

School Attendance Support Pathway - Legal

**Advice and requirements of all schools
for consideration of legal enforcement
by the Local Authority**

April 2023

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Section 1 – Overview of School/Local Authority’s (LA) duties regarding statutory intervention for school attendance

1.0 Introduction

- 1.1** Early intervention by all schools to improve and maintain good attendance by individual pupils and reduce persistent and severe absence levels across schools is crucial for the well-being and attainment of children and young people. In accordance with Ofsted Inspection guidelines there should be a clear escalation of intervention to address absence from the first day.
- 1.2** To ensure that the child, young person and their family receive the help and support they need, schools are required to have implemented a wide continuum of assessment and strategies for intervention prior to requesting statutory intervention from the LA.
- 1.3** If the required improvement is not achieved in the child’s attendance and the child/family do not engage with the support available to them, the School/LA’s Formal Attendance Procedure (Fast track), should be applied. The point at which statutory intervention is commenced against a parent or carer is at the school’s discretion. However, the LA’s threshold for legal action requires a minimum of 10 unauthorised sessions to have been recorded in the previous four month period (including any current period of absence).
- 1.4** Statutory intervention should always be seen as a last resort and only as a means of securing an improvement in the child or young person’s attendance or formalising support when the child or parent/carer(s) are not engaging with the support available to them. Support should continue to be offered to the child and family throughout the implementation of the Formal Attendance Procedure. If a child cannot attend due to a medical need, schools are signposted to consider make a referral to the [Medical Education Service](#).
- 1.5** Other legal disposals available to the LA outside of the Formal Attendance Procedure include issuing Penalty Notices for unauthorised leave of absence in term time (holiday) and being seen in a public place during the first five days of an exclusion. The LA is also responsible for following the School Attendance Order pathway when a child of compulsory school age is not on a school roll and is deemed not to be suitably educated otherwise (i.e by Elective Home Education).

2.0 Relevant legislation

- 2.1** Education Act 1996, Children Act 1989 and 2004, Crime and Disorder Act 1998, Police and Criminal Evidence Act 1984, Anti-Social Behaviour Act 2003, Education and Inspections Act 2006, Education (Attendance) Registration (England) Regulations 2006 and (Amendment) Regulations 2013), The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007 and The Education (Penalty Notices) (England) Regulations 2007.
- 2.2** The offence committed under the Education Act 1996 Section 444 (1) or (1A) is ‘failure (or knowingly fail) to ensure the regular attendance of a child of compulsory school age who is a registered pupil at a school’. Following the Supreme Court ruling in *IOW - v- Platt* in April 2017, the definition of ‘regular attendance’ was clarified as meaning ‘as prescribed by the school rules’. This means every session that the school is open and the child is expected to attend that session.

- 2.3 An offence is only committed if the absence is unauthorised. This can be for overt truancy, parentally condoned absence, persistent late arrival after the close of registration and unauthorised leave of absence in term time.
- 2.4 The LA can only pursue a prosecution if a case satisfies the test set out in the Code for Crown Prosecutors and has due regard for the Human Rights Act. The test for prosecutors has two stages; the first is the requirement of evidential sufficiency and the second involves consideration of the public interest.

Section 2 – Early Intervention & School/LA Formal Attendance Procedure (Fast track)

3.0 Early Intervention

Requirement of schools

- 3.1 In accordance with the School Attendance Support Pathway some or all of the following interventions are required to have been implemented prior to referral to the LA:
- telephone calls, letters, home visits, school based meetings (**see Sample Letters 1,2,3, Pg 20-23**)
 - the Ladder of Intervention followed
 - referral to the Medical Education Service considered (if absence due to medical need)
 - Early Help Assessment/Referral to Children & Families Service
 - Multi –agency (T)eam (A)round the (F)amily meetingheld
 - alternative education packages/programmes

NB: *An Early Help Assessment and subsequent plan cannot be completed without the consent of the child and/or parent(s) involved. If the presenting issues become more complex requiring additional support, such as severe absence, advice can be sought from an Early Help Consultant with regard to a referral to the Children & Families Service. The referral will be processed through the Multi Agency Screening Team (MAST) to determine the most appropriate level of service required.*

- 3.2 If the attendance of a child or young person in the current school year (also the preceding summer term if appropriate) includes unauthorised absence and evidence that the support available to them is not being engaged with sufficiently, it is recommended that the following procedure be commenced. This can result in legal action being taken against the parent/carer (s) by the Local Authority.

4.0 School/LA Formal Attendance Procedure (Fast track) – Stages 1 to 3

- 4.1 The School/LA Formal Attendance Procedure consists of three stages. Schools are responsible for implementing Stage 1 (Initial Warning Letter) and Stage 2 (Attendance Panel Meeting). The LA is responsible for implementing Stage 3 (*PACE Formal Caution Interview/LA Panel Meeting). The LA Panel Meeting will be held following the interview with the parent; the parent having left the room. A legal disposal will then be determined by the school and the LA (**See Flowchart; Pg 26**).

* (P)olice (A)nd (C)riminal (E)vidence Act 1984 –if there are grounds to suspect that a person has committed an offence, you must caution them before any questions are put to them to ensure that the answers (or any failure to answer) is admissible as evidence in any subsequent prosecution

Requirements of schools

4.2 Stage 1 – Initial Warning Letter

- An **Initial Warning Letter** - should be issued to parent(s) **See Leg 1 (Pg 25)** including a copy of the **Flow Chart Leg 1a (Pg 26)** and **'Information for Parents/Carers' (Appendix 2)**

Normal first day response, telephone calls and letters should continue to be carried out by the school and absences deemed to be for justifiable reasons should continue to be authorised. There should be a monitoring period of 10 school days following the issue of the letter. If the attendance of the child does not improve to the required standard, with further unauthorised absences having occurred, then the case should be progressed to an **Attendance Panel Meeting**.

4.3 Stage 2 - Attendance Panel Meeting

- **Attendance Panel Meeting** – this should be attended by the parent/carer(s) (& child if appropriate), other agencies if they have involvement or can offer support, and Chaired by a senior member of school staff. At the commencement of the meeting, the parent/carer must be made clearly aware that the meeting is part of a formal attendance procedure which could lead to legal intervention by the Local Authority. A Support Plan should be formulated to address any problems the child, young person or family may be experiencing including attendance targets and timescales being set. If the actions agreed are signed by the parent, school and other agencies involved this then constitutes a **Parenting Contract**.

- 4.4** If parents do not attend the meeting, and do not provide a justifiable reason as to why not, a support plan can be drawn up in their absence and a copy sent by 1st Class post (legally served) with a covering letter requesting the parent signs and returns a copy of the plan. *(If the plan is not returned this will not prevent progression to Stage 3).* **See Leg 2 - 6 (Pg 27-32)**

4.5 Optional - Attendance Panel Review Meeting/s

- **Attendance Panel Review Meeting(s)** - should only be arranged if there has been evidence of progress made but targets not completely met, especially if there have been a number of meetings already held through support from implementing the Ladder of Intervention, referral to the Children and Families Service or a multi agency TAF meeting

- 4.6** To comply with PACE requirements, documentation from the Formal Attendance Procedure must always clearly indicate the possibility of legal action being pursued against the parent/carer(s) as an outcome.

- 4.6.1** Where very little progress or engagement by the child, young person or parent/carer has been evidenced through support offered or the initial stages of the Formal Attendance Procedures implemented, then the relevant Attendance and Enforcement Officer for the area should be contacted for consideration of statutory intervention by the LA. This should be by telephone or e-mail to request progression to PACE Formal Caution Interview (Stage 3) be arranged.

4.8 **Stage 3 – Referral/Consultation for PACE Formal Caution Interview/LA Panel Meeting**

Requirements of schools

- To request progression to PACE Formal Caution Interview by the LA, a copy of the Initial Warning Letter, notes from the Attendance Panel meeting/Reviews, including support plans/Parenting Contracts, and an up to date registration certificate for the child should be forwarded to the LA. The documentation submitted should also include evidence of an Early Help Assessment having been completed and a TAF convened, where appropriate. *(The notes from the Attendance Panel Meeting will be referred to directly as part of the PACE Formal Caution Interview)*
- Following a referral being made to the LA, a further consultation with the Children & Families Service, SEND and other agencies if involved, will be made. This is to consider whether progression and possible legal intervention is an appropriate course of action for the family at that time

NB: *Although not all documentation is required by the LA at the time of referral, there will need to be a **portfolio of evidence** held by the school to prove that both early intervention and the Formal Attendance Procedures have been applied. This information will need to be included in the school's Witness Statement or Report should legal action be pursued at a later date. In this respect all contact with the family or other agencies needs to be recorded as soon as possible following the intervention as they constitute 'contemporaneous notes'. In the event of a not guilty plea, if referral to documents or recorded notes is required when giving evidence in court, the magistrates may ask if the above has been the case.*

Requirements of the LA

4.9 If, following consultation, it is agreed by all parties that progression to Stage 3 is appropriate, the following action will be taken by the LA:

- **PACE Formal Caution Interview/LA Panel Meeting** – this will be arranged and Chaired by the LA's Attendance and Enforcement Officer. A relevant senior member of school staff and the parent will be required to attend. *(Each parent is interviewed separately- the child is not required to attend as it is the parent who has committed the offence). See Leg 7 – 9 (Pg 33-38)*

4.10 At the commencement of the interview the parent will be Cautioned in accordance with the Police and Criminal Evidence Act (1984). Following the interview the parent will be invited to leave. A decision will then be made by the school and the LA regarding the most appropriate legal intervention as a way forward in ensuring an improvement in attendance and engagement with support available by the family. If new evidence comes to light at the interview it may be that no legal action is taken at that time and a date is set for a Review Meeting. **See Section 3 (Pg 7-11).**

Section 3 - Legal Enforcement options following a PACE Formal Caution Interview/LA Panel Meeting. See *Flowchart (Pg 26)*

5.0 Outcomes

5.1 For the LA to take forward legal intervention for poor attendance a PACE Formal Caution Interview must have taken place with the outcome being one of the following options:

- Prosecution under the Education Act 1996 Section (1) & (1A)
- Education Supervision Order (ESO)
- Penalty Notice (15 day Warning Letter)
- NFA/Review

Prosecution under the Education Act 1996 s444 (1) and (1A)

5.2 A prosecution against a parent under s444 (1) - failing to ensure the regular attendance of a child of compulsory school age at a school where they are a registered pupil; is a Level 3 offence with up to a £1,000 fine, or under s444 (1A) - 'aggravated' offence, 'knowingly' failed to ensure regular attendance is up to a £2,500 fine and /or 3 months imprisonment or a Community Order.

N.B. *The dates of the offence set out in a Summons to attend the Magistrates' Court, which is served on the parent, cannot be more than **six months** prior to the date the information is laid before the court. This is in accordance with the Statutes of Limitations.*

Requirements of schools

5.3 Submission of the following documentation to the LA is required:

- **Certificate of Attendance** - providing evidence of unauthorised absence, completed and signed by the Head teacher - **See Leg 10; (Pg 39)**
- **Witness Statement** - a Witness Statement (s9 of the Criminal Justice Act 1967) completed and signed by the Head teacher/senior staff member. Based on intervention by the school, the body of the witness statement will need to include information regarding dates of letters sent, meetings, home visits (number of) and their outcomes i.e. whether the parent was available, what explanations for absence were discussed, how the needs of the child and family were assessed and needs met and level of engagement from the parent/carer and child with support offered. It will need to evidence whether meetings were attended during the formal attendance procedure, targets set, strategies used, (other agencies involved where appropriate), evidence of what progress was made and any mitigating circumstances identified and dealt with. *(In the case of a s444 (1A) prosecution it will be necessary for the Witness Statement to prove the parent 'knowingly' failed to ensure the attendance of their child) – see Leg 11; Model Witness Statement (Pg 40)*
- **School/LA's Formal Attendance Procedure (Fast track) documentation** - Stages 1 & 2 should already have been submitted to the LA, at the consultation stage, to be used as exhibits to lay before the court i.e. Initial Warning Letter, notes and Parenting Contracts/support plans from Attendance Panel Meetings and Reviews

NB: *In the event of a 'not guilty' plea the staff member and/or Head teacher may be required to attend court to give oral evidence. This is rarely at the request of the LA as the Witness Statement should be sufficiently comprehensive. However, the parent has the right to request attendance of any witnesses for the prosecution*

Requirements of the LA

5.4 The LA will be responsible for the following:

- Gathering together all relevant Witness Statements from the school, the Children & Families Service or any other agencies involved
- Securing a Hearing date through the Magistrates Court listings system
- Completing and submitting all papers and administrative documentation with regard to the court process ('laying information before the Magistrates')
- Serving the Summons on the parent(s)
- Being the named Prosecutor on behalf of North Yorkshire County Council by attending court and presenting the case to the Magistrates, including Initial Hearings, Adjournments, and Sentencing. If a not guilty plea is submitted and a trial date is set, the LA's solicitors will become involved
- Ensure all parties are kept informed of dates and outcomes and any requirement to attend court
- Use of the Single Justice Procedure

NB: *The decision to take forward a Prosecution under s444 (1) or (1A) of the Education Act 1996 following a PACE Formal Caution Interview can be 'deferred' for an agreed length of time (usually 6- 8 school weeks). This provides the child/parent/carer a further opportunity to improve the situation without the need for immediate legal action being taken.*

'Ancillary' Parenting Order

- 5.5** The court may make, or can be requested to make, a Parenting Order following a conviction for an Offence under Section 443 or 444 of the Education Act 1996. The Parenting Order is an 'ancillary order' and cannot be a sentence in its own right. If given, it will be in addition to any other penalty imposed.
- 5.6** The requirements of a Parenting Order generally involve the attendance of the parent at a suitable Parenting Programme, either group or individual based, for a period of at least three months. The LA will assess the parent's level of engagement regarding compliance with the Directions of the court.
- 5.7** If the parent has previously been subject to a voluntary referral to an individual or group Parenting Programme, the outcome of this may have an impact on whether a Parenting Order would be an appropriate measure to be taken by the court at that time.

Education Supervision Order

- 5.8** In law, prior to pursuing a prosecution in the Magistrates Court, the LA is under a duty to consider applying for an Education Supervision Order, through the Family Proceedings Court. This is because the child's educational provision must be considered in context with any wider welfare issues and can be used as a means of 'formalising support' when not previously engaged with by the child or parent/carer.

- 5.9** The LA may apply for the Order instead of or following a successful prosecution as a means of ensuring regular school attendance whether a child is initially enrolled at a school or not. In cases where a parent has been convicted of an offence under Section 443 (School Attendance Order) or Section 444 of the Education Act 1996 the court can direct the LA to apply for an Education Supervision Order unless an agreement has been reached between the LA and the Court that the child's welfare will be satisfactorily safeguarded without one. Once granted the ESO will normally be for the duration of one year.
- 5.10** Before proceeding, consultation must take place with Children's Social Care, with particular regard to assessments against Child In Need and Child Protection thresholds. This must form part of the decision making process as subsequently the court will pay particular attention to the Welfare Checklist (Section 1 (3) Children Act 1989) and, although it is rare, the court can recommend care proceedings be commenced if deemed necessary. **See Leg 12; LA/CSC Consultation (Pg 41-43)**
- 5.11** The ESO is applied for through the Family Proceedings Court under the Children Act 1989 and makes the LA responsible (through an appointed Supervising Officer – usually the LA's Attendance and Enforcement Officer or lead professional) for advising, supporting and giving Directions to the child and his or her parents in order to make sure that the child is properly educated. Directions will include for example, a requirement for the parent/carer(s) and child to attend meetings with the Supervisor on a monthly basis in the home or school and with school support staff to discuss the child's progress against requirements.
- 5.12** Where parents persistently fail to comply with the Directions, and those Directions are deemed as being reasonable, they may be guilty of a Level 3 offence. In such circumstances the Supervising Officer must ensure that the matter is drawn to the attention of the Magistrates Court and, upon conviction, the parent will be liable to a Level 3 fine of up to £1,000. The Supervising Officer must also inform Children's Social Care (CSC) and, in such cases, CSC must assess the family circumstances and consider whether it is appropriate for them to take any action to secure the welfare of the child.

Requirements of schools

- 5.13** A report from the school and a certificate of attendance will be required for the LA to apply for an Order. The report needs to be included in the submission to the court and provides information regarding attendance levels and previous assessment and strategies implemented to address the underlying cause(s) of the child's poor attendance.

This can include:

- In school support such as providing a Learning Mentor, implementing a re-integration plan or reduced time table or attending a home work club/careers advice appointment
- Meetings with parents to discuss concerns (if this has been problematic this can be supported by a 'Direction' in the ESO application)
- Pastoral support plans and /or Parenting Agreements/Contracts
- Ladder of Intervention
- Early Help Assessment - Team Around the Family (TAF)
- Referral to other agencies (i.e. Children & Families Service, CAMHS, Healthy Child Team)

- 5.14** The school will be called upon to agree a re-integration plan and be responsible for delivering interventions included in the application documentation. The ESO application and re-integration plan will be needs and outcomes based with the views and wishes of the parent and child taken into consideration. **See Leg 13; School Report (Pg 44,45) and Leg 14; Certificate of Attendance (Pg 46,47)**

Requirements of the LA

- 5.15** The relevant application forms will be completed together with an accompanying statement to the court. It should address the welfare checklist and information under the following headings:
- The child or young person's record of attendance
 - Relevant details of the child or young persons circumstances, including age, gender, background and any physical, emotional or educational needs
 - The causes of the child's poor school attendance, including a medical certificate if necessary, and should indicate attitudes of the child, parents, schools and other agencies toward the issues identified
 - A description of the work undertaken and its results including an assessment of any likely educational disadvantage should an Order not be made
 - The intended intervention including targets for timing and monitoring and why it is believed such a programme of work will help to resolve the problem
 - Particular factors such as the young person's religious persuasion, racial origin or cultural and linguistic background
- 5.16** It is necessary to provide evidence to the court that the requirement to consult with Children's Social Care and other agencies has been met although consent based support will not necessarily become part of the Order. If the child lives in one authority and attends school in a different authority, both LA's must be consulted regarding the Order.
- 5.17** Once an application for an ESO has been submitted to the court by the LA, a date will be set for an Initial Case Management Hearing. A Cafcass officer will be appointed by the court, who will act as Guardian ad Litem for the child who will appoint a solicitor.
- 5.18** The appointed Supervising Officer will monitor progress and ensure compliance of the child and family with the Order; taking responsibility for returning the case to court if the conditions of the Order are breached.

NB: *It is essential that both biological parents are included in the application for the Order unless the highest criteria as to why not is met.*

Penalty Notice (15 day Warning Letter)

The following considerations are required by schools prior to issue:

Requirement of schools

- Evidence that the circumstances of the pupil's absence meets all the requirements of the LA's Code of Conduct for the possible issue of a Penalty Notice **(See Appendix 3)**

- The family circumstances/ability to pay is set against the likelihood of securing improved attendance, *(if the Penalty Notice is subsequently issued it is not means tested as in a prosecution)*
- The issuing of the Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed by the LA or other agencies

Requirements of the LA

- Send a Penalty Notice Warning Letter informing the parent of the possibility of a Penalty Notice being issued, setting a period of 15 school days within which the child or young person must have no further unauthorised absence. **See PN 1 (Pg 49)**
- Issue the Penalty Notice through the post if there has been further unauthorised absence in the stated monitoring period i.e. the Warning Letter has been breached
- process the payment of the Penalty Notice which is £60 if paid within 21 days of issue or £120 if paid after 21 days but within 28 days of issue
- In accordance with DfE guidance, the LA will retain any revenue from Penalty Notices to cover administration costs
- Non-payment of a Penalty Notice will trigger the prosecution process under the provisions of the Education Act 1996 Section 444 (1) for the unauthorised absence of the child during a specified period *(not the non-payment of the fine, although this will be used as part of the evidence. It would be unlikely that a Penalty Notice would be offered as an alternative to a prosecution other than for a first offence, therefore proceeding under a s444 (1A), if not paid, would be unlikely in this instance).*

NFA/Review

- 5.21** It may be that the decision made following the interview is to take no further action at that time and/or set a date for a Review Meeting. This could be, for instance, due to an intervention having just commenced following a recent referral to another agency or new information comes to light during the course of the interview. A Review can also be arranged if the outcome of the initial PACE Formal Caution Interview becomes unsuitable.

SECTION 4 - Guidance for other types of legal intervention

6.0 Penalty Notice for Unauthorised Leave of Absence in term time (Holiday)

- 6.1** In the event of the deliberate taking of leave of absence without the school's permission (holiday in term time) the PACE Formal Caution Interview and the 15 day Penalty Notice Warning Letter is not required prior to the issue of the Penalty Notice. However, there must have been a minimum of 10 sessions unauthorised absence in the preceding four months either in a block or accumulative (including the current absence). **See Appendix 3; NYCC Code of Conduct for the use of Penalty Notices.**

Requirements of schools

- 6.2** The following are required to be submitted to the LA:
- **Application form** – submitted by the parent for a leave of absence in exceptional circumstances **See PN 4 (Pg 52,53)**

- **Notification letter** – sent to parent/carer(s) by school confirming the leave has not been authorised (if possible). **See PN 5 (Pg 54)**
- **Notification letter** – sent to parent/carer(s), by school, regarding accumulative leave which has not been agreed over a 4 month period. **See PN 6 (Pg 56)**
- **Certificate of Attendance** - signed by Head teacher with evidence of the required threshold of unauthorised absence having been met. **See PN 7 (Pg 57)**
- **Witness Statement** - completed and signed by the Head teacher or Senior member of staff - to be used in the event of non-payment of the Penalty Notice. **See PN 8; Model Witness Statement (Pg 58)**

NB: The above documents are required to be sent to the LA by e-mail at the time of the request. A Penalty Notice can still be issued without an application form having been submitted by the parent as long as the subsequent Witness Statement provides sufficient evidence that the leave was taken without the authorisation of the school and the parent was aware that the leave would not have been authorised, e.g. by school newsletters, school attendance policy, school websites.

Requirments of the LA

6.3 On receipt of the above documentation, if appropriate, the LA will:

- Issue the Penalty Notice through the post
- process the payment of the Penalty Notice which is £60 if paid within 21 days of issue or £120 if paid after 21 days but within 28 days of issue
- Issue a reminder letter(s)
- In accordance with DfE guidance, the LA will retain any revenue from Penalty Notices to cover administration costs
- If the Penalty Notice remains unpaid pursue a prosecution under the provisions of Section 444 (1) of the Education Act 1996 through the Magistrates' Courts

7.0 Penalty Notice for Exclusion

7.1 A Penalty Notice can be issued by the LA following a child being seen in a public place without a justifiable reason during the first five days of an exclusion either fixed term or permanent. The following is required to be submitted to the LA:

Requirements of schools

7.2 The following are required to be submitted to the LA:

- **Witness Statement** - providing evidence from the person who observed the student in a public place during school hours without justification. (*School premises are not deemed to be a public place in this context - Section 547 Education Act 1996*) - **See PN 9 (Pg 59)**
- **Written confirmation letter** - sent to the parent by school outlining parents responsibilities regarding the exclusion

Requirements of the LA

7.3 On receipt of the above documentation, if appropriate, the LA will:

- Issue the Penalty Notice through the post
- process the payment of the Penalty Notice which is £60 if paid within 21 days of issue or £120 if paid after 21 days but within 28 days of issue

- Issue a reminder letter(s)
- In accordance with DfE guidance, the LA will retain any revenue from Penalty Notices to cover administration costs
- If the Penalty Notice remains unpaid pursue a prosecution through the magistrates courts under the Anti Social Behaviour Act 2003

NB: *All documentation requesting Penalty Notices for unauthorised leave of absence in term time should be forwarded by e-mail to safeguardingunit@northyorks.gov.uk*

8.0 School Attendance Orders

- 8.1** The procedure toward a School Attendance Order will be commenced by the Local Authority when a child is not on roll at any school and not being suitably educated otherwise. The Elective Home Education Pathway will have been followed by the LA's Elective Home Education Advisors and there is reason to believe that the parent/carer is not ensuring the child or young person is receiving an efficient full-time education. The educational provision is required to be suitable to the child's age, ability, and aptitude and any special educational needs they may have.
- 8.2** A Notice to Parent will be issued by the Attendance & Enforcement Officer requesting further evidence be provided to the LA's relevant Elective Home Education Advisor, within at least 15 school days, of the child's educational provision. On receipt of any further supporting documentation, the Advisor will re-assess the provision outlined.
- 8.3** If the evidence is not sufficient, or the request not complied with at all, then a Notice of an Intention to Serve a School Attendance Order will be issued. This states that the LA deems it expedient that the child attends a school and requires the parent to preference one of the suitable schools identified by the LA. (The LA will have discussed admission arrangements with the schools named in the Notice prior to issue. If the child has an EHCP with a named school then that school will be named in the subsequent School Attendance Order).
- 8.4** If there continues to be no further evidence of a suitable education being provided by registration at a school or otherwise, the Order will be issued by the LA giving a Direction to the parent to make arrangements for their child to be admitted to the school named in the Order.
- 8.5** If the parent fails to comply with the requirements of the Order they are guilty of an offence under Section 443 of the Education Act 1996 and, if found guilty, can be fined up to £1,000 in the Magistrates' Courts. **See Appendix 5 - School Attendance Orders - Guidance and Notices.**

NB: *If the Order is breached, before instigating proceedings for this offence, the LA is required to give consideration to an ESO when wider welfare concerns are evident.*

Section 5 – Other arrangements

9.0 Flexi Schooling

- 9.1** Parents may request flexi schooling arrangements be put in place for their child. This can only be with the agreement of the Head teacher and the Governors of the school. In these instances, the pupil remains on the school roll, but the child is only expected to attend at arranged times and/or days of the week. For the remaining time it will be the responsibility of the parent to provide a suitable education for their child.
- 9.2** Under these arrangements, the school and not the Local Authority, is required to monitor the progress of the child. The school will be expected to discontinue the arrangement if the child is deemed not to be in receipt of a suitable education while being educated otherwise.
- 9.3** The pupil will be marked with the code 'C' on the school's register during the period when they are being educated at home. (The pupil should not be marked with code 'B' as the child's education is not being supervised by the school. The school cannot be liable for the child's safety and welfare during the periods when the child is not being educated on the school premises).

10.0 Cross Border Protocol

- 10.1** The local authority in which the child **attends** school has the responsibility to take forward any required statutory intervention for poor school attendance. If a child lives in a different county to where they attend school then support services may be required to be provided by the authority in which the child **lives**. For example, a prosecution would normally be taken forward in the area where the offence was committed whilst an Education Supervision Order cannot be taken forward without consultation with the Local Authority where the child lives.

11.0 Consent

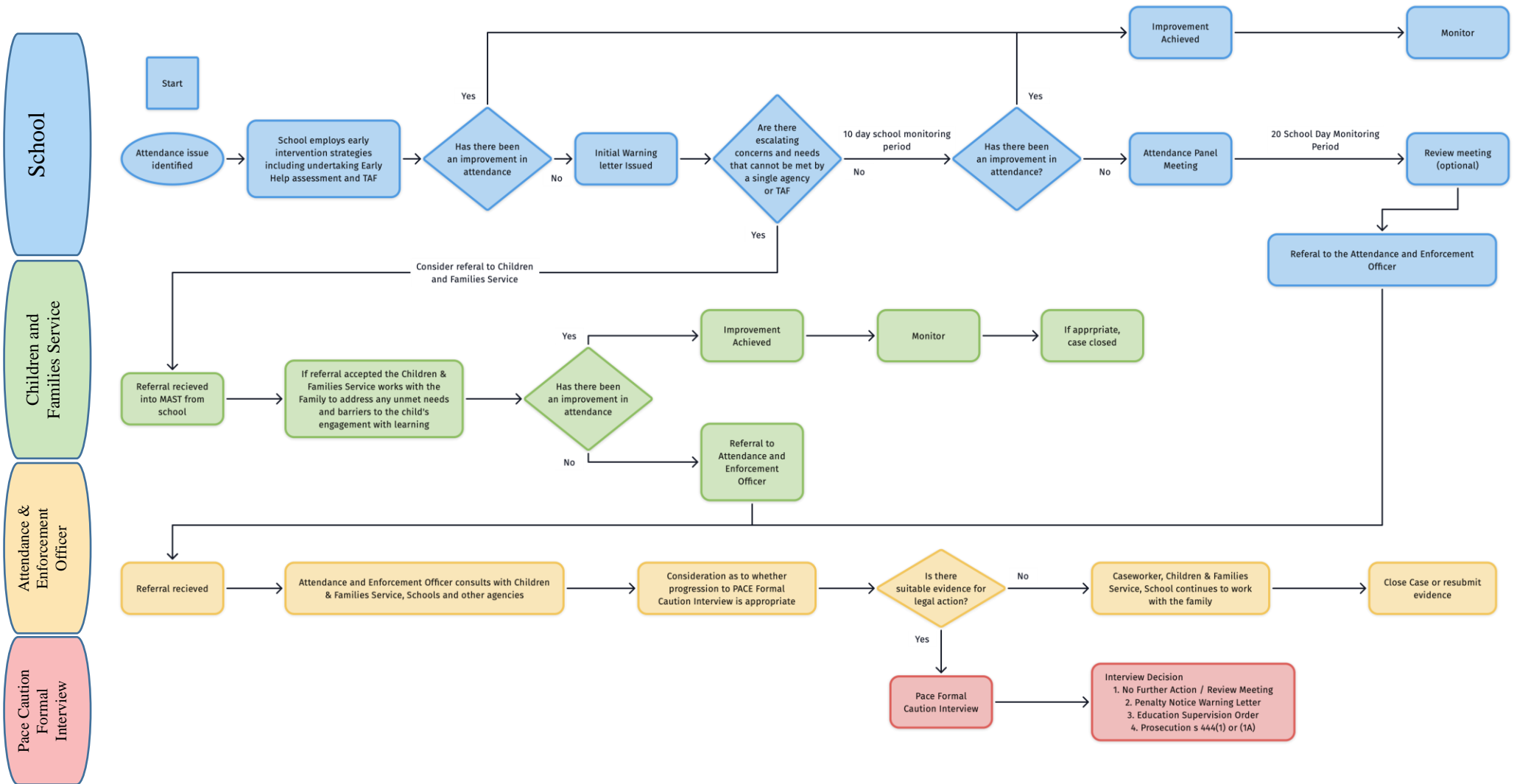
- 11.1** For statutory intervention the LA does not require consent to contact/intervene with parent/carers although it is good practice for the school to keep parent/carers informed of the attendance procedure and possible outcomes.

12.0 Recommended Minimum Recording Standards

- 12.1** When completing any record of contact, which may be used for legal purposes, the following standard should be adhered to:
- Record date and type of contact i.e. Home Visit, Telephone call, School visit, Meeting, Correspondence (letter or e-mail)
 - Record who was present, who did you speak to
 - Include purpose of contact
 - Record all discussions held including any observations (objective), outcome of contact and any agreed actions
 - Record who is responsible for what
 - Record required time scales for completion of the task
 - All recording should be factual and evidence based
 - Record what decisions were made/reasons why
 - If you are expressing an opinion you should state it is your opinion and qualify it
 - Sign and date all individual entries
 - If contact recording is not electronic it should be legible and in ink

- Recording should be carried out as soon as possible after the contact is made (*Recording constitutes contemporaneous notes for legal purposes and if you need to refer to your file in court you may have to declare to the magistrates that this was the case*)
- All documentation should be stored confidentially and securely in accordance with the requirements of the General Data Protection Regulations (GDPR).

School Attendance Support Pathway - Legal



Documentation – Early Intervention, Fast track & legal outcomes

Index - Attendance

Index of documents - Early Intervention, School/LA Formal Attendance Procedures - Fast track & legal outcomes (also see Penalty Notices)

Early Help	Letters/Forms	To	Responsible
Letter 1 (Pg 21)	Lateness letter	Parent	School
Letter 2 (Pg 22)	Under% letter	Parent	School
Letter 3 (Pg 23)	Contact letter	Parent	School
Formal Attendance Procedure ('Fast track')	Letters/Forms	To	Responsible
Leg 1, Leg 1a (Pg 25,26) Information for Parents/Carers–Rights and Responsibilities (Appendix 2)	Initial Warning Letter Flowchart/Information for Parents/Carers	Parent	School
Leg 2 (Pg 27)	Attendance unsatisfactory Invite to Attendance Panel Meeting	Parent/ other agencies	School
Leg 3 (Pg 28,29)	Attendance Panel Meeting Pro forma	Parent/School	School, other attendees
Leg 4 (Pg 30)	Letter and Notes of Meeting	Parent	School
Leg 5 (Pg 31)	Failure to attend Panel Meeting	Parent	School

Formal Attendance Procedure ('Fast track') Cont.....	Letters/Forms	To	Responsible
Leg 6 (Pg 32)	Required level of attendance achieved – monitor	Parent	School
Leg 7 (Pg 33)	Letter of Invite to PACE Formal Caution Interview/LA Panel Meeting	Parent	LA
Leg 8 (Pg 34-37)	Transcript of PACE Formal Caution Interview/LA Panel Meeting	Parent/School	LA
Leg 9 (Pg 38)	Letter of decision from PACE Formal Caution Interview/LA Panel Meeting	Parent/School	LA
Leg 10 (Pg 39)	Certificate of Attendance – long term	LA	School
Leg 11 (Pg 40)	Model Witness Statement	LA	School
Leg 12 (Pg 41 -43)	LA/C&F Consultation	CSC	LA
Leg 13 (Pg 44,45)	School Report for Education Supervision Order	LA	School
Leg 14 (Pg 46-47)	Certificate of Absence for Education Supervision Order	LA	School

Early Intervention (documents)

Letter 1

Date:

Dear Mr/Mrs/Ms

Name:

D.o.b:

School:

Please find enclosed a copy of your child's registration certificate. There are concerns regarding the amount of times your child is registered as late for school.

Please note that arrival after the close of registration (time) is classed as an unauthorised absence. Under the Education (Pupil Registration) (England) Regulations 2006, these absences could be used as evidence against you if legal action were to be considered by the Local Authority under Section 444 of the Education Act 1996.

National statistics show that poor time keeping seriously affects a young person's chance of achieving their full potential. Arriving late may mean that your child misses important instructions for the day and can lead to feelings of isolation and disengagement from learning.

I hope that you will make the necessary arrangements to ensure that your child arrives at school on time in the future.

Yours sincerely,

School Staff

Letter 2

Date:

Dear Mr/Mrs/Ms

Name :

D.o.b:

School :

I wish to draw your attention to the enclosed registration certificate for your child. This evidences that he/she has only achieved % attendance so far this academic year. As an acceptable level of attendance is a minimum of%,(school target) the school are concerned about this level of absence.

Irregular school attendance may have a serious impact on your child's academic progress if it is allowed to continue and you as parent are legally responsible to ensure that his/her regular and punctual attendance is maintained.

We understand there may at times be unavoidable and genuine reasons for your child's absence. The school should be informed of this as soon as possible.

However, if your child continues to have absences from school, you may be requested to provide medical or other evidence before any further absence can be authorised. Medical evidence should be in the form of a doctor's note, appointment card or prescription.

Should you have any queries, or require further support, please do not hesitate to contact me on the above telephone number.

Yours sincerely,

School Staff

Letter 3

Date:

Dear Mr/Mrs/Ms

Name:

Dob:

School:

There are concerns regarding your child's attendance this current academic year, which currently stands at%. This level of attendance is below the threshold by which the Department for Education (DfE) defines a pupil as being a persistent absentee (90% and below)/or severe absentee (50% and below) and can seriously affect your child's academic progress if allowed to continue.

Parent/carers whose children are registered at this school have a legal responsibility to ensure that they attend regularly, punctually and stay in school during school hours. Failure to do so is an offence under Section 444 of the Education Act 1996.

I would like to meet with you to discuss this matter further and look at ways we can work together to improve the situation. Would you therefore please contact the school on the above telephone number to arrange a mutually convenient time/come into school on..... Thank you.

Yours sincerely,

School staff

School/LA Formal Attendance Procedure - Fast track & legal outcomes (documents)

Leg 1

Your ref:

Our ref:

Date

Dear Mr/Mrs/Ms

Initial Warning Letter

Re:.....D.o.b:.....

School:.....

As your child's current attendance stands at%, (so far this academic year), it falls below the threshold of a persistent absentee as defined by the Department for Education (90% and under)/severe absentee (50% and under). The absences also include unauthorised absences under the Education (Pupil Registration) (England) Regulations 2006.

Your child's attendance will now be closely monitored by the school for the next 10 school days. Should’s attendance continue to be of concern it will become necessary to arrange an Attendance Panel Meeting, in accordance with the next stage of the Formal School Attendance Procedures. You will be expected to attend this meeting, bringing your child with you, if requested.

Any further absence your child may have due to illness must now be supported by medical evidence before authorisation is possible by the school and it remains your responsibility to provide this evidence.

May I remind you that it is the legal duty of those with parental responsibility to secure the regular and punctual attendance of their child at school.

Failure to do so is an offence under the Education Act 1996 Section 444 (1) or (1A) and, following referral to the Local Authority for statutory intervention, may be dealt with by the following: a prosecution in a Magistrates Court, a Penalty Notice being issued of £60 if paid within 21 days rising to £120 if paid after 21 days but within 28 days (if the conditions of a 15 day Warning Letter are not adhered to), or an application made to the Family Courts for an Education Supervision Order under Section 36 of the Children Act 1989.

You have the right to pursue your own legal representation regarding the above. Should you wish to discuss this matter further, please do not hesitate to contact me on the above telephone number.

Yours sincerely,

Head teacher

Encl: Flowchart
Information for Parents – Rights and Responsibilities

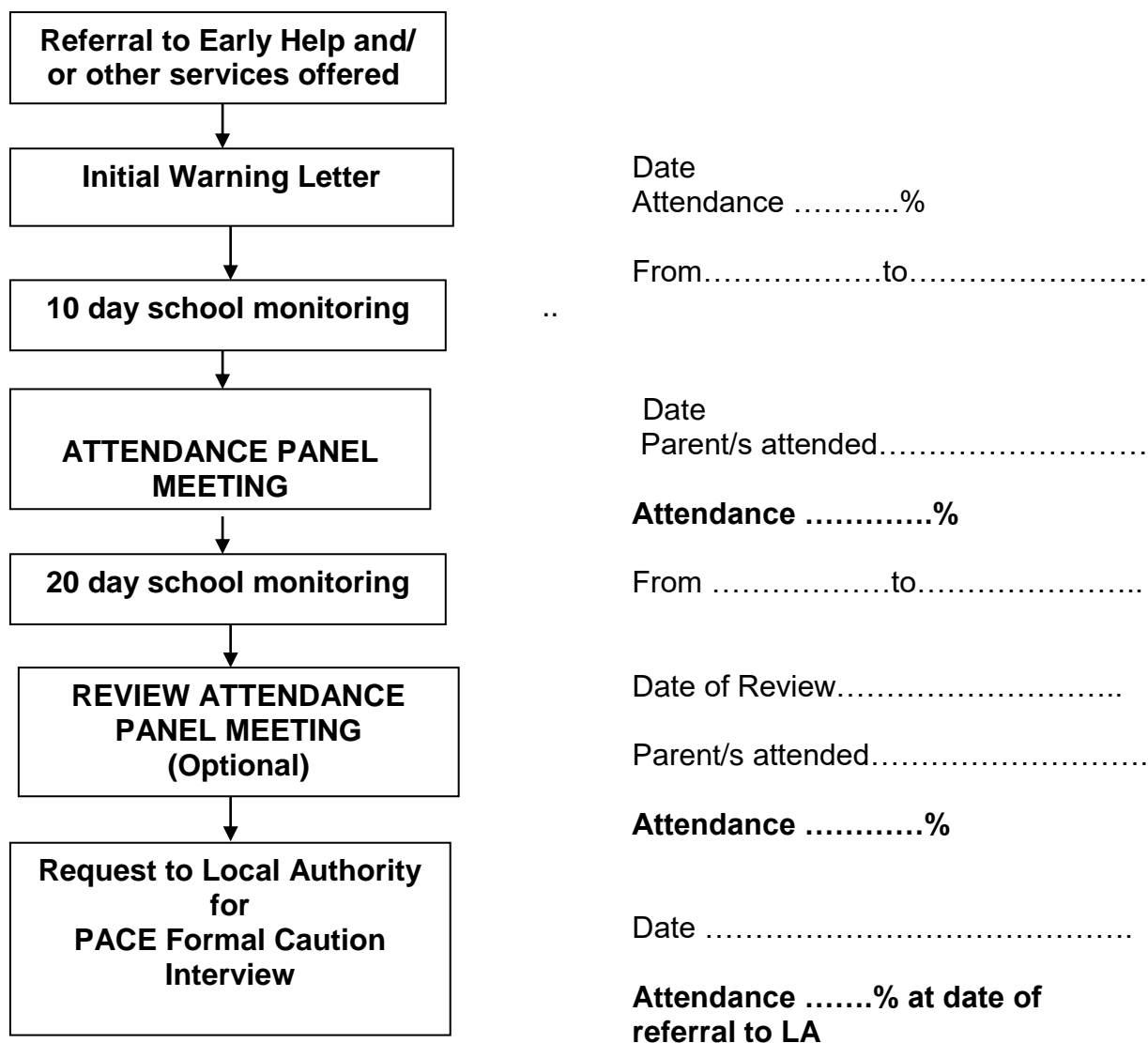
Flow Chart of School/LA Attendance Procedure

School Name.....

Name of Child Yr Group.....

DOB.....

Name and Address of Parent the child resides with.....



LA/Panel Decision :

No Further Action/Review Meeting Prosecution Education Act 1996 s444 (1,1A)	Education Supervision Order Penalty Notice Warning Letter
--	--

Leg 2

Your ref:

Our ref:

Date:

Dear Mr/Mrs/Ms,

Name:.....D.o.b:.....

School:.....

An Initial Warning letter was issued to you on..... Unfortunately, the attendance of your child continues to be unsatisfactory despite this and other numerous contacts made with you by school support staff and/or other agencies.

It is now necessary to arrange an **Attendance Panel Meeting** to be held at **School, on** **at**in accordance with the School Attendance Procedures. Would you please bring.....with you to the meeting or if in school he/she will be asked to join us (*if appropriate*).

It must be emphasised again that it is the duty of those with parental responsibility to secure the regular attendance of their children at school. Failure to do so is an offence under Section 444 (1) or (1A) of the Education Act 1996.

If you are unable to attend the meeting, please contact the school direct, to discuss an alternative time. If you fail to attend, and do not provide a reason, then this may be used as evidence of your unwillingness to cooperate and the meeting may go ahead in your absence. You may wish to pursue your own legal representation with regard to any of the above proceedings.

Yours sincerely

Head teacher

Leg 3

**ATTENDANCE PANEL MEETING
Parenting Contract/Support plan**

NAME OF SCHOOL: **PANEL MEETING HELD ON:**

PUPIL NAME: **D.O.B:**

ADDRESS:

(CHAIR):

PRESENT:

DETAILS OF PARENT(S):

Full names and d.o.b. of parent/carer(s):	Parent i)	D.o.b:
	Parent ii)	D.o.b:

AWARE OF PARENTAL RESPONSIBILITY/ENFORCEMENT PROCESS: YES/NO

ATTENDANCE DETAILS:

Timescale :

Possible : **Authorised :**

Actual : **Unauthorised :**

Percentage Attendance = %

SUMMARY OF DISCUSSION:

Parenting Contract/Support Plan

	Action Agreed	Who will carry out the action	By When
1	<u>To achieve% attendance</u> during the 20 school day monitoring period following the meeting today (100% to be aimed for)	Parent / Child	Immediately
2	To notify school if child unable to attend / provide evidence to support future absences i.e. doctors appt. card / sight of medication with child's name and date, medical note	Parent to provide to school if child absent	For any future absences
3	To speak to designated member of school staff should there be any problems	Parent/Child Name of school contact.....	On going
4	Parent/Carer(s) to be available at appointment times agreed or make contact to re-arrange	Parent/Carer/Staff	As per arranged home/school visit
5			
6			

Attendance target set:

%

Timescale:

Timescales and Outcomes: To be reviewed on

- If targets are met there will be a period of further monitoring for six school weeks
- If targets are not met then, depending on the level of progress made, either a Review Meeting will be held or a Pace Formal Caution Interview will be arranged by the Local Authority

Signed :.....(Parent/Carer)

Signed :.....(Parent/Carer)

Signed :.....(Student)

Signed:.....(School)

Signed:.....(other agency)

Leg 4

Your ref:

Our ref:

Date:

Dear Mr/Mrs/Ms

Name of child :

Dob :

School :

Thank you for attending the Attendance Panel Meeting held on

.....at.....

Please read the enclosed copy of the notes of the meeting. It is important that you adhere to the actions agreed by yourself and the school in order to maintain an improved attendance for.....

The situation will be reviewed on.....

If you wish to discuss any points arising from the notes or require further support, please do not hesitate to contact me on the above telephone number.

Yours sincerely,

Head teacher

Leg 5

Your ref:

Our ref:

Date:

Dear Mr/Mrs/Ms

Attendance Panel Meeting held on

Name of Pupil.....Dob.....

Registered Pupil atSchool

You were invited to an Attendance Panel Meeting held on to discuss the unsatisfactory attendance of your child at the above school.

Unfortunately you failed to attend and, as no acceptable reason was offered by you, the meeting went ahead in your absence. Enclosed is a copy of the notes made at that meeting including information about the extent of your child's absences and a Parenting Contract/Support Plan which you are requested to sign and return if in agreement.

I have to advise you that under the Education Act 1996 parents have a duty to ensure that their child/ren attend school regularly and punctually. Failure to do so may result in the Local Authority taking legal proceedings against you. This could be in the form of an Education Supervision Order, Penalty Notice or pursuing a Prosecution in the Magistrates Courts under Section 444 (1) or (1A) of the Education Act.

You should be aware that if your child's level of attendance at this school continues to be unsatisfactory, you do not keep arranged appointments with the school or fail to engage in any of the support agreed, the matter may be referred to the Local Authority and progressed to a **Pace Formal Caution Interview/LA Panel Meeting** without delay.

Yours sincerely

Head teacher

Leg 6**Your ref:****Our ref:**

Date:

Dear Mr/Mrs/Ms

Child:**D.o.b:****School:**

There have been serious concerns regarding’s attendance atschool which initiated the formal School Attendance Procedure being commenced.

As part of this procedure an Attendance Panel Meeting was held in school on Following that meeting you were required to ensure that your child reached a minimum of% attendance for the following 20 school days.

I am pleased to inform you thathas achieved the appropriate level of attendance for the recommended time period therefore no further formal action will be taken at this time.

Please note, your child’s attendance will continue to be closely monitored in school. If should have further unauthorised absences, this may lead to the Formal Attendance Procedure being recommenced. Further support can be made available to you if required.

I would like to take this opportunity to thank you for your co-operation in this matter.

Yours sincerely

Head teacher

Leg 7

Date:

Dear Mr/Mrs/Ms

Re:**Dob:**.....

School:.....

Pace Formal Caution Interview/LA Panel Meeting – INVITATION TO ATTEND

As a consequence of’s continuing poor attendance at the above school, it is now necessary to invite you to a Pace Formal Caution Interview/Local Authority Panel Meeting in accordance with the North Yorkshire County Council’s Formal Attendance Procedures. The Interview will be held at.....on

The purpose of this Interview is to give you an opportunity to offer any reasons to justify or explain why you have not ensured an improvement in your child’s attendance.

As the Local Authority is now contemplating taking legal action against you, this Interview will be conducted under the terms prescribed by the Police and Criminal Evidence Act (1984) and you will be formally cautioned as follows: ‘You do not have to say anything but it may harm your defence if you do not mention when questioned something which you may later rely on in court. Anything you do say may be given in evidence’.

You have the right to seek legal advice prior to this interview or request an interpreter or appropriate adult to attend with you.

We urge you to attend the Interview. If you are not present, and you have not provided the authority with a reasonable explanation as to why you cannot attend, the meeting may still take place and a decision from the following will be made in your absence; no further action taken at this time/Review Meeting to be arranged, a Penalty Notice Warning Letter to be issued, an Education Supervision Order pursued through the Family Court or a Prosecution through the Magistrates Court commenced under the Education Act 1996 Section 444 (1) or (1A).

If the stated date or time is not convenient, or you are unable to attend, it is important you contact me on the above telephone number as soon as possible so alternative arrangements can be made.

Yours sincerely,

Attendance and Enforcement Officer
North Yorkshire Council

Leg 8**North Yorkshire Local Authority****POLICE AND CRIMINAL EVIDENCE
FORMAL CAUTION INTERVIEW/LA PANEL MEETING**

Child's Name :	
D.o.b.	
Address:	
Tel :	
Interview held on :	
at:	
Present:	
Parents's/Carer's d.o.b:	
Occupation:	
Chair:	
Note taker/Witness:	
Others present:	
Interview/Meeting Start Time:	

1. CHAIR: I wish to put to you some questions under S.444 of the Education Act 1996 in respect of attendance atschool between theand.....
Delivery of Caution "You do not have to say anything, but it may harm your defence if you do not mention, when questioned, something you may later rely on in court. Anything you do say may be given in evidence."
Do you understand the words of the Caution?

RESPONSE:

2. CHAIR: You are not under arrest and are free to leave at any time. You have a right to be legally represented. I note you are not. Are you happy to proceed?

RESPONSE:

3. CHAIR: What is your relationship to ?

RESPONSE:

4. CHAIR: Does live with you atIf not, where does he/she live and with whom?
What is your contact with_____)?

RESPONSE:

5. CHAIR: Is the distance from home to school more than 2 miles (child 7 years and under) or 3 miles (for a child of 8 years and over)?

If yes, is the school one you have elected for by way of parental preference?

Or if not, is transport provided by the LA?

RESPONSE

6 (a) CHAR: You attended an Attendance Panel Meeting held on _____.

Were you happy to sign the notes of the meeting to confirm them as a true record? OR If not, please give reasons and state why you did not raise these issues earlier.

RESPONSE:

OR

6(b) CHAIR: You did not attend an Attendance Panel Meeting arranged at _____ on _____ and the school received no apologies. Why was this?

RESPONSE:

7. CHAIR:’s attendance for the period under review currently stands at% with..... unauthorised sessions out of ...
..... possible attendances.

Are you aware your child has not been attending school? YES/NO
IF NO: Why not? / IF YES: What have you done to address this?

RESPONSE:

8. CHAIR: Has your child been prevented from attending school on

medical grounds during any of the days during the period under review? YES/NO

IF YES

a) What medical evidence have you provided to the school to confirm their unfitness to attend?

and

b) Do you have any other medical evidence in respect of these absences that you have not presented to the school.

RESPONSE:

9. CHAIR: Have any of the absences during this period related to religious observance? If so, please specify dates and reasons.

RESPONSE:

10. CHAIR: Has bullying ever been a reason for non-attendance during this period? If so, what have you done about it?

RESPONSE:

11. CHAIR: Are there any Special Educational Needs which prevent your child attending regularly? If so, what have you done about it ?

RESPONSE:

12. CHAIR: Are any other agencies/workers involved with you in respect of your child. If so, who are they and what work are they undertaking?

RESPONSE:

13. CHAIR: Is there anything further you wish to say regarding’s unauthorised absence from school.

RESPONSE:

The Local Authority will now be considering which option available to them is most appropriate in your case. No further action/Review Meeting, a Penalty Notice Warning Letter, an application for an Education Supervision Order, or a Prosecution under Section 444 1/1A of the Education Act 1996.

Interview Finish Time:	
------------------------	--

I DECLARE that the above notes are a true and accurate record of this meeting and fully understand the implications of this meeting. I have been informed that I can ask for legal advice from a solicitor and I confirm that the procedure has been explained to me.

Signed _____ Parent/Carer Dated _____

Signed _____ Parent/Carer Dated _____

Signed _____ Chair Dated _____

I DECLARE that I was present at the above meeting as a witness and note taker.

Signed _____ Dated _____

Designation.....

Decision:

EITHER		
No further action/Review Meeting		<input type="checkbox"/>
Education Supervision Order		<input type="checkbox"/>
Penalty Notice Warning letter		<input type="checkbox"/>
Prosecution of Parent(s)/Carer(s)* Section 444 (1) or (1A)		<input type="checkbox"/>
<u>Summary of discussion points relating to decision made above:</u> (this must include reasons for decision taken, in particular if an ESO is not felt appropriate please summarise reasons why in detail)		

Name of Attendance and Enforcement Officer:_____

Signed: _____ Date: ____/____/____

Leg 9

Your ref:

Our ref:

Date:

Dear Mr/Mrs/Ms

Pace Formal Caution Interview/LA Panel Meeting

Child :

School :

A Pace Formal Caution Interview/Local Authority Panel Meeting was held on to consider the attendance ofat.....between..... 200.. and 200...

or

It is unfortunate that you did not attend the Interview to consider the attendance of at between.....20...and 20... Had you attended you would have had the opportunity to put forward any mitigating circumstances that you could have then presented as your defence in Court. As you did not provide a reason as to why you did not attend, the Local Authority Panel Meeting was held in your absence.

The decision made at the LA Panel Meeting is as follows :

- no further action is to be taken at this point/Review date to be set
- an Education Supervision Order is to be pursued
- a Penalty Notice Warning Letter is to be issued
- the case is to be referred for legal proceedings under Section 444 (1) or (1A) of the Education Act 1996 to be instigated against you in relation to your child's attendance between the above dates. (*this can include a request for an 'ancillary' Parenting Order*)

.....'s attendance will be closely monitored for a further (6) school weeks when the situation will be reviewed/support will continue to be offered to assist you/should a significant and sustained improvement be achieved in your child's attendance, no further action may be necessary at this time /The court will be informed of any actions that you have taken to improve your child's attendance.

(*delete as appropriate*)

Please note that it remains your legal responsibility to ensure that your child continues to attend school regularly and punctually. Failure to do so could result in a further offence being committed

If you have any queries please do not hesitate to contact me onor school directly.

Yours sincerely

Attendance and Enforcement Officer

North Yorkshire Council

This form is to be completed by the Head teacher. It will be used in legal action under the above Act relating to the irregular school attendance of a registered pupil at the school.

[illegible]

2.	First Name	Surname	Address
----	------------	---------	---------

Signature.....Name (printed).....

Leg 11 - Model Witness Statement

Statement of Witness

(Criminal Justice Act 1967, S.9; Magistrates Courts Act 1980, Ss5A(3)(a) and 5B; Criminal Procedures Rules 2010, Rule 27.1)

Statement of:

Occupation of witness:

Age of witness (if over 21 enter "over 21"): **OVER 21**

School Address:

This statement consisting of ... page(s) and corresponding exhibit(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the Day of 200.. Signed

..... age Years (d.o.b.....) is a registered pupil at school and is the child ofwho resides with him/her at.....

Between and, attended school on only sessions out of a possiblesessions. This equates to only% attendance. Under the Education (Pupil Registration) (England) Regulations Act 2006, of these absences are considered to be unauthorised. A copy of the Certificate of Absence is included (Exh 1).

..... was referred to due to concerns over his/her attendance. I have personally visited the home on occasions. I was unable to get a reply on occasions so I left calling cards, at the home highlighting the reason for my visit and asking for to contact me / spoke to Mr/Mrs/Ms..... during of the home visits. I was informed that the reasons why has not been attending school are..... / I was not offered any explanation as to why was not attending school. I have had no contact from Mr / Mrs

A letter was sent to detailing concerns over attendance on I received no contact to discuss attendance and there was no significant improvement so on An Initial Warning Letter was sent on.....(Exh 2).

..... attendance did not improve, therefore I invited Mr/Mrs/Ms to attend an Attendance Panel Meeting in school where a plan was drawn up to help with attendance. (Refer to points in plan e.g did parent/carer(s) attend?, did parents/child adhere to recommendations of the plan? was parent home at time of appointed home visits? what was discussed). Despite the strategies put in place and agreed to, (including following the Ladder of Intervention, completion of an Early Help Assessment, support from the Early Help Team and/or other agencies including a TAF Meeting ?) there was still no significant improvement in attendance. The matter was referred to the Local Authority and a Pace Formal Caution Interview was subsequently held in school on the It was decided that the matter would be brought before the magistrates courts with regard to’s unauthorised absence. Mr/Mrs/Ms has continued to fail to ensure’s regular attendance to date.

Signed.....dated.....

Leg 12 - Education/CSC Consultation - Education Supervision Order

NORTH YORKSHIRE COUNCIL

EDUCATION SUPERVISION ORDER

**Education and Children's Social Care Consultation Paper:
S36(8) Children Act 1989**

1. THE CHILD

Date of Birth:

Surname:

Forename(s):

Address:

School:

Religion:

2. PERSON(S) WITH PARENTAL RESPONSIBILITY

Surname:

Forename:

Address:

Relationship to Child:

Occupation:

Surname:

Forename:

Address:

Relationship to Child:

Occupation:

3. **OTHER SIBLINGS OF COMPULSORY SCHOOL AGE**

<u>NAME</u>	<u>D.O.B.</u>	<u>SCHOOL</u>
--------------------	----------------------	----------------------

4. **ALL OTHER SIBLINGS**

<u>NAME</u>	<u>D.O.B.</u>	<u>SCHOOL</u>
--------------------	----------------------	----------------------

5. **OTHER AGENCIES INVOLVED WITH NAME OF CONTACT**

<u>AGENCY</u>	Tick if appropriate	<u>Name</u>
----------------------	----------------------------	--------------------

Children & Families:

Probation:

Housing:

Health:

School:

6. **RECORD OF ATTENDANCE OVER 12 SCHOOL WEEKS**

From : To:

Actual: Authorised:

Possible: Unauthorised:

7. **REASONS GIVEN FOR NON-ATTENDANCE**

(a)	Medical	YES/NO
	Has a doctor been consulted?	YES/NO
(b)	School Refusal	YES/NO
(c)	Truancy	YES/NO
(d)	Racial religious or cultural reason	YES/NO
(e)	Level of parental involvement	YES/NO
(f)	Any other?	

8. **WHAT ARE THE CHILD'S VIEWS ABOUT THE NON-SCHOOL ATTENDANCE?**

9. **WHAT ARE THE VIEWS OF THE PERSONS WITH PARENTAL RESPONSIBILITY?**

10. **WHAT HAS BEEN OFFERED TO ENCOURAGE THE CHILD TO ATTEND SCHOOL**

11. **ARE THE PARENTS IN AGREEMENT WITH AN EDUCATION SUPERVISION ORDER?**

YES/NO

12. **ANY OTHER COMMENTS**

Signed:

Dated:

TO BE COMPLETED BY Children's Social Care

Is the family known? YES/NO

Is the child known? YES/NO

ANY RELEVANT INFORMATION:

ANY COMMENTS ON THE PROPOSED COURSE OF ACTION:

Signed:

Designation:

Date:

Leg 13 - School Report - Education Supervision Order

NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN ACT 1989 (S.36)

SCHOOL REPORT

NAME:

DATE OF BIRTH:

ADDRESS:

SCHOOL:

In the

Court

In the matter of

(a minor)

Case No.

Statement of

**This is the statement of in the employ ofSchool. I
make this statement believing the contents to be true and understand that it
will be placed before the Court.**

Dated:

Signed:

EDUCATION SUPERVISION ORDER

SCHOOL REPORT

Schools should be aware that a member of school staff can be subpoenaed to appear in court to answer questions on the report given if the magistrates deem this necessary before they decide to grant an Education Supervision Order.

What to include in the report:

- 1) The child's educational needs: explain what they are.
- 2) Assessment in detail of where the child is educationally at the present time.
- 3) How are the school meeting the child's needs now and in the future.
- 4) Child's strengths, weaknesses and their character.
- 5) Any positive points.
- 6) Comment on how non-attendance is affecting the child's education.
- 7) Behaviour can be commented on, e.g. how difficult it is for the school to meet the child's needs.
- 8) Ensure there is no 'Hearsay' in the report.
- 9) Detail any formal involvement and commitment the school may have in the plan of intended intervention.

Leg 14 - Certificate of Attendance - Education Supervision Order

CERTIFICATE OF ATTENDANCE

In the Family Proceedings Court

In the matter of (a minor)

Case No.

This is the statement of

I am in the employment ofSchool. I make this statement believing the contents to be true and understand that it will be placed before the Court.

I HEREBY CERTIFY that

Child of

Residing at

aged

**was on the Register of the above school; and that between the
to ; during which period (s)he might have attended sessions
(s)he was present sessions, and absent sessions.**

Signed:

Dated this day of

NORTH YORKSHIRE COUNCIL

Name of child:	Date of Birth:
School at which registered:	

Week ending												
Possible number of ½ days												
Actual attendance												
Unauthorised absence												
Authorised absence												

I, hereby certify that this is true record of the register ofattendance.

FURTHER REMARKS

Signed: (Head teacher)

..... School

Penalty Notices (documents)

Index – Penalty Notices

Index of documents – Penalty Notices for irregular attendance, unauthorised leave of absence and a child being seen in a public place, without justification, during school hours in the first five days of an exclusion

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PN 1 – Penalty Notice Warning Letter**PENALTY NOTICE WARNING LETTER**

Child: _____ **Dob:** _____
Parent: _____
Address: _____

Under Section 7 of the Education Act 1996 it is the duty of all parents to ensure their children receive an efficient, full time education. This letter is issued under the terms of North Yorkshire County Council Local Authority's Code of Conduct for the use of Penalty Notices.

I must draw to your attention that has been recorded as having..... sessions (half school days) lost to unauthorised absence since the at **School.**

This letter formally warns you that if has any unauthorised absence during the next 15 school days, you will be issued with a Penalty Notice for £60.00 if paid within 21 days, rising to £120.00 if paid after 21 days but within 28 days. **The 15 day period will commence on.....**

If a Penalty Notice is issued, and you fail to pay, you will then be prosecuted in a Magistrates' Court for the offence of failing to ensure your child's regular attendance at the above school.

The school will not authorise future absences unless you provide medical evidence. Please contact me if you wish to discuss the contents of this letter.

Attendance and Enforcement Officer
North Yorkshire Council

Date issued: _____

PN 2

PENALTY NOTICE CERTIFICATE OF ATTENDANCE

Section 444 Education Act 1996

This form is to be completed by the Head teacher. It will be used in legal action under the above Act relating to non-school attendance of a registered pupil at the school.

I certify that..... date of birth.....is a registered pupil of compulsory school age, on roll at and that they had unauthorised absence from school on or between.....to..... for a reason that comes within North Yorkshire's Code of Conduct for Penalty Notices.

Week beginning:															Totals
Possible number ½ days															
Actual attendance															
Unauthorised Absence															
Authorised															

To the best of my knowledge, the person(s) with parental responsibility for this pupil are:

1. First Name Surname Address

2. First Name Surname Address

Declaration

I am the Head teacher of the school named. I hereby certify that the information given in this form is true to the best of my knowledge. The information has been extracted from the school's register of attendance which can be made available to confirm it is an accurate record.

Dated this.....day of..... 20...

Signature.....Name (printed).....

PN 3 - Model Witness Statement (Unpaid PN for long term irregular attendance)

Statement of Witness

(Criminal Justice Act 1967, S.9; Magistrates Courts Act 1980, Ss5A(3)(a) and 5B; Criminal Procedures Rules 2010, Rule 27.1)

Statement of:

Occupation of witness:

Age of witness (if over 21 enter "over 21"): OVER 21

School Address:

This statement consisting of ... page(s) and corresponding exhibit(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the Day of 200.. Signed

..... d.o.b. (..yrs) is a registered pupil at ... school and is the child ofwho resides with him/her at.....

Between and, attended school on only sessions out of a possiblesessions. This equates to only% attendance. Under the Education (Pupil Registration) (England) Regulations Act 2006, of these absences are considered to be unauthorised. The Penalty Notice Certificate of Absence is included.

..... was referred to ... due to concerns over his/her attendance. I have personally visited the home on occasions. I was unable to get a reply on occasions so I left contact cards, at the home highlighting the reason for my visit and asking for.. to contact me / spoke to Mr/Mrs..... during of the home visits. I was informed that the reasons why has not been attending school are.. / I was not offered any explanation as to why ... was not attending school. I have had no contact from Mr / Mrs

A letter was sent to detailing concerns over attendance on .. . I received no contact to discuss .. attendance and there was no significant improvement so on .. an Initial Warning Letter was issued on. attendance did not improve, therefore I invited Mr / Mrs to attend an Attendance Panel Meeting in school where a plan could be drawn up to help with..... attendance. (Refer to points in plan, did parents attend?, did parents/child adhere to points in plan? was parent home at time of appointed home visits? what was discussed).

Despite the strategies put in place, and agreed to, including support from(Ladder of Intervention, Locality Hubs, Early Help Assessment,TAF, referral to Children & Families, other agencies, Mr/Mrs continued to fail to ensure....'s .regular attendance. Subsequently A Pace Formal Caution Interview was arranged in school by the Local Authority on.... . The decision of the meeting was that a Penalty Notice Warning Letter would be issued. Ashad further unauthorised absences within the 15 day warning period a Penalty Notice was subsequently issued by the LA. Despite reminder letters being sent the fine has remained unpaid to date therefore the matter is now being brought before the court with regard to the unauthorised absence.

Signed.....dated.....

APPLICATION FOR PUPIL LEAVE OF ABSENCE IN EXCEPTIONAL CIRCUMSTANCES DURING TERM TIME

This form should be completed by the parent/carer and returned to the school as far in advance as possible and preferably at least **6 weeks** before the first date of the period of leave being requested. Parents/carers must obtain the schools permission **before making any arrangements for leave in exceptional circumstances, otherwise the absence will be recorded as unauthorised.**

No parent/carer can demand leave of absence as of right. The Education regulations state that applications for leave must be made in advance by a parent with whom the child lives and can only be authorised by the school in exceptional circumstances. Each application is considered individually by the school. The following are examples of the criteria for leave of absence, which may be considered as 'exceptional':

- Service personnel returning from active deployment
- Where inflexibility of the parents' leave or working arrangement is part of the organisational or company policy. This would need to be evidenced by the production or confirmation from the organisation/company
- Where leave is recommended as part of a parents' or child's rehabilitation from medical or emotional problems. Evidence must be provided
- When a family needs to spend time together to support each other during or after a crisis

Please note: Head teachers would not be expected to class any term time holiday as exceptional

This is not an exhaustive list and Head teachers must consider the individual circumstances of each case when making a decision on this matter. Where a Head teacher feels that there may be exceptional circumstances which do not fit the criteria, they may refer to the local authority for advice. The decision of the Head teacher is final. Parents who take a child on leave in term time without the permission of the school risk being issued with a penalty notice fine for unauthorised absences.

Taking a pupil on leave during term time interrupts teaching and learning and can disrupt educational progress. Before completing this application form parent/carers are asked to consider the effect on their child's continuity of education.

APPLICATION FOR PUPIL LEAVE OF ABSENCE DURING TERM TIME IN EXCEPTIONAL CIRCUMSTANCES

Name of pupil(s):

Full Name of Parent/Carer(s)

School:

Home Address:

Telephone No:

Siblings: (if different school)

Schools attending:

I request permission for my child to be absent from school

From.....To.....Total school days.....

Exceptional circumstances for request:

(this section must be answered in full and against stated criteria)

Signature of parent/carers.....Date.....

For school use only

Seen by Head teacher (signature).....Date.....

.

Decision reached.....

Date reply returned to parent (s).....

PN 5

Letter not authorising leave of absence.

Dear (*insert full name of parent/carer(s)*)

Refusal for exceptional leave in term-time.

I have considered carefully your request for leave in term-time and on this occasion I will not be authorising your child(ren)'s absence.

This is because (*insert reason*)

If your child(ren) do not attend school during the dates you requested (*insert dates*) the absence will be recorded as unauthorised and a request to issue you with a Penalty Notice will be made to the local authority

OR

If your child(ren) do not attend school during the dates you requested (insert dates) the absence will be recorded as unauthorised. As the unauthorised leave does not amount to 10 sessions or more, a request to the Local Authority to issue a Penalty Notice will not be made at this time.

However, please note, that if further leave of absence is taken without the agreement of the school, and amounts to 10 sessions or more over a period of 4 months, inclusive of the current application, this can result in a Penalty Notice being requested.

A Penalty Notice is a fine of £60, if paid within the first 21 days of issue, which rises to £120 if paid after 21 days but within 28 days. The Local Authority will consider taking legal action if the Penalty Notice is not paid after 28 days of the date of issue. Legal action may result in a fine of up to £1,000 and a criminal record for each parent/carer.

A copy of this letter will be placed on your child(ren)'s school file.

Yours sincerely,

Head teacher

PN 6

Authorising leave of absence

Dear *(insert full name of parent/carer)*

Re: Request for exceptional leave in term-time.

I have considered your request for leave of absence in term-time and I have agreed to grant permission on this occasion.

Your child(ren) *(insert names and dates of birth of pupil(s))* will be marked as authorised absence from *(insert dates)*. He/she/they are expected to return to school on *(insert date of return)*.

Please note, any further absence taken without permission beyond these dates will be recorded as unauthorised absence and could result in a penalty notice being requested from the Local Authority. Your child's school place could be at risk if he/she does not return to school up to 20 days after the agreed date of return. This would be following reasonable enquiries being made regarding your whereabouts.

A copy of this letter will be placed on your child(ren)'s school file.

Yours sincerely,

Headteacher

PN 7 – Cert of Attendance (unpaid penalty notice for unauthorised leave of absence (holiday) in term time)

**PENALTY NOTICE
CERTIFICATE OF ATTENDANCE
(UNAUTHORISED LEAVE OF ABSENCE)**

Section 444 Education Act 1996

This form is to be completed by the Headteacher. It will be used in legal action under the above Act relating to non-school attendance of a registered pupil at the school.

I certify that date of birth..... is a registered pupil of compulsory school age, on roll at School and that they had unauthorised absence from school on or between.....to.... for a reason that comes within North Yorkshire's Code of Conduct for Penalty Notices for Un agreed Leave of Absence in exceptional circumstances.

Week beginning:															Totals
Possible number ½ days															
Actual attendance															
Unauthorised Absence															
Authorised															

To the best of my knowledge, the person(s) with parental responsibility for this pupil are:

1. First Name Surname Address
2. First Name Surname Address

Declaration

I am the Head teacher of the school named. I hereby certify that the information given in this form is true to the best of my knowledge. The information has been extracted from the school's register of attendance which can be made available to confirm it is an accurate record.

Dated this.....day of..... 20...

Signature.....Name (printed).....

PN 8 - Model Witness Statement (Unpaid Penalty Notice - Unauthorised leave of absence (Holiday) in term time)

STATEMENT OF WITNESS

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedures Rules 2010 – Rule 27.1)

STATEMENT OF:

AGE OF WITNESS: OVER 21

OCCUPATION OF WITNESS: Head teacher

ADDRESS OF SCHOOL:

STATEMENT:

This statement (consisting of _ pages) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

..... D.o.b.... (yrs), is a registered pupil atSchool and is of compulsory school age. He/she is the child of..... who resides with him at.....
.....was absent from school for sessions between and the All of these were unauthorised absences due the taking of un agreed Leave of Absence in term time. The Penalty Notice Certificate of Absence (Un agreed Leave), is included.

.....applied to the school for the Leave of Absence on the,.....giving the reason as due to a family holiday. The decision to authorise a leave of absence is entirely at the discretion of the Head teacher whose decision is final. A family holiday is not deemed by the school as an exceptional circumstance in accordance with the DfE Guidelines (August 2013) therefore the absence was unauthorised.

A letter of confirmation was sent to by 1st Class Post on the
However, despite parent(s) knowing that the absence had not been agreed by the school, was not in school on the dates stated. Contact was also not possible with the family despite a home visit and two telephone calls being made during the period in question.

Subsequently, the absence was recorded as unauthorised, and a request was made to North Yorkshire Local Authority to issue a Penalty Notice on the

(Optional statement – e.g.) Year 11 is one of the most important times in a child's education and absence affects teaching, learning and revision for important exams.

Signed.....dated

PN 9 - Model Witness Statement - Exclusion (found in a public place without justifiable reason during first five days)

STATEMENT OF WITNESS

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedures Rules 2010 – Rule 27.1)

STATEMENT OF:

AGE OF WITNESS: OVER 21

OCCUPATION OF WITNESS:

ADDRESS OF SCHOOL:

STATEMENT:

This statement (consisting of _ pages) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am (full name) and I am employed by(Occupation). I have held this position since(date). One of my responsibilities is to(brief description).

.....(Name of child), D.o.b, is a registered pupil at.....(school) and is of compulsory school age. He/she is the child of(name) and resides with her/him at.....(address).

On the(date),(Name of child) was in receipt of a Fixed Term/Permanent exclusion fromschool. Written notification of this was issued to parents/carers on.....(date). Within that notification it warned.....(Name of parents) that should(Name of child) be identified in a public place without reasonable justification during school hours between the dates of, then a Penalty Notice may be issued (Exh 1).

On(date) I identified(Name of child) as being in the skate park next to the school at.....(time) which was during school hours and between the dates pertaining to the first five days of the exclusion. Parents were contacted by.....(how contacted) on.....(date) but no justifiable reason was given to explain why(Name of child) was in a public place at that time.

Subsequently a request was made to the Local Authority to issue a Penalty Notice on.....(date).

Signed.....dated.....

Further information can be found on the CYPInfo website – School Attendance

Please contact:

Mrs Julie Parrish (Attendance and Enforcement Officer – Hambleton/Richmond, Harrogate, Ripon, Knaresborough & Craven only)

Tel: 01609 798013/ 07772096982 or e-mail: julie.parrish@northyorks.gov.uk

Victoria Nightingale (Attendance and Enforcement Officer – Yorkshire Coast, Ryedale & Selby areas only)

Tel: 07989727550 or e-mail: victoria.nightingale@northyorks.gov.uk

Or your area:

**Early Help Consultant
Locality Hub Manager
EHE Advisor**

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