pupils on a weekly basis where all staff celebrate and promote attendance with their classes.

We celebrate efforts relating to individual and class attendance/punctuality at the end of each half term.

Regular meetings are held between the Family Support Worker and Senior Leadership Team member who has strategic management for the oversight of attendance.

Attendance data is reported to governors termly.

Thresholds and Referrals

A pupil is classed as on track to being 'severely absent' (SA) when they have missed 50% or more of their time in school at any given time.

A pupil is on track to becoming a 'persistent absentee' (PA) when they miss 10% or more schooling (i.e., has attendance below 90%) at any given time during the school year for whatever reason.

Absence at these levels is doing considerable damage to any child's educational prospects and we need parents' fullest support and co-operation to tackle this. Whilst it is rare for our pupils to have attendance levels below 50%, both SA and PA pupils are tracked and monitored carefully through our attendance and pastoral system, and we also combine this with academic mentoring where necessary.

Parents are encouraged to contact school at an early stage to resolve any problems relating to attendance and punctuality. This usually has a successful conclusion.

Support from external agencies and the local authority will be sought where additional resources and expertise is required.

Where all other avenues have been exhausted and support is not working or not being engaged with, attendance through statutory intervention or prosecution may be necessary. If there are ongoing concerns regarding a pupil's attendance, the school may refer a child's irregular attendance to the Schools Attendance Support Service within the Local Authority. A variety of legal interventions are possible ranging from parenting contracts, Education Supervision Orders, penalty notice fines and legal action being instituted against parents in Magistrates Court.

Leave of Absence and Holidays in Term Time

All requests for leave of absence should be requested by completing the school's leave of absence form, which is available from the school office. Any requests for leave should be made in writing to the Head Teacher 4 weeks before the leave is required. If however, the leave request is due to an emergency, immediate contact should still be made with the Head Teacher or Family Support Worker to discuss the leave request.

Please be aware, leave can only be authorised on the content of the request. A request for leave of absence form must be completed fully and must include details of all people who have care of the child. Incomplete requests will be declined and will not be considered, which will result in the absence being recorded as unauthorised. Parents will normally be informed of the decision in writing. All letters will be kept on file. If the child takes time off when leave has not been granted, this will be recorded as an unauthorised absence. All leave of absence needs to be requested and agreed before any firm bookings are made, this will allow time for the request to be considered and discussion to be held as required. Meetings with families are routinely held to discuss leave of absence requests to ensure the safeguarding of our children. Supporting information should also be provided with the request, to explain the circumstances and the need for leave to be taken in term time. Requests for leave of absence in term time for

holidays, visiting relatives and weddings are not normally agreed by the Head Teacher. Where the school receives requests for extended leave of absence and where information has raised concerns that a child is at immediate risk of forced marriage or Female Genital Mutilation, a referral will be made to Sandwell Children's Social Care Trust and the Police.

Term time holidays

If a parent chooses to take their child out of school for a holiday in term time, a leave of absence form must still be completed. As part of our attendance process, we do meet with families to discuss leave of absence requests. Taking holidays in term time will affect your child's academic progress as much as any other absence, and we expect parents to help us by not taking pupils away in school time.

We do not permit holidays in term time and will not authorise requests for leave of absence for this reason. Remember that any savings you think you may make by taking a holiday in school time, are offset by the cost to your child's education. There is no automatic entitlement in law to time off in school time to go on holiday.

Holidays should be taken in school holiday time of which we have plenty of weeks available. Unauthorised holidays taken in term time are referred to Sandwell's Attendance and Prosecution Service, who may then contact parents regarding the leave taken. Parents taking unauthorised leave in term time may be subject to a penalty notice fine being issued by the Local Authority. This is a £60 fine (per child, per parent), if paid within 21 days but rises to £120 (per child, per parent) if not paid within 21 days but paid within 28 days. If fines are not paid, the Attendance and Prosecution Service can refer the matter to Magistrates Court.

Escalation of procedures

How we ensure children are safe and how we will tackle absence together.

Roles, responsibilities, intervention and tailored support.

All teaching and support staff are trained and refreshed frequently throughout the school year in their roles in promoting attendance.

First day absence calls are made by the Family Support Worker, office staff or senior leaders.

Follow up absence telephone calls are made by the Family Support Worker.

School meetings and home visits to discuss attendance concerns are attended by the Family Support Worker, Designated Safeguarding Lead, teaching staff and members of the Senior Leadership Team.

Preventative and responsive attendance and academic mentoring is carried out by the pastoral team.

Referrals to external agencies for support and consideration of legal intervention are made by the Family Support Worker

Regular attendance analysis and reporting is shared with the Senior Leadership Team and Governing Body, including the governor responsible for attendance.

Staff responsible for attendance matters in our school are:

Mrs N Crozier – Head Teacher

Mrs H Higham-Jones – Deputy Head

Mrs E Hadden – Family Support Worker

Mrs D Goldby-Timmis – Administrator

Mr C Mellor - LA Attendance school support officer

Links to other policies

This policy links to the following policies:

- Supporting pupils with medical conditions policy
- Whole school SEND policy
- Safeguarding policy

Tailored support

Excellent attendance underpins every aspect of our curriculum and maximises opportunities for every pupil to reach their true potential. We will listen, understand, and empathise, providing tailored support and challenge, working together to create excellent attendance patterns.

Whilst any child may be off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best resolved between the school, the parents, and the child. If your child is reluctant to attend, it is never a good idea to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and usually make things worse. Help and support is always available at school should parents require this.

Individual intervention plans are created in collaboration with families. These are reviewed and monitored regularly with impact shared and further intervention agreed, examples of this include multi-agency meetings, tailored start of the day activities, mentoring and pastoral work.

Formalising support

Referrals are made to the Attendance Support Service where there are ongoing concerns regarding unauthorised absence from school, this also includes unauthorised leave of absence. Penalty notices are issued by the Attendance and Prosecution Service upon referral by Head Teachers, in accordance with the Sandwell Council's Penalty Notice Code of Conduct.

Persistent unauthorised absence may result in Sandwell Council instituting legal action against parents/carers in accordance with section 444 of the 1996 Education Act. A variety of legal options are available for the consideration of Magistrates which may include Parenting Orders, Education Supervision Orders, and prosecution of parents resulting in fines.

Annie Lennard Primary is committed to providing an education of the highest quality for all its pupils. Only by attending school regularly and punctually, will pupils be able to take full advantage of the educational opportunities available to them. Regular school attendance is a major factor in ensuring that children are safe, achieve well and develop socially, emotionally and behaviourally. Partnership will allow us all to promote good or better school attendance, which will prepare children well for their future, preparing them for high school, further education, employment and training, and plays a crucial role in enabling them to become happy, healthy and successful adults.

This policy links to the following policies:

- Safeguarding policy
- Children with health needs that can not attend school policy

Appendix 1

Policy reviewed and approved by Cabinet March 2021

Sandwell LA

SCHOOL ABSENCE PROSECUTIONS POLICY

1. INTRODUCTION

This policy applies to all primary and secondary schools in the Sandwell MBC Local Authority area. Whilst Independent schools are not obliged to follow this policy they are strongly recommended to do so.

Note: All referrals forwarded for Court action are expected to meet local referral criteria plus reach evidential and public interest thresholds. The best way to ensure this is for all education providers in Sandwell to adhere to this policy and local processes, as advised by the Local Authority

2. ASSOCIATED DOCUMENTS

This policy should be read in conjunction with the Penalty Notice Code of Conduct, which includes the leave of absence guidance notes.

This can be accessed by schools via the following link:

https://www.sandwell.gov.uk/extranetforschools/downloads/download/524/penalty_notice_code_of_conduct

and by the public via the following link:

https://www.sandwell.gov.uk/info/200295/schools_and_learning/2655/holidays_in_term_time_penalty_notices

3. DEFINITIONS

Parent

Parent, in relation to a child or young person, includes any person—

- (a) who is not a parent of his/hers but who has parental responsibility for him/her, or
- (b) who has care of him/her.

Compulsory school age

A person begins to be of compulsory school age—

- (a) when he/she attains the age of five, if he/she attains that age on a prescribed day, and,
- (b) otherwise at the beginning of the prescribed day next following him/her attaining that age

A person ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year—

- (a) if he/she attains the age of 16 after that day but before the beginning of the school year next following,
- (b) if he/she attains that age on that day, or
- (c) if that day is the school leaving date next following him/her attaining that age.

The prescribed days relate to the start of the next full term e.g. September, January and April.

4. ROLE OF SCHOOL

4.1 Each school is responsible for maintaining accurate attendance records.

- 4.2 Further, each school is required to advise parents and pupils of the requirement to ensure regular school attendance and the penalties for failing to do so, at least once a year. It is recommended that a school wide letter and/or newsletter is sent to all parents at the beginning of the school year and that further, a copy of the advice letter to parents is permanently available on the school website.
- 4.3 For leave of absence in term time, the school is required to follow the leave of absence procedure.
- 4.4 For irregular attendance, schools are required to follow the irregular attendance procedure including evidencing offers of support and early help appropriate to individual / family circumstances.
- 4.5 If any school feels that a set of circumstances warrants a referral to the Attendance and Prosecution Service, it is the responsibility of the school to ensure that a referral is completed accurately and in full.
- 4.6 If a prosecution is subsequently initiated and the parent/parents enter a not guilty plea, the school is required to ensure (in so far as possible) that witnesses are available to attend Court if necessary, having already provided witness statements.

5. ROLE OF THE LOCAL AUTHORITY (ATTENDANCE & PROSECUTION SERVICE)

- 5.1 This local authority (SMBC) prosecute parents for non-school attendance, breaches of school attendance orders and any other criminal offences as outlined within the Education Act 1996.
- 5.2 Referrals for prosecution are dealt with by the Attendance and Prosecution Service (APS).
- 5.3 Once a referral has been accepted, the APS will apply an evidential test to ascertain if there is sufficient evidence provided within the referral pack to warrant action being taken.
- 5.4 If a prosecution is deemed appropriate, the APS will prepare the evidence for Court and then pass the matter on to Legal and Assurance who will assess the case and take over the prosecution of the matter.
- 5.5 If it is deemed appropriate to issue a penalty notice, APS will issue the same in line with the penalty notice code of conduct.
- 5.6 In so far as possible, SMBC will avoid listing any hearings which may require the attendance of school staff during school holidays.

6. PROCEDURES

- 6.1 Once a referral is received, whether it be related to irregular attendance or leave of absence in term time, APS will decide if the case can proceed and;
 - whether to issue a penalty notice or
 - refer the case to Legal and Assurance for consideration of prosecution under Section 444(1) or (1)(A) of the Education Act 1996.
- 6.2 The decision as to whether any action will be taken lies with the Local Authority. There is no right of appeal against this decision.
- 6.3 The irregular attendance guidance should be used by schools when considering a referral for prolonged or problematic unauthorised absence.
- 6.4 The leave of absence guidance should be used by schools when considering a referral for one off, unauthorised absence.
- 6.5 Referrals from schools which do not meet the referral criteria, or where the appropriate process has not been followed as prescribed, will be marked as 'no further action' and the school notified.
- 6.6 If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, their parent(s) are guilty of an offence, contrary to Section 444(1) of the Education act 1996.

- 6.7 Section 444(1A) of the Education Act 1996 creates an offence, which occurs when the parent(s) know that the child is failing to attend regularly at the school and fails to prevent this, without reasonable justification.
- 6.8 Once a referral is received, the APS officer will ask the school for any missing documentation or necessary clarification. The documents required for referral are outlined in the guidance of the relevant process. In addition to the evidence/material provided by the school within the referral,

The officer will also consider:

- whether or not an education supervision order is appropriate;
 - any previous convictions/penalty notices/warnings;
 - for irregular attendance – the opinion of any social worker involved in with the children and/or parents;
 - disclosure material as defined by Section 3 of the Criminal Procedure and Investigations Act 1996;
 - schedule of officer's costs (where required, eg: for trial, will be provided by Legal Services).
- 6.9 For a prosecution to proceed, the local referral thresholds must be met, and the officer must be satisfied that there is sufficient evidence to provide a realistic prospect of a conviction: this is the evidential test. The officer must then determine whether a prosecution is required in the public interest: this is the public interest test.
- 6.10 Once the officer is satisfied that the above criteria are met and the case has been accepted, the APS will either issue a penalty notice or, where multiple penalty notices have been issued to the same parent(s), prepare the case for referral to Legal and Assurance for consideration of prosecution. If an offence under section 444(1)(A) of the 1996 Education Act is believed to have been committed, the parent will be invited to a formal interview under caution before a decision is made.
- 6.11 No offence is committed if the child was absent from school:
- because of sickness (in case of a child/young person who has concerning illness absence but no underlying medical condition which could explain the absences, Head teachers can request medical evidence from parents/carers);
 - any unavoidable cause;
 - with permission from the Head teacher;
 - for religious observance; or;
 - if the parent can prove that the local education authority has a duty to make travel arrangements in relation to the child and has failed to discharge that duty.
- 6.12 The provisions of the Education Act 1996 as amended by the Anti-Social Behaviour Act 2003 do not allow for penalty notices to be issued to parents of pupils attending independent schools*. However, penalty notices can be issued if the child has been directed to attend there as an alternative education provider or where the school is named via an Education Health Care Plan. Further, incidents of non-attendance can still be prosecuted via Section 444(1) of the Education Act 1996.

** This relates specifically to scenarios where a child has been ordered (**following an ESO**) to attend an independent school because that's the only available place for them, but then subsequently does not attend.*

7. PENALTY NOTICES

- 7.1 Section 23 of the Anti-Social Behaviour Act 2003 provides for the use of Penalty Notices by inserting section 444A into the Education Act 1996. This allows for Penalty Notices to be issued where it appears that an offence under section 444 of the Act has been committed.

- 7.2 The Education (Penalty Notices) (England) Regulations 2007 sets out the framework for the operation of the penalty notice scheme. The Penalty Notice Code of Conduct sets out SMBC's policy for issuing of penalty notices.
- 7.3 In Sandwell, a penalty notice can only be issued by the Local Authority and may provide a more proportionate response to non-attendance than a prosecution and one which can often be taken sooner and for less serious non-attendance.
- 7.4 If the criteria are met for a prosecution, the attendance and prosecution Service MUST first consider whether court action could be avoided and if a penalty notice would be more appropriate.
- 7.5 The Education (Penalty Notices) (England) Regulations 2007 (as amended) states that the time allowed for payment of the notices as follows:
- 21 days from receipt of the penalty notice, the sum of £60 will be due; or
 - 28 days, from receipt of the penalty notice, the sum of £120 will be due.
- 7.6 In exceptional circumstances, the APS may allow late payment of the higher amount within the time specified by the officer upon contact from the parent.
- 7.7 There is no legal right of appeal against education penalty notices. Where however, a parent / carer believes the penalty notice should not have been issued (see code of conduct), they must contact the Head Teacher / Principal of the school and provide any supporting evidence.
- 7.8 Following notification / a request from the Head / Principal a Penalty Notices will be put on hold by the LA until the evidence is reviewed, and a decision made by the school. Parents will be then notified in writing of the decision to whether the penalty notice has been withdrawn or payment must be made within an amended timeframe.

8. SINGLE JUSTICE PROCEDURE AND OFFENCES UNDER S444

8.1 Where

- penalty notices have been issued and remain unpaid,
- or have been previously issued to a parent in respect of a child,

the attendance and prosecution team may advise that the matter should be prosecuted in Court using the Single Justice Procedure.

8.2 Under Section 444(1) of the Education Act 1996, provided the relevant conditions are met, the Local Authority will issue a Single Justice Notice to parents (defendants) giving them the following options:

- To plead guilty and have the case heard by a single Magistrate without the defendant or Local Authority being present. Parents have the opportunity to explain the circumstances surrounding the offence in writing on the Notice which they must send to the Courts within 21 days;
- To plead guilty and have the case heard in Court with a panel of Magistrates and the Local Authority present; or
- To plead not guilty - In the case of a not guilty plea the Court will invite the defendant to a case management hearing before a trial takes place.

8.3 The court will sentence the parent if they plead guilty, or if they are found guilty, either by a contested trial or if the matter has been proved in their absence. Sentence is a matter for the court and the disposals available to the court are:

- an absolute discharge (except in a Single Justice hearing where the parent has pleaded guilty and chosen not to appear in Court);
- a conditional discharge (except in a Single Justice hearing where the parent has pleaded guilty and chosen not to appear in Court); or
- a fine of up to £1000 (Level 3 under Section 444 (1A) of the Education Act of 1996).

8.4 The court are obliged to impose a victim surcharge, the amount of which varies depending on the type of sentence passed.

8.5 The court must consider making an order for the defendant to pay some or all of the Prosecution costs. However, the making of a costs order is entirely at the Court's discretion. Defendants should note that costs requested in a non-contested matter are usually in the region of £200, whereas costs in a contested matter are likely to exceed £250.

9. S444(1A) OFFENCES

9.1 In the case of parents who have had previous unauthorised absence cases referred to Court, the AP Service will consider a prosecution under s444 1 A of the Education Act 1996 for the more serious non-school attendance offence.

9.2 Parents will be invited to an interview under caution conducted in accordance with the Police and Criminal Evidence Act 1984 Codes of Practice with a senior officer within the attendance and prosecution service. Following the interview, whether parents attend or not, consideration will then be given to a prosecution for the aggravated offence.

9.3 If the matter is to be prosecuted in the Magistrates Court a summons will be issued for the parent to attend Court on a specific date. If the parent does not attend, the prosecutor may request a warrant for the parents' arrest.

9.4 Once the parent appears in Court, the case will proceed. Where the parent pleads or is found guilty the disposals available to the Court could include:

- an absolute discharge;
- a conditional discharge;
- a fine of up to £2500, or imprisonment for a term not exceeding three months, or both (Level 4);
- a parenting order as defined by the Crime and Disorder Act of 1998. Parenting orders are made at the discretion of the court where parenting is an issue;
- a community order; or
- a prison sentence of up to 3 months.

9.5 The Court are obliged to impose a victim surcharge, the amount of which varies depending on the type of sentence passed.

9.6 The Court must consider making an order for the defendant to pay some or all of the Prosecution costs. However, the making of a costs order is entirely at the Court's discretion. Defendants should note that costs requested in a non-contested matter are usually in the region of £200, whereas costs in a contested matter are likely to exceed £250.

10. SCHOOL ATTENDANCE ORDERS

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

them within the period specified in the notice that the child is receiving such education. This is called a School Attendance Order and they are issued by the Local Authority.

10.2 That period shall not be less than 15 days beginning with the day on which the notice is served.

10.3 Before serving the order, the relevant officer shall write to the parent:

- informing him/her of their intention to serve the order; and
- specifying the school which the LA intend to name in the order.

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

- the child is in school; or
- the child is being educated elsewhere (i.e a private school or home schooled).

10.5 parents are advised that in order to raise a defence of home schooling, they must ensure that they have complied with the LA's guidance on home schooling.

10.6 If it is believed an offence has been committed, the attendance and prosecution service will issue the parents with a single justice notice. There is no right to appeal against a decision to prosecute.

11. GDPR

Data will be held in accordance with the SMBC Privacy Policy <https://www.sandwell.gov.uk/privacy>

12. PUBLICATIONS OF PROSECUTIONS AND OUTCOMES

12.1 Information about penalty notices issued or prosecutions may be shared with the relevant school/alternative provider regarding the child in question at the conclusion of the prosecution process.

12.2 Parents are also reminded that Court hearings are public and therefore, information about the case and any convictions may be published in the press.

13. POLICY IMPLEMENTATION AND REVIEW

13.1 The attendance and prosecution service, along with the management of said service will implement this policy and take corrective action where necessary. Departures from the policy will be exceptional and when they do occur, the reasons for the departure will be recorded.

13.2 This policy will be reviewed annually.

Appendix 2

Term-time absence for service children

Since September 2013, by law, head teachers are only able to grant requests for leave during term time in “exceptional” circumstances.

Firstly, and most importantly, the Ministry of Defence (MOD) recognises that the educational needs of the service children affected will always be a critical factor when determining whether term-time absence should be granted.

The purpose of this advice note is to give additional guidance from the MOD to head teachers on when the operational needs of the Armed Forces may legitimately prevent service families from taking leave during school holidays; and also to explain how head teachers can seek further advice from the MOD when dealing with specific cases.

As well as operational tours overseas or afloat, there are many situations where the unusual and often unpredictable demands of life in the Armed Forces may prevent service families taking holidays together outside term-time. These demands may see service personnel deployed for lengthy periods of time for training as well as on operational activities, and may also see individuals remaining in their base location, but with full-time duties preventing them taking leave during normal holiday periods.

As with all children, the decision on whether to authorise term-time holidays for the children of service personnel sits solely with the head teacher of their school. Separate advice is being provided to service families explaining how they should present evidence when requesting absence during term-time, and reminding them firmly that the educational needs of their children will remain of great importance. Advice is also being provided to Unit Commanding Officers and their welfare staff to ensure support is only given to those legitimate applications made by their personnel.

To assist head teachers in making their decisions on absence applications, Unit Commanding Officers and their Welfare staff will be able to provide advice, verification and endorsement as required. If head teachers are unsure how to make contact with the relevant Armed Forces unit they should email Armed Forces Families & Safeguarding (AFFS) People-AFFS-Mailbox@mod.gov.uk.