

Attendance and Punctuality Policy

Approved by:	Exec/LGBs	Date: Jan 2025
Last reviewed on:	Spring 2025	
Next review due by:	Spring 2028	
Version:	3.0	
Author:	Jacob Oudegeest	

Introduction and Background

This policy addresses the importance of regular school attendance for pupils' learning and well-being.

Key Points:

- **Pupil absence impacts learning:** Absences disrupt learning for the absent child and their classmates.
- **Parental responsibility:** Parents are responsible for ensuring their child's regular school attendance.
- **Unauthorised absence consequences:** Persistent unauthorised absence can have legal consequences, including prosecution.
- **Safeguarding considerations:** The policy considers potential safeguarding risks, such as child exploitation (e.g., county lines), and includes appropriate risk assessments.

Policy Development:

- Developed in consultation with stakeholders.
- Aligns with updated government guidance and Local Authority practices.

Aims to ensure all parties involved understand their roles and responsibilities regarding school attendance.

Eko Trust schools are committed to:

- **Promoting regular attendance** and reducing absence.
- **Ensuring all pupils have access to full-time education.**
- **Early intervention** to address attendance issues.
- **Supporting parents** in fulfilling their duty to ensure their child's regular attendance.

This policy details the responsibilities of all stakeholders and outlines procedures for promoting and monitoring attendance across the Trust.

All school publish their Attendance Principles -> [Eko School Attendance Template](#)

School Attendance and the Law

School Attendance and the Law

This Attendance Policy recognises the legal framework surrounding school attendance in the United Kingdom. Key legislation and guidance include:

- Department for Education Guidance: [Working together to improve school attendance - GOV.UK](#) This provides guidance on school attendance, including definitions of authorised and unauthorised absence, procedures for dealing with absence, and the use of penalty notices.
- [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006](#) (and [2010](#), [2011](#), [2013](#), [2016](#) amendments)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)
- Education Act 1996: This Act outlines the legal duty of parents to ensure their child of compulsory school age receives suitable education.

- Education Act 2002: This Act provides further guidance on school attendance, including the power to issue penalty notices for unauthorised absences.

This policy also refers to the DfE's guidance on the [school census](#), which explains the persistent absence threshold.

The changes in [Working together to improve school attendance - GOV.UK](#) are a mixture of clarification on existing guidance and updates to reflect changes in the law, including the School Attendance (Pupil Registration) (England) Regulations 2024.

There is no entitlement in law for pupils to take time off during the term to go on holiday. Head Teachers may not grant any leave of absence during term time unless there are "exceptional circumstances".

See Appendix B for details regarding Penalty Charge Notices - these are specific to the Local Authority for the school.

Who is responsible for attendance issues in school?

The new guidance emphasises the importance of regular school attendance. Schools must now proactively address attendance issues early on and work closely with parents to support children. This is in line with Eko practice, All school staff are responsible for monitoring attendance. The Headteacher, Attendance Leads, Designated Safeguarding Leads, and senior management team oversee attendance matters.

[Summary table of responsibilities for school attendance \(applies from 19 August 2024\)](#)

Attendance issues are reported at least termly to the Local Governing Body.

<u>Role</u>	<u>Responsibilities</u>
Local Governing Body	Monitor attendance figures for the whole school on at least a termly basis. Hold the headteacher to account for the implementation of this policy and continuing attendance improvement.
Head Teacher	Implement the policy at the school Monitor school-level absence data and reporting it to local governors Ensure systems are in place that monitor persistent absenteeism and punctuality - including safeguarding procedures and support plans Support staff with monitoring the attendance of individual pupils Issuing fixed-penalty notices with the local authority, where necessary Set targets with the Trust - communicate this to Local Governors and staff Follow up on progress with Attendance Lead
Senior member of school	Ensure registers are up to date - daily Carry out home visits

staff/Attendance Lead/DSL	Follow up on daily absences Record punctuality issues Follow up on unauthorised absences and CME - including ensuring that there has been regular 'eyes on' or that the case has been escalated Monitor attendance data across the school and at an individual pupil level Arrange calls, letters and meetings with parents to discuss attendance issues Report concerns about attendance to the headteacher Refer families for intervention (where needed) Work with attendance/education welfare officers to tackle persistent absence Liaise on attendance issues with the relevant Local Authority Attend case reviews and attendance conferences Any other task around attendance and punctuality delegated by the School leadership Follow Trust policy and the relevant Local Authority Code of Conduct The in school lead also has to ensure that: • The school has clear vision for improving and maintaining good attendance • Establish and maintain effective systems for tackling absence • Have a strong grasp of absence data • Regularly monitor and evaluate progress
Support Staff	Encourage children/parents to come to school on time Make the office staff aware of attendance concerns/punctuality concerns
Class teachers	Record attendance on a daily basis, using the correct codes, and submitting this information to the school office. Share up to date attendance and punctuality figures with parents/carers at termly meetings Raise concerns regarding punctuality/attendance with DSL/Attendance Lead
School Office	Take calls from parents about absence and record it on the school system. Collate evidence provided by parents for sickness/appointments etc. and updating registers. Keep registers and monitoring sheets up to date Phone calls home to follow up on attendance Support Attendance Leads through up to date record keeping/monitoring and attending attendance conferences (where needed)

Promoting Regular Attendance

Helping to create a pattern of regular attendance is the responsibility of parents/carers, pupils and all members of Eko Trust staff. To ensure consistency all Trust schools will:

- Give parents/carers details on attendance, e.g. in newsletters and at admission interviews
- Report to parents/carers on their child's attendance in pupils' school reports
- Contact parents/carers should their child's attendance fall below 95%
- Celebrate excellent attendance, e.g. by displaying and reporting individual and class achievements during weekly assemblies
- Reward good or improving attendance
- Work in close partnership with the 'Attendance Management Services/Local Authority' contracted in by individual Trust schools
- Contacting parents/carers when their child's punctuality is a concern, e.g. 3 instances of being late/late after registers have been closed.
- Ensure there are home visits and/or other opportunities to see pupils who are not attending regularly.

Registration

The updated guidance requires Eko Trust schools to maintain detailed electronic registers (morning and afternoon), including absence reasons using revised national codes. Schools must analyse attendance data to identify patterns and take appropriate action. This aligns with updated data-sharing expectations between schools and relevant agencies (Local Authority/DfE).

Attendance register

Eko Trust schools will maintain an electronic attendance register using the revised national codes (available here: [Bromcom Attendance changes for our customer base.](#)). Registers are taken twice daily (am and pm).

Amendments to the register must record the original entry, the amended entry, the reason, the date, and the person who made the change. Registers are retained for six years.

Schools will proactively address unexplained absences, working with parents and carers. Attendance contracts may be used where appropriate.

Eko Schools will collaborate with local authorities to support pupils with health issues or SEND requirements. Schools are encouraged to utilise Local Authority attendance support services (SLAs). Daily attendance data will be shared via school MIS systems.

See appendix 1 for the DfE attendance codes. [School attendance guidance](#) (p12 - 15) We will keep every entry on the attendance register for 6 years after the date on which the entry was made.

Understanding Types of Absence

Every half-day absence from school has to be classified by the Trust schools as either 'AUTHORISED' or 'UNAUTHORISED'. This is why information about the cause of any absence is always required.

Authorised absences may be planned or unplanned; they are mornings, afternoons or whole days away from school for an unavoidable reason like illness (medical evidence may be requested before this can be authorised), medical or dental appointments which, unavoidably fall in school time, emergencies or other unavoidable causes.

We encourage parents/carers to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

Any term- time absence should be requested as far in advance as possible of the planned absence.

Unauthorised absences are those which are not considered reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions such as 'Penalty Notices' and/or legal proceedings.

Unauthorised absence includes but is not limited to:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illnesses or an injury that would not affect their ability to learn
- absences which have never been properly explained
- children who arrive at school too late to get a mark on the attendance register
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- their own or family birthdays
- holidays taken during term time without leave - 3 days unauthorised absence will lead to a penalty notice being triggered by the Local Authority
- day trips
- staying home due to weather conditions (e.g. snow) unless directed to do so by the school
- other leave of absence in term time which has not been agreed
- visiting family abroad

It is a rule of the Eko Trust schools that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Head Teacher, irrespective of the child's overall attendance.

Only the Head Teacher (or his/her designate (not the local authority)) may authorise such a request and all applications for a leave of absence must be made in writing to the school which the child/children attend. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice should be requested by this school.

Exceptional leave will be granted only in extraordinary circumstances. However, Eko Trust schools will not agree exceptional leave during term time:

- during examinations and test periods (these are set a year in advance in the Trust/Examination Board's assessment calendars)
- when a pupil's attendance record already includes any level of unauthorised absence (regardless of the number of instances) or they have already been granted authorised leave within an academic year.

There is a higher rate of absence and application for leave in July and September. These are key transition points and absence during these key times are often detrimental to children.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best worked through between the school, the parents and the child, and at the earliest stage possible. If a parent thinks their child is reluctant to attend school then specific staff (Attendance Lead/home – school support worker etc.) will work with that family to understand the root problem and provide any necessary support.

Where school intervention is not successful the school will make use of outside agencies to help with this such as the School Nurse, Local Authority Officers or Social Services.

Granting leaves of absence

This may be accommodated for specific/exceptional circumstances as defined in the new statutory guidance that came into effect in August 2024.

These circumstances are:

- Taking part in a regulated performance or employment abroad: in line with a licence issued by a local authority or Justice of the Peace or a body of persons approval (BOPA). Where the local authority has granted a licence for the pupil to take part in a performance regulated by section 37(2) of the Children and Young Persons Act 1963.
- Attending an interview: for entry into another educational institution or for future employment where requested in advance by a parent the pupil normally lives with.
- Study leave: for public examinations, as agreed in advance with a parent the pupil normally lives with. Please note this does not include any internal examinations such as mocks as study leave should not be granted in such cases.
- A temporary, time-limited part-time timetable: where the pupil is of compulsory school age, both the parent who the pupil normally lives with and school agree the pupil should temporarily be educated on a part-time basis for exceptional reasons and have agreed the times and dates when the pupil will be expected to attend school as part of that timetable.

Eko Trust schools can also grant absence for education off site (regulated). Where applicable, all Eko Trust schools are expected to report unexplained absences to the pupil's youth offending team worker.

Absence Procedures

If a child is absent from school parents/carers must follow the following procedures:

- Contact the school on the first day of absence before 9.00 am. All Trust schools have answer phones available to leave a message if nobody is available to take the call, or call into school personally and speak to the office staff. Many schools also have the option to email if there is a problem with the phone line.
- Contact the school on every further day of absence, again before 9.00am
- Ensure that the child returns to school as soon as possible

If a child is absent all Eko schools will:

- Telephone or text parents/carers on the first day of absence if they have not heard from the parents/carers. This is done in order to gain an explanation for the absence. If the Trust schools have not been able to ascertain where a child is then the child's absence will be recorded as 'unauthorised'. This will stay on the child's registration certificate until evidence for the absence is provided.
- If a school has not been able to get a response from parents/carers for a second day, a home visit will be carried out by school staff (ideally 2).
- A home visit will be carried out on the first day of absence for all children with SEND and children who have been identified as 'vulnerable'. A letter/calling card will be left at the address for the parents/carers in order to inform them to contact the school as soon as possible to discuss the absence.
- If a child is absent for a third day - without contact having been established between the school and parents/carers - then the school will seek advice from the Local Authority and reserves the right to contact the police as the child will then be classified as a 'missing child'. This process may be accelerated for the most vulnerable pupils.
- Write to parents/carers again if their child/children's attendance drops below 94.9% (92% in special).
- Invite parents/carers into school for a meeting to discuss a child/children's attendance with the School Attendance Management Officer, Child and Family Support Worker or Head Teacher/Attendance Leader if a child's absence drops below 92% (90% in special). A more formal plan/contract for attendance will be developed.
- Refer the child/children to the Local Authority to request a formal 'School Attendance Meeting' if attendance deteriorates following the above actions, and to request that home visits are carried out by the Attendance Management Officers.

Parents/carers are expected to contact the school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Attendance Management/Local Authority.

Attendance Management/Local Authority Officers work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action will be taken in the form of Penalty Notices (see Annex A), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

If a leave of absence is authorised, the Eko schools are not expected to provide additional work for children to do during their absence. Parents will however be advised to support appropriate level revision, e.g. read and practise times tables with their children. Parents/carers will also be advised to let the child/children write a diary while they are away which should be presented on the child/children's return to school. In addition there may be signposting to remote education resources.

Persistent Absenteeism (PA)

A pupil is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need the parents/carers' fullest support and co-operation to tackle this.

Eko Trust schools will monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark (90% attendance) or is at risk of moving towards that mark we will inform the parents/carers. PA pupils are tracked and monitored carefully.

We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents/carers are subject to school based meetings and support plans which may include:

- allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority or Social Care.
- We may also use individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

Within our special schools it is noted that attendance is often lower. Individual circumstances are considered in writing of support plans, including short term mentoring and short term tuition in the community to re-engaged and re-integrate. At every point we will endeavour to have regular 'eyes on' as a safeguarding factor - this includes instances of placement breakdown. This will always be monitored tightly and for specific amounts of time.

In all cases, reviews of attendance must consider safeguarding and risk factors.

Supporting pupils with physical and mental ill health.

Eko Trust recognises that physical and mental ill health could have a very negative impact on attendance and punctuality as well as learning and progress. As such, all Eko Trust schools see the physical and mental health of all pupils as a priority and actively promote ways of improving health (physical and mental) and well -

being. This is done through a range of supportive in school programmes and events such as:

- Thrive
- Family Fridays
- Hamish and Milo
- Having mental health first aiders in school
- Hello Yellow and other event days
- Holding open and honest conversations and actively encouraging speaking up about mental health and well-being
- Bespoke behaviour management and support systems
- Bespoke workshops and events for parents / carers etc.

Supporting Pupils Experiencing Emotional-Based School Avoidance

Eko Trust recognises the impact of emotional-based school avoidance on pupil well-being and academic progress. We prioritise early identification and intervention through close monitoring, communication with families, and careful observation.

We collaborate with educational psychologists, CAMHS, and other agencies to provide comprehensive support. Individualised support plans may include:

- Gradual re-introduction to school.
- Social and emotional learning (SEL) programmes.
- Support for parents/carers.
- In exceptional circumstances, access to counselling or therapy.

We foster a positive and inclusive school environment through strong relationships, supportive classrooms, anti-bullying strategies, and promoting positive mental health and well-being. We continuously review and refine our practices to ensure the best possible outcomes for all pupils.

As part of our schools' safeguarding practices it will be necessary for the school to have weekly 'eyes on' interactions with all pupils.

Lateness

Poor punctuality is unacceptable. Late arrivals disrupt lessons, miss vital information, and can impact self-esteem. Good timekeeping is essential for school and future success.

- **School Start Times:** Each school will inform parents of the start time and when children can enter the school grounds.
- **Late Arrivals:** Children arriving after the school gates close must enter via the office, where a parent/carers will sign them in and provide a reason for lateness.
- **Late Marks:** Registers are taken promptly. Late arrivals will receive a late mark.
- **Unauthorised Absence:** After 30 minutes from the start of the school day, registers are closed. Late arrivals after this time will be marked as "on site" but will be considered an unauthorised absence, potentially leading to a Penalty Notice.

- **Addressing Lateness:** Persistent lateness will result in meetings with the Attendance Lead/Attendance Management Officers, School Welfare Officer, or Child and Family Support Worker.
- **Promoting Punctuality:** Eko Trust schools encourage good timekeeping through role modelling and celebrating punctual attendance.

Deletion from Roll

For any pupil leaving an Eko Trust school, *other than at the end of year 6 or 11*, parents/carers are required to complete a 'Pupil Removal/Off Role' form which can be obtained from any of the school offices.

This provides the school with the following information:

- Child's name,
- class,
- current address,
- date of leaving,
- reason for leaving,
- new home address,
- name of new school, and
- address of the new school.

This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

For children with Education Health Care Plans there must also be a professionals meeting to ensure any move is in line with the meeting of pupil needs and will meet statutory obligations in line with the EHCP.

Summary

All Eko Trust schools have a legal duty to publish and supply absence figures to parents/carers and to promote attendance.

Equally, parents/carers have a duty to make sure that their child/children attend school, on time, every day.

All Eko schools will be persistent in their follow- up of absence, with sure diligence and concern for the pupil, their welfare and as part of our safeguarding responsibilities.

Every school will publish their attendance principles on their websites [Updated Attendance Principles September 2024 - for all Eko Schools to use](#)

All Eko Trust staff and the Local Governing Bodies are committed to working with parents/carers and pupils as the best way to ensure as high a level of attendance as possible.

Additional guidance:

[Improving school attendance: support for schools and local authorities - GOV.UK](#)

[Texting parents: our key to success in tackling absence - Teaching](#)

[Working together to improve school attendance - August 2024 - GOV.UK](#)

APPENDIX A**EKO TRUST – LOCAL AUTHORITY CODE(S) OF CONDUCT****The Government requires Local Authorities to issue a code of conduct****1. Purpose of the code**

The Government has made it clear that it expects Local Authorities to have a ‘Code of Conduct’ in place so that the full range of measures for improving attendance are available to schools. Regular school attendance is both a legal requirement, and essential if the children are to achieve better outcomes in education and maximise the opportunities available to them.

The purpose of the local Code of Conduct is to ensure that Penalty Notices are issued consistently and fairly across the Local Authority area, in accordance with the relevant legislation, and that suitable arrangements are in place for the administration of the scheme.

Regulations specify that the following must be included in the Code:

- Means of avoiding the issue of duplicate notices
- Measures to ensure that a notice is not issued when proceedings for an offence under S.444 of the 1996 Act have been decided upon or are under way
- The occasions when it will be appropriate to issue a Penalty Notice
- A maximum number of two Penalty Notices that may be issued to a parent in a twelve month period, in respect of any individual child.

The Code will be reviewed annually in consultation with local partners:

- The Local Authority
- Governing Bodies and Headteachers of Schools
- Police

2. Background Legislation

In February 2004, the Anti-Social Behaviour Act, S.23, Sub-section 1 added sections 444A and 444B after S.444 of the Education Act 1996. These sections enable Penalty Notices to be used as an alternative to prosecution, and provide parents with the opportunity to discharge liability for conviction of an offence under S.444 by paying a financial penalty to the Local Authority.

Section 103 of the Education and Inspections Act 2006 enables Penalty Notices to be issued to parents in relation to an excluded pupil should they fail to ensure their child is not present in a public place during school hours in the first five days of each and every fixed period or permanent exclusion without reasonable justification.*

It is incumbent upon the parent(s) in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere than at home. Persons authorised to issue Penalty Notices must have regard to The Education (Penalty Notices) (England) Regulations 2007, the guidance issued by the Secretary of State, and the following legislation:

- Human Rights Act 1998
- Disability Discrimination Act 1995
- Data Protection Act 1998

APPENDIX B

New statutory rules around issuing fines (Penalty Notices) for unauthorised absences (from August 2024)

The Department of Education has introduced a new national framework that came into force for any Penalty Notices of the 19th August 2024.

Per Parent, per child

Penalty notices will be issued to each parent, for each child that was absent without authorisation.

1. National framework threshold

A Penalty Notice must be considered by all schools in England for unauthorised absence during a 10 week period.

- 5 consecutive days (10 sessions) - one after the other
- 10 non consecutive sessions - not one after the other

The 10 school week period can go across different school terms or school years.

2. Parents can be fined twice in a rolling 3 year period.

Penalty notices are issued to parents by local authorities as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or, in certain cases, at a place where alternative provision is provided.

Penalty notices can be used by all local authorities (requested by schools) where the pupil's absence has been recorded with one or more of the unauthorised codes and that absence(s) constitutes an offence. A penalty notice can be issued to each parent liable for the offence or offences.

Penalty notices must be issued in line with the Education (Penalty Notices) (England) Regulations 2007, as amended and can only be issued by a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. They must also be issued in line with Local Codes of Conduct which are drawn up and maintained by each local authority - please see these at the end of the Policy for all Eko Trust schools / local authorities.

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 a public place.

The amendments have made it clear that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Where leave is granted, Headteachers should determine the number of school days a child can be away from school and the date for return.

3. Circumstances in which a Penalty Notice can be issued

In agreement with local partners, circumstances which may result in the issue of a Penalty Notice are identified. e.g:

- a) Where parents persistently fail to ensure their children attend school and attendance is 90 per cent or below in a term i.e. 10 or more sessions of absence in a 10 week period, with no acceptable reason, and no other legal sanctions are underway
- b) Term time leave is taken without obtaining the agreement of the school and the parents have been warned that a Penalty Notice may result,
- c) Unwarranted delayed return from term time leave without school agreement.
- d) Persistent late arrival after the registers have been closed (U code only) (10 sessions or more)
- e) Parents' or carers' failure to make arrangements to ensure that children who have been excluded from school due to misbehaviour are not in a public place at prescribed times during the first five school days of any exclusion, without reasonable justification.*

** It is incumbent upon the parent(s) in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere than at home.*

4. Authorisation to issue a Penalty Notice

This is LA specific - please see the Local Authority Codes of Conduct for all Eko Trust Schools at the end of this policy.

5. Who can be issued with a Penalty Notice?

Anyone defined as a parent under Section 576 Education Act 1996 is a parent for the purposes of these provisions. This means:

- all natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility (as defined by the Children Act 1989) for a child or young person
- any person who, although not a natural parent, has care of a child or young person.

Having care of a young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. A parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parents in the singular. As with prosecutions under Section 444 Education Act 1996, a Penalty Notice may be issued to each parent liable for the offence.

6. Maximum number of Penalty Notices that can be issued

This is agreed with local authorities but will not exceed 2 in a fixed period.

7. Amount of Penalty and Payment Arrangements

First offence

The first time Penalty Notice is issued (after 19th August 2024) for unauthorised absences and the amount will be:

- £160 per parent, per child if paid within 28 calendar days
- discounted to £80 per parent, per child if paid within 21 calendar days.

Second offence

The second Penalty Notice is issued for unauthorised absence and the amount will be:

- £160 per parent, per child if paid within 28 calendar days
- No discount for paying within 21 calendar days

Third and any further offences

The third time an offence is committed a Penalty Notice will not be issued.

- The case will instead be presented straight to the Magistrate Court
- Prosecution can result in a criminal record and fine of up to £2 500.00
- Cases where the defendant is found guilty in a Magistrate Court can show on the parent's future DBS certificate as being due to 'failure to safeguard a child's education.

The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance (Section 444(1) Education Act 1996). Therefore the reasons for issuing a PN need to accord with S.444 of the Education Act 1996 and associated legislation. There is no statutory right of appeal against the issuing of a Penalty Notice.

****A Penalty Notice can only be withdrawn either:***

- a) where it was issued outside the terms of the local Code of Conduct
- b) Where it should not to have been issued or has been issued to the wrong person
- c) where the Penalty Notice contains material errors, or
- d) where after the expiry of 28 days the penalty notice is unpaid and the LA has not started legal proceedings or wishes to take such action under section 444.

All penalties paid to the LA will be used in the administration of the Scheme, and any associated legal proceedings.

8. Procedures for issuing Penalty Notices

In line with local arrangements

As new schools join Eko Trust, the Code(s) of Conduct for the respective Local Authorities will be added to the Trust Attendance and Punctuation Policy. For LA specific information:

Newham: Applicable to Earlham Primary School, Gainsborough Primary School, Kaizen Primary School and Eko Pathways.

[LONDON BOROUGH OF NEWHAM CHILDREN AND YOUNG PEOPLES SERVICE ATTENDANCE MANAGEMENT SERVICE Penalty Notice Code of Conduct – Oct](#)

Barking and Dagenham: Applicable to Pathways.

[London Borough of Barking and Dagenham Penalty Notice Code of Conduct for Irregular School Attendance](#)

Hackney: Applicable to Hackney New School Primary.

[Hackney Education Attendance Service - Penalty Notices – Code of Conduct](#)

Suffolk: Applicable to Rushmere Hall Primary and Ravenswood Primary School.

[Suffolk Attendance penalty notice code of conduct](#)

Brighton and Hove: Applicable to Hangelton and Benfield schools.

[Brighton-Hove Fixed Penalty Notices regarding school attendance - Code of Conduct](#)

This Policy is to be read in conjunction with 'Working together to improve school attendance - Statutory Guidance August 2024).

[Working together to improve school attendance - August 2024 - GOV.UK](#)