

Education Services

# School Attendance Intervention Model (AIM)

Harrow's Code of Conduct under section 14 Education  
(Penalty Notices) (England) Regulations 2007 (as amended)

2024



LONDON BOROUGH OF  
**HARROW**

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## Introduction

The London Borough of Harrow publishes our attendance guidance to support all Harrow schools in ensuring they achieve the best possible attendance rates. The links between poor attendance at school and low academic achievement are compelling and serve to remind us of the need to ensure a whole school approach exists around this important area.

The Attendance Intervention Model (AIM) is a tool for both schools and the Local Authority (LA) to identify the actions needed when pupils are at risk of becoming Persistent Absentees (PA) i.e. pupils with overall absence of 10% or more.

This guidance is written in conjunction with the DfE's

[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

document, which outlines the roles that schools, local authorities and parents all play in improving a child's attendance at school.

Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age 'fails to attend regularly' at the school where he or she is a registered pupil, his parent is guilty of an offence. The Supreme Court determined that the word 'regularly' in the context of section 444(1) Education Act 1996 means '*in accordance with the rules prescribed by the school*'.<sup>1</sup> In practice this means that a pupil should attend school on each day that the school is open unless their absences has been authorised by the Headteacher.

It is important that school rules and policies on attendance set out clear expectations about attendance for registered pupils and the actions, interventions and consequences that may follow should a child fail to attend school regularly. This can include the issuing of an Education Penalty Notice (EPN) which are intended to be used as a means to avoid prosecution under section 444(1) or 444(1A) Education Act 1996.

The **purpose** of this guidance is to guide and support Harrow schools in ensuring that all children enrolled on a school roll in Harrow, receive a suitable full-time education. This guidance can be followed where a registered pupil is not attending school regularly and these absences from school are not authorised on the grounds of illness / medical reasons, religious obligation or other exceptional circumstances.

This guidance does **not** cover where a child has not attended school for 10 consecutive school days or more, and the school has been unable to make any contact with the parents to ascertain the reasons. In such cases, schools should complete a Child Missing Education (CME) referral using the Multi Agency Safeguarding referral form (MASH). If there are additional safeguarding concerns, schools should not wait 10 school days before submitting a MASH referral and should be completed immediately, highlighting the additional concerns and the non-attendance at school.

More information is available on the Harrow web site, **Education and Learning**

page under [children missing education](#) or can be discussed with Lead Officer for CME & Child Employment at [cme@harrow.gov.uk](mailto:cme@harrow.gov.uk).

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<sup>1</sup> Isle of Wight Council (Appellant) v Platt (Respondent) [2017] UKSC 28

## 1. School Policies and Early Interventions

It is important to ensure that school attendance is seen as a priority for all working in educational establishments. Excellent attendance<sup>2</sup> is an essential factor of good and outstanding schools. Such schools have a clear escalation of intervention which places exemplary attendance at its heart. Tackling persistent absence (pupils with at least 10% of absence) is, of course, a prerequisite but those schools that perform strongest have identified pupils at risk well before this threshold is reached and know which of its vulnerable groups are disproportionately represented in its absence bands.

Useful approaches which have been shown to support effective attendance include:

- Demonstrating a strong attendance ethos;
- Having a clear policy on absence and ensuring it is widely publicised;
- Having an effective, non-bureaucratic system for monitoring attendance;
- Using attendance data and other information to improve school and pupil performance;
- Promoting the importance and legal requirements of regular attendance to pupils and parents;
- Intervening early when individual pupils give cause for concern;
- Having support systems in place for vulnerable pupils;
- Rewarding and celebrating good and improved attendance; and
- Ensuring those with greatest need received additional support.

Management of attendance should be based on an effective whole-school policy. This policy should set out how attendance will be addressed both in terms of individual pupils and as school policy. Dealing with attendance issues on an individual pupil basis alone will not impact significantly on overall school attendance rates. The school attendance policy should underpin all actions to promote and improve attendance and actions to address absence. This policy should be shared with parents and carers and set out:

- The systems for promoting attendance, recording attendance and absence and for addressing lateness and absence of all pupils and to ensure consistent implementation;
- The roles, responsibilities and contributions of the whole school community, including parents and carers;

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<sup>2</sup> London Borough of Harrow considers excellent attendance to be 95% or above.

- Arrangements for the monitoring of attendance and the measures that will be taken to tackle poor attendance, including the involvement of external agencies and the use of statutory powers;

School attendance policies should include information on:

- Parental responsibility for attendance and the school policy for working with parent/carers;
- Timing of the school day and for register closure. Schools should have a written policy on the times the register is open and closed. These times can be different for different pupils, for example, those attending a school's exclusion unit. Closure of registers thirty minutes after the start of the school day is recommended in line with Department of Education (DfE) guidance;
- Procedure for parents/carers to notify the school when pupils are absent;
- How and when schools will contact parents/carers as a follow up to school absence;

Schools should strongly consider requiring parents and carers to sign the school attendance policy or sign the home school agreement with reference to the school attendance policy upon enrolling their child at the school. The policy should make clear to parents and carers that unauthorised absences not only damage their own child's education, but also that of other pupils. This is because teachers need to help those children who have been absent catch up with work they have missed, which reduces the time available to give to the remaining children in the class. Schools must ensure that the policy complies with Equality Act 2010 and the Human Rights Act (1998). This means providing information that is accessible and understandable to parents, including translation and interpretation. This is particularly important for parents new to the country, which may not be aware of the importance of school attendance and of the law relating to school attendance. Lack of knowledge or understanding may, in such cases, result in lower school attendance rates for some ethnic groups. Schools should analyse their data, and that provided by the Local Authority, to determine whether particular groups may be disadvantaged and require specifically targeted support. The most effective strategies have involved community groups to support targeted intervention leading to a positive impact on school attendance.

## **2. Local Authority Policies and Interventions**

Harrow's Education Services are committed to ensuring that every child has access to a sufficient full-time education suitable for their age, ability, aptitude and needs. Parents and pupils are supported at school and LA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies. Regular non-attendance from school may require pastoral support and monitoring rather than a Penalty Notice and court action.

The roles within Harrow's Education Services that specifically support school attendance are:

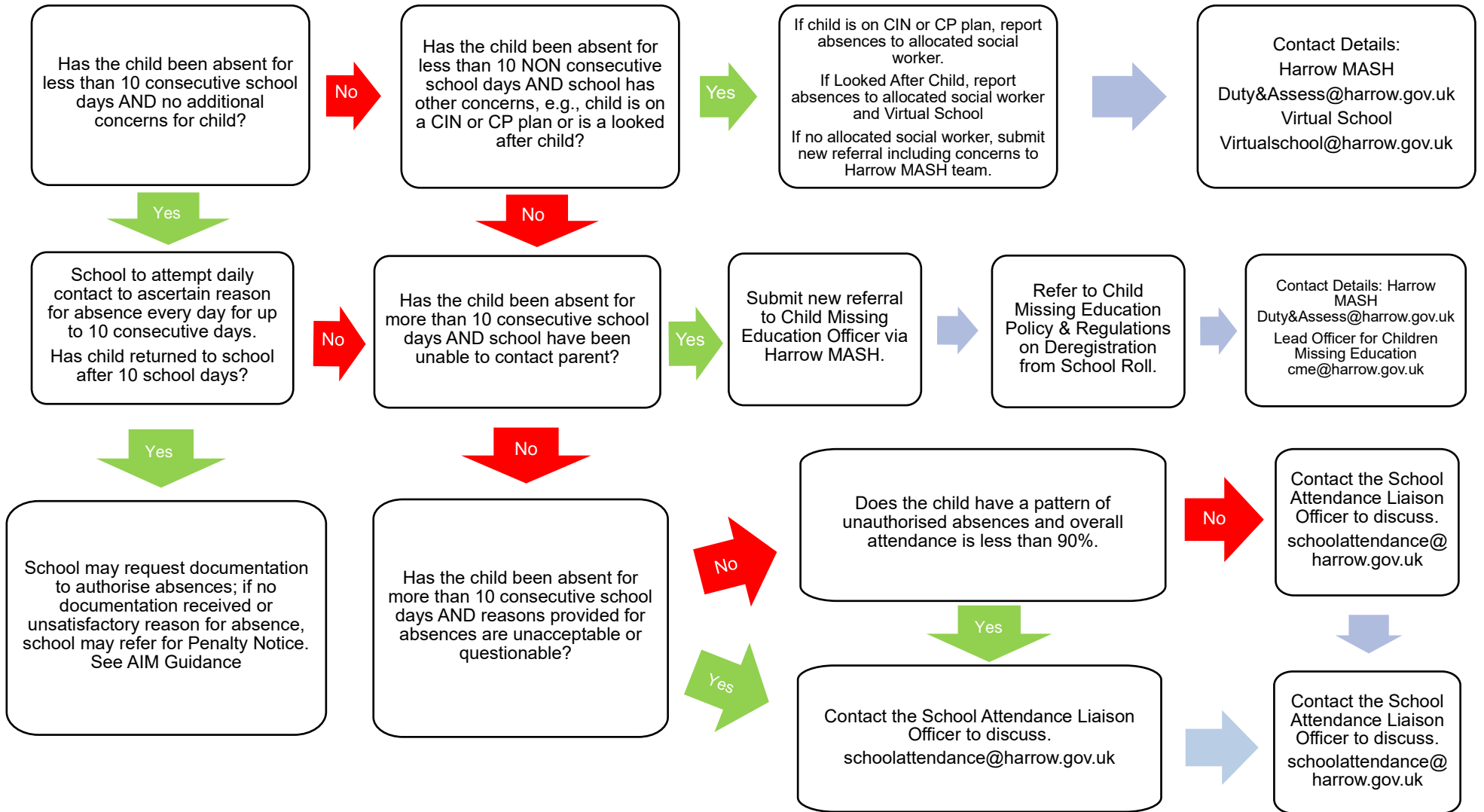
- **School Attendance Support Officer**- Process the administration of requests from schools for Education Penalty Notice.
- **School Attendance Liaison & Elective Home Education Officer**: these officers will co-ordinate the register of children being educated at home and provide first level support to schools where a child's attendance has fallen below 90% and further intervention / support is required.
- **School Attendance Officers**: These officers will provide support to schools and parents where a child's attendance has fallen below 90% and further intervention / support is required.
- **Court Attendance Officer**: This officer will co-ordinate the administration and processing of Education Penalty Notice and the Pre Court-Panel process where children with poor attendance are being considered for legal action under section 444 Education Act 1996; this being a last resort after all other interventions / support have been exhausted.
- **Attendance and Alternative Provision manager**: This manager will oversee day to day work of the attendance team and is responsible for alternative provision within Harrow.
- **Head of School Organisation, Admissions and Attendance**  
This Head of Service oversees and supports both the School Admissions service and the School Attendance service within Education Services.

There are other teams within Education Services and under Children's' Services more widely that can support school attendance in their respective roles and include:

- SENARS
- Educational Psychology Service
- ASD Advisory Teachers
- Virtual School for Looked After Children
- Early Support Service
- School Effectiveness and Early Years (incl: SEND)
- Lead professionals in social services / youth offending team working with the child and their family.

A guide to identify who within the LA to contact or process to follow where a child is absent from school follows

**Guidance for schools on when a child is absent from school.**





## **Children Looked After by the Local Authority**

All local authorities have a statutory duty to promote the education of children in their care (Children Looked After) in accordance with Section 52 of the Children Act 2004.

**Harrow's Virtual School** organises the delivery of education through partners and agencies. The service is offered in addition to attendance at a school setting which is responsible for the child's core academic achievements. It enables pupils to narrow the gap between themselves and the general school population. It is not possible to take legal enforcement action under section 444 Education Act 1996 in respect of a Looked After Child as the Local Authority is the corporate parent and has a duty to make decisions in the best interests of the child and this includes a duty to formulate a Personalised Education Plan (PEP). Where a school or parent has a concern about a looked after child who has poor school attendance or has stopped attending school, it should make a referral or contact the Virtual School Headteacher (see contact details).

## **Children on Child Protection (CP) or Child in Need (CIN) Plans**

Children on Child Protection (CP) or Child in Need (CIN) plans with poor school attendance or have stopped attending school, tend to have other needs that need to be addressed in addition to the lack of school attendance. The CP or CIN Plan aims to address all the child's identified needs and as such these plans are the lead on addressing the child's needs including the lack of school attendance.

Social workers can seek assistance and guidance from the MASH Education Lead and / or Education Services (Lead Officer for Children Missing Education / Attendance and Alternative Provision manager / Court Attendance Officer / Attendance Officers / School Attendance Liaison Officer).

Legal enforcement action under section 444 Education Act 1996 against parents / carers where their child is on a CIN or CP plan will be considered where parents / carers are not co-operating in those measures being offered, or recommended, to improve attendance and the CP / CIN plan has not progressed the child's educational needs. Prior to instigating such legal proceedings, the Court Attendance Officer will consult and seek agreement from the relevant representative from CIN / CP teams (Head of Service CIN or deputy, POD Manager for allocated social worker or CP Chair). Where there are conflicting views on whether legal proceedings should be pursued, the Director of Education will make the final decision on whether legal proceedings should be pursued. [Attendance Codes](#)

Registration codes

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Educated off site (NOT Dual registration). Not to be used for remote/online provision	Approved Education Activity (Counts as present)
C	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised absence
C1	Performance or regulated employment abroad	Authorised absence
C2	Compulsory school age pupil subject to part time timetable	Authorised absence
D	Dual registration (i.e. pupil attending other establishment)	Not counted in possible attendances
E	Excluded (no alternative provision made)	Authorised absence
G	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J1	Interview	Approved Education Activity (Counts as present)
K	Attending Education provision arranged the LA	Approved Education Activity (Counts as present)
L	Late (before registers closed)	Present
M	Medical/Dental appointments	Authorised absence
N	No reason yet provided for absence (must be updated within 5 days)	Unauthorised absence
O	Unauthorised absence (not covered by any other code/description)	Unauthorised absence
P	Approved sporting activity	Approved Education Activity (Counts as present)
Q	Lack of access arrangements	Authorised absence
R	Religious Observance	Authorised absence

S	Study Leave	Authorised absence
T	Gypsy, Roma and Traveller Absence	Authorised absence
U	Late (after registration closed)	Unauthorised absence
V	Educational visit or trip	Approved Education Activity (Counts as present)
W	Work Experience	Approved Education Activity (Counts as present)
X	Non-timetabled sessions for non-compulsory school-age pupils	Not counted in possible attendances
Y1	Unable to attend due to transport normally provided not been available	Not counted in possible attendances
Y2	Unable to attend due to widespread travel disruption	Not counted in possible attendances
Y3	Unable to attend due to part of the school premises being closed	Not counted in possible attendances
Y4	Unable to attend due to the whole school site being unexpectedly closed	Not counted in possible attendances
Y5	Unable to attend as pupil is in criminal justice detention	Not counted in possible attendances
Y6	Unable to attend in accordance with public health guidance or law	Not counted in possible attendances
Y7	Unable to attend because of any other unavoidable cause	Not counted in possible attendances
Z	Pupil not on admission register	Not counted in possible attendances
#	School closed to pupils	Not counted in possible attendances

**\* Please note changes to the DfE guidance on the use of “B” code above; it now states:**

*This code should be used when pupils are present at an off-site educational activity that has been approved by the school. Ultimately schools are responsible for the safeguarding and welfare of pupils educated off-site. Therefore, by using code B, schools are certifying that the education is supervised, and measures have been taken to safeguard pupils. This code should not be used for any unsupervised educational activity or where a pupil is at home doing schoolwork, nor should it be used for a registered online school. Supervision for the purpose of this code means the pupil is physically supervised by someone who meets the definition set out in the Regulations. Remote education does not meet this definition and so a pupil who is not in school and receiving such education is instead to be recorded with the appropriate authorised absence code in line with the Regulations. Schools should ensure that they have in place arrangements whereby the provider of the alternative activity notifies the school of any absences by individual pupils. The school should record the pupil’s absence using the relevant absence code.*

### **3. Authorised / Unauthorised Leave of Absence**

The above section outlines the variety of attendance codes that schools are required to use for each session for each child and distinguishes the codes that do and do not authorise an absence. It is important that the correct codes are used to reflect the actual situation and give an accurate account of school absences and help to inform school, local and national policies and develop responses to identified trends and patterns.

Where there is an appropriate code to authorise, an absence is specified, this code should be used e.g. work experience (W), study leave (S), exclusion (E).

If a child has a medical or dental appointment (M), the parent ought to provide confirmation of the appointment to the school to enable the leave to be authorised; leave ought to be limited to the time necessary to attend the appointment and should not ordinarily result in a full day of absence.

When considering leave of absence for religious observance, headteachers should refer to the *Harrow SACRE (Standing Advisory Council for Religious Education) guidance on Authorising Pupil Absence for Religious Observance* which can be accessed here: [Standing Advisory Council for Religious Education – London Borough of Harrow](#)

Where a child is unable to attend school due to illness, schools can authorise this leave using the appropriate code. However, where there are concerns that a child is frequently absent due to illness without satisfactory cause or reason, it is reasonable for schools to ask parents / carers to provide verification for any future absences due to illness. Verification to support illness can include GP appointment cards, prescriptions, hospital letters, completed school sick slips or by visiting the school welfare unit who can check and verify a child is too unwell to attend school. The London Borough of Harrow does not recommend seeking formal medical certification unless this is agreed as part of the Pre Court-Panel process (see below), or where attendance has fallen to a level of serious concern.

Schools can also refer to the *Public Health England Guidance on Health protection in schools and other childcare facilities (September 2017)* when considering whether to authorise leave of absence due to illness and the appropriate length of the absence. This guidance can be accessed here: [Health protection in children and young people settings, including education - GOV.UK \(www.gov.uk\)](#)

In other circumstances, the Education (Pupil Registration) (England) Regulations 2006 (as amended) specifies that a Headteacher can only

authorise leave of absence (C) where:

- an application for leave of absence has been made in advance, and
- there are exceptional circumstances.

When considering applications for leave of absence on the grounds of exceptional circumstances, headteachers should consider whether the leave can reasonably be taken outside of term time, whether bookings have been made already and if so when whether the length of absence is reasonable in the circumstances. Costs / availability of flights, accommodation or holidays should not be a relevant consideration.

Where a school is aware of family siblings attending a different school, the two schools should liaise in the interest of reaching a common approach to the leave of absence, if possible, in order to achieve a fair and consistent approach.

If a child fails to return to school following a period of authorised absence, those extended absences should not ordinarily be authorised. Where a child fails to return to school within 10 days following a period of authorised absence, the headteacher may consider removing the child from the school roll subject to other criteria (see [CME guidance](#)).

Where a child is absent from school without authorisation, that child has failed to attend school in accordance with the rules and therefore is deemed not to have attended school regularly under section 444 Education Act 1996. Failing to secure your child's regular school attendance may result in a Penalty notice, prosecution under section 444 Education Act 1996 or the local authority may apply to the Family Courts for an Education Supervision Order (see below).

### **Local code of conduct for issuing penalty notices for school absence 2024**

1. The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across Harrow. The code sets out the arrangements for administering penalty notices in Harrow and must be adhered to by anyone issuing a penalty notice for school absence in this area. The code complies with relevant regulations and the Department for Education's national framework for penalty notices as set out in the 'Working together to improve school attendance' guidance.<sup>1</sup>

### **Consultation**

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<sup>1</sup> [Working together to improve school attendance \(applies from 19 August 2024\) \(publishing.service.gov.uk\)](#)

2. This code has been drawn up in consultation with the headteachers and governing bodies of state-funded schools and the local police force.

### **Legal basis**

3. Penalty notices may be issued to a parent as an alternative to prosecution for irregular school attendance under s444 of the Education Act 1996. They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, AP academies, and certain off-site places as set out in section 444A(1)(b).

4. The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.

5. A penalty notice can only be issued by an authorised officer: that is, a headteacher or a deputy or assistant head authorised by them, an authorised local authority officer or a police constable.

6. The national framework for penalty notices is published in statutory guidance 'Working together to improve school attendance'. It provides further national guidance on the operation of penalty notice schemes for school absence in England.

7. A parent includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent or parents with day to day responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence).

### **Rationale**

8. Research published by the Department for Education in May 2022 found pupils with higher attainment at KS2 and KS4 had lower levels of absence over the key stage compared to those with lower attainment.

- Pupils who did not achieve the expected standard in reading, writing and maths in 2019 had an overall absence rate of 4.7% over the key stage, compared with 3.5% among pupils who achieved the expected standard and 2.7% among those who achieved the higher standard.

- Pupils who did not achieve grade 9 to 4 in English and maths GCSEs in 2019 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and maths.

9. For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.

10. Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the DfE's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.

11. The national framework for penalty notices is based on the principles that penalty notices should only be used in cases where:

- support is not appropriate (e.g. a term time holiday) or where support has been provided and not engaged with or not worked, and
- they are the most appropriate tool to change parental behaviour and improve attendance for that particular family.

### **When may a penalty notice for absence be appropriate?**

12. When the national threshold has been met: when a school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not. The national threshold has been met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks<sup>2</sup>, with one of, or a combination of the following codes:

(a) **Code G** (the pupil is absent without leave for the purpose of a holiday),

(b) **Code N** (the circumstances of the pupil's absence have not yet been established),

(c) **Code O** (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies), and

(d) **Code U** (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

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

14. A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and they are not working to change

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<sup>2</sup> A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

behaviour they are unlikely to be most appropriate tool. Therefore, as per the National Framework for issuing penalty notices, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3 year rolling period and any second notice within that period is charged at a higher rate:

- The first penalty notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.
- A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days.

15. If repeated penalty notices are being issued and they are not working to change behaviour they are unlikely to be the most appropriate tool. The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, Harrow LA would normally prosecute the recipient for the offence of failure to ensure regular school attendance under s444 (1) Education Act 1996. If the case progresses to magistrates' court, conviction of an offence under section 444 (1) may result in a fine of up to £1,000 and under section 444 (1A) may result in a fine of up to £2500 or imprisonment.

16. For the purpose of the escalation process, previous penalty notices include those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) but not those which were withdrawn.

17. Once 3 years has elapsed since the first penalty notice was issued a further penalty notice can be issued.

### **Key considerations prior to the issue of a Penalty Notice for school absence**

18. The following considerations will be made before issuing (or requesting that another authorised officer issues) a penalty notice to ensure consistency of approach:

In cases where support is not appropriate (for example, for holidays in term time), consider on a case-by-case basis:

- Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010
- (For local authorities only) Is it in the public interest to issue a penalty notice in this case given the local authority would be accepting



responsibility for any resulting prosecution for the original offence in cases of non-payment?

In cases where support is appropriate, consider on a case-by-case basis:

- Has sufficient support already been provided?
- Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
- Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010
- For local authorities only) Is it in the public interest to issue a penalty notice in this case given the local authority would be responsible for any resulting prosecution for the original offence in cases of non-payment?

If the answer to the above questions is 'yes', then a penalty notice (or a notice to improve in cases where support is appropriate) will usually be issued.

### **Notice to improve**

19. A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a notice to improve should usually be sent to give parents a final chance to engage in support. An authorised officer can choose not to use one in any case, including cases where support is appropriate, but they do not expect a notice to improve would have any impact on a parent's behaviour (e.g. because the parent has already received one for a similar offence).

A notice to improve would be issued by a child's school, and should include:

1. Who will issue the notice to improve and, where appropriate, how referrals will work and to what timescales;
2. The recommended length of the improvement period; this should be between 3 and 6 weeks. The LA may wish to use a flexible improvement period so that it can be varied in individual cases.
3. What sufficient improvement looks like so that a penalty notice is not issued. This might be no further unauthorised absences within the improvement period or a sufficient amount of improvement tailored to the family.
4. How monitoring is expected to be carried out over the improvement period and the process for deciding whether to issue a penalty notice if sufficient improvement is not made.

### **How authorised officers will work together**

20. Authorised officers should work together to ensure that penalty notices are used when likely to be effective and change behaviour.
21. An authorised officer is a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. The LA should set out which authorised officers will issue penalty notices in their area.
22. Where the school or police request that the LA issues the penalty notice, they need to **complete** the Education Penalty Notice request form, emailed to [educationpenaltynotices@harrow.gov.uk](mailto:educationpenaltynotices@harrow.gov.uk), alongside a copy of the child's attendance certificate signed by an authorised officer, and a copy of warning letters sent to parents.
23. Whoever is issuing the penalty notice should make a decision as to whether proportionate support has been provided, and whether that support has worked or not. Where there is dispute, authorised officers are expected to defer to the local authority's judgement about whether sufficient support has been provided before issuing a penalty notice.
24. The LA will inform the school about whether penalty notices are paid, withdrawn or prosecuted for non-payment. They will do this by termly reports sent to schools.
25. Where pupils move between local authority areas, Harrow LA can be contacted on [crossborder.penaltynotice@harrow.gov.uk](mailto:crossborder.penaltynotice@harrow.gov.uk) to find out if penalty notices have been issued previously.
26. Where pupils attend school in Harrow but live in a different LA, Harrow will set out how neighbouring LAs will work together. This might include how the LA will liaise with the home LA in cases where a penalty notice is being considered and support is appropriate, and that support is being provided by the home LA.

### 3.1 Policy and communications

The Harrow Code of Conduct on Education Penalty Notices has been approved and signed by the London Borough of Harrow's Director of Education on 1st July 2024

All school attendance policies should include information on the use of Penalty Notices. An information leaflet, template warning letter and referral form are available to schools from the LA.

The LA will include information on the use of Penalty Notices and the attendance intervention model of enforcement in promotional and public information material such as the LA website and information leaflets.

## **Penalty Notice Guidance**

### **Model warning letter for school – Penalty Notice (poor attendance/punctuality)**

Dear **[insert parent/carers name]**

#### **NOTICE OF INTENTION TO REQUEST ISSUING OF A PENALTY NOTICE**

**Re: «Childsfullname», «DOB» «School»**

I am writing to advise you that the attendance of «childsfirstname» remains unsatisfactory.

Currently attendance stands at «no of sessions attended» out of a possible «no of sessions possible» («percent»%) which includes « number of unauth» unauthorised sessions. There were «U\_code» occasions when your child arrived late after registration.

Section 444(1) of the Education Act 1996 states, "...If a child of compulsory school age who is a registered pupil at school fails to attend regularly at the school, his parent is guilty of an offence".

Section 444A of the Education Act empowers the Local Authority to issue a Penalty Notice to each parent of the child where it has reason to believe that an offence under section 444(1) has been committed. The fine is £80 if paid within 21 days, increasing to £160 if paid within 28 days. Payment of the notice will discharge your liability for the non-attendance of your child(ren) for this period. Non-Payment will lead to consideration of a prosecution for the offence under the Education Act and court proceedings.

**This letter is a FORMAL WARNING that you are at risk of receiving a Penalty Notice because of your child's unauthorised absence at school. Please note that a separate Penalty Notice will be issued to each parent of the child.**

Further unauthorised absence within the following 15 day monitoring period will result in Harrow Local Authority issuing you with a Penalty Notice.

A leaflet accompanies this letter providing further information. Please contact me with any queries.

Yours sincerely

**[School representative]**

**Model warning letter for school – Penalty Notice (leave of absence)**

Dear **[insert parent/carers name]**

**NOTICE OF INTENTION TO REQUEST ISSUING OF A PENALTY NOTICE**

**Re: «Childsfullname», «DOB» «School»**

I am writing to advise that I am unfortunately unable to grant leave of absence for <dates>. Following guidance from the Department of Education, I am only able to authorise leave in exceptional circumstances.

Should the absence go ahead/As the absence has gone ahead, it is categorised as unauthorised which is likely to result in Harrow Local Authority issuing a Penalty Notice.

Section 444A of the Education Act empowers the Local Authority to issue a Penalty Notice to each parent of the child where it has reason to believe that an offence under section 444(1) has been committed. The fine is £80 if paid within 21 days, increasing to £160 if paid within 28 days. Payment of the notice will discharge your liability for the non-attendance of your child(ren) for this period. Non-Payment will lead to consideration of a prosecution for the offence under the Education Act and court proceedings.

A leaflet accompanies this letter providing further information. Please contact me with any queries.

Yours sincerely

**[Headteacher]**

## Request to issue Education Penalty Notice – London Borough of Harrow

PLEASE COMPLETE FORM IN **BLOCK CAPITAL LETTERS**

**REQUESTS FOR EPNs SHOULD BE COMPLETED AND SENT TO THE LOCAL AUTHORITY WITHIN 4 WEEKS FROM THE END OF THE UNAUTHORISED ABSENCE PERIOD TO ALLOW SUFFICIENT TIME FOR LEGAL ACTION IN THE EVENT OF NON-PAYMENT OF THE EPN**

<b>Name of School:</b>	
<b>Person Making Referral:</b>	
<b>Telephone Number:</b>	
<b>E-Mail Address:</b>	

\* FOR DEFINITION OF PARENT PLEASE SEE CODE OF CONDUCT\*

Parents to be issued PN	Parent 1	Parent 2
<b>Parent's First Name:</b>		
<b>Parent's Family Name:</b>		
<b>Address where child resides</b>		
	<b>Post Code:</b>	
<b>Relationship to child:</b>		
<b>Parent address if different to child</b>		
<b>Parent 1 Tel</b>	Home:	Mobile:
<b>Parent 2 Tel</b>	Home:	Mobile:
<b>Parent email:</b>		

### CHILD 1

<b>Name of Child:</b>		<b>Gender: M / F</b>
<b>Date of Birth:</b>		<b>Age (5-16):</b>
<b>Year / Class Name:</b>		<b>Ethnicity :</b>
<b>Date of school Warning Letter sent (ATTACH COPY)</b>		
<b>Dates of Absences</b> (10 unauthorised sessions in 10 week period)		
Has child been in a school outside of Harrow in the previous 3 years?	<input type="checkbox"/>	

**CHILD 2 (if relevant)**

<b>Name of Child:</b>		<b>Gender: M / F</b>
<b>Date of Birth:</b>		<b>Age (5-16):</b>
<b>Year / Class Name:</b>		<b>Ethnicity :</b>
<b>Date of school Warning Letter sent (ATTACH COPY)</b>		
<b>Dates of Absences</b> (10 unauthorised sessions in 10 week period)		
Has child been in a school outside of Harrow in the previous 3 years?	<input type="checkbox"/>	

\*IF THERE ARE MORE THAN TWO CHILDREN PLEASE COMPLETE ADDITIONAL FORMS WITH DETAILS\*

Are you aware of any school aged siblings in the family attending a different school?  Please provide any details if known	
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**Attachments required for all children**

**COPY OF ATTENDANCE REGISTER & WARNING LETTERS TO PARENTS MUST BE ATTACHED**

<b>Copy of correspondence from school to parent(s) outlining possibility of penalty notice i.e. letter requiring attendance/punctuality improvement or citing unauthorised leave of absence</b>	
<b>Attendance register printout signed by Headteacher (or Deputy Head) showing the period of unauthorised absence AND the child's attendance over the past rolling 12 months</b>	
<b>Copy of School Policy on Attendance (if not already provided this academic year)</b>	

**PLEASE DO NOT SEND THIS REQUEST TO THE LOCAL AUTHORITY PRIOR TO THE DATES OF ABSENCES.**

**YOU MUST ONLY SEND WITH THE ATTENDANCE REGISTER AFTER THE ABSENCES HAVE OCCURRED TO DEMONSTRATE THAT THE ABSENCES HAVE OCCURRED**

<b>Signed:</b>	
<b>Date:</b>	

Please send to [courtattendanceofficer@harrow.gov.uk](mailto:courtattendanceofficer@harrow.gov.uk)

### AIM – Attendance Intervention Model

Phase	School actions	LA Attendance Team Services	LA Children's Services
<b>Phase 1</b>	<p>First day response – log of texts/calls</p> <p>1<sup>st</sup> school warning letter – after either 5 unauthorised days/10 sessions or attendance drops below 90%. School to set monitoring period to review attendance.</p> <p>If no improvement during monitoring period – Second school warning letter to be issued.</p> <p>EPN to be issued when threshold for unauthorised absence is met</p>	Issue EPN if required	
<b>Phase 2</b>	<p>Meeting / School Attendance panel with parents</p> <ul style="list-style-type: none"> <li>- Complete MASH form with parental agreement for Early Support or refer to other services</li> <li>- School to issue notice to improve</li> <li>- School to inform parents about possible referral to LA pre-court panel and specify monitoring period</li> </ul>		MASH Team receive MASH form and consider for Early Support, worker allocated
<b>Phase 3</b>	<p>If no progress has happened and further unauthorised absences have occurred, school to send Pre-Court Panel referral form to LA with chronology.</p> <p>School to attend pre-court panel meeting with LA.</p>	Review chronology, arrange pre-court panel if appropriate.	
<b>Phase 4</b>		If no progress or engagement at Pre-Court Panel after monitoring period, LA to pursue court action.	

## **Model letter for school – First letter**

Dear **[insert parent/carers name]**

### **Re: First school warning letter**

I am writing to you because I am aware **[Insert Child's Name]** attendance has become a concern. It now stands at **[insert percentage]**.

If children/young people do not attend school regularly, they may not be able to keep up with their schoolwork and tend to perform less well at examinations. Highlighting the importance of an excellent attendance record is something school sees as very important.

Please inform the school of the reasons for any absences not yet provided. It is vital that you contact the school on the first day of absence and keep us updated daily if any absence is to continue for more than one day.

If you having any difficulty in securing your child's attendance, please contact the school to discuss.

Please contact me with any queries.

Yours sincerely

**[School representative]**



## **Model letter for school – Second letter**

Dear **[insert parent/carers name]**

### **Re: Second school warning letter**

I notice that despite my letter dated **[date of first letter, insert name of child]** attendance continues to be of concern. **[insert name of child]** attendance is currently **[insert %]**.

Non-attendance at school for any reason is an important issue and something we take very seriously. I would like to invite you into school to discuss the current situation. Can I suggest **[date for meeting or school attendance panel]**.

Regular school attendance is the responsibility of parents/carers. There is a risk that if **[insert name of child]** attendance remains at the current level a referral may be made by the school to Harrow's Education Services who may need to start legal proceedings.

I hope that we see **[insert name of child]** attendance improve dramatically. I would value you confirming availability for the planned meeting.

Yours sincerely

**[School representative]**

## **Model letter for school – Final letter (court warning)**

Dear [insert parent/carers name]

### **Re: Third school warning letter**

I am writing to now formally express concern over the irregular attendance of your child, <PUPIL NAME>, <DOB>. A record of his/her attendance accompanies this letter.

Under the Education Act 1996 parents have a responsibility to ensure their children attend school regularly and punctually. It is my duty to give you warning that if further unauthorised absences are recorded, I will need to refer this to Harrow Local Authority Education Services.

I must warn you that Harrow Local Authority may initiate legal proceedings against you if there is no improvement in your child's attendance and punctuality. This will involve a Pre Court-Panel Meeting held at a Council building, where you will be formally cautioned. If the case progresses to magistrates court, conviction of an offence under section 444 (1) may result in a fine of up to £1,000 and under section 444 (1A) may result in a fine of up to £2500 or imprisonment.

There will be no further notification should school need to escalate this matter for the Local Authority's attention.

I trust that this notification will ensure that any attendance and punctuality issues are rectified without delay.

Please contact me with any queries regarding this letter.

Yours sincerely

**[School representative]**

[Address Starts Here]

# School Attendance Notice to Improve

*(Please read this letter carefully)*

School attendance is hugely important. For your child to gain the full benefit from their education, for their learning, wellbeing, and wider development, they need to attend on time, every day possible. If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school or fails to attend regularly the child's parent may be guilty of an offence under s.444 Education Act 1996. «**FORENAME**» «**SURNAME**» are a parent/carer of «**Students\_Name**», (called in this notice "the pupil") who is a registered pupil at «**School\_Name**».

The school have offered support to you and your family to try and help improve «**Students\_Name**»'s attendance, including:

1. **Telephone calls.** The school contacted you every day your child was absent to understand why your child was absent and to offer their support with any issues your child may be having.
2. **An Attendance Overview Letter.** The school wrote to you, letting you know about «**Students\_Name**»'s attendance, the impact of their continued absence, and inviting you to contact the school to discuss the situation further.
3. **An Attendance Support Meeting Invite.** The school invited you to a meeting to discuss your child's unauthorised absences and to offer support to ensure that their attendance improved. You were notified of the consequences should your child continue to have unauthorised absence and you did not effectively engage with the support offered.

Unfortunately, despite the support that was offered to your family, attendance remains a cause for concern. Between «**WARNING\_START\_DATE**» and «**WARNING\_END\_DATE**» the pupil failed to attend regularly at «**School\_Name**», which resulted in 10 sessions (half days) or more of unauthorised absences being recorded. Please see the attached registration certificate for details.

**You now have <<appropriate timeframe between 3 and 6 weeks>> in which to improve your child's attendance. During this time your child must show significant improvements in attendance and avoid having any unauthorised absences from school during this period. Should we not see sufficient improvement and further unauthorised absences take place during this period, a Penalty Notice may be issued. A penalty notice is charged at £160 if paid within 28 days. There is usually the opportunity to pay a reduced amount of £80 if paid within 21 days.**

**NB – A Penalty Notice may be issued as soon as an unauthorised absence is recorded.**

More information regarding this notice can be found in the attached leaflet. If you wish to discuss this notice, or discuss what further support is available, please contact Harrow's Attendance team as soon as possible: Harrow Council Attendance Team [schoolattendance@harrow.gov.uk](mailto:schoolattendance@harrow.gov.uk)

Yours sincerely

(Name)  
(Job Title)  
(School Name)

**PRE-COURT PANEL REFERRAL**  
**SCHOOL CHRONOLOGY OF PUPIL**

Childs Name	
D.O.B	
Address	
Full name of Parent(s)/carer(s)	
Parent Tel / mobile contact numbers & <u>email address</u>	
Name of School	
Attendance % at time of referral	
Date EPN was requested?  (if no EPN has been requested, please explain why)	
Date notice to improve (NTI) was issued?  (if no NTI was issued, please explain why)	
Interpreter Required?	Language (if yes):

**Case Overview**

Please provide an overview of the case, this should clearly state the initial date the school were aware of the pupil's persistent absence, current attendance level and details of the family composition. **Please can you refrain from using acronyms and write out details in full throughout the report.**

### Case Evidence

Please provide details of strategies/interventions at school level action, that have been put in place to try and improve school attendance and attach, such as: **dates of phone logs to parents, dates of 1<sup>st</sup> and 2<sup>nd</sup> School Warning letters, 1<sup>st</sup> and 2<sup>nd</sup> Court Warning letters, School Attendance Panel meetings, dates of home visits and outcome, Multi Agency Safeguarding referral (MASH form), Pastoral Support Programme/Parenting Contract (where one exists), Team Around the Family meeting/Review Meetings and outcome.**

### Reasons for non-attendance

Please provide details of what reasons have been provided for parents for non-attendance? What is the young person's view about the reasons for their non-attendance? What is your judgement about reasons for non-attendance?

### Mitigating Circumstances

Please provide an outline of any mitigating circumstances that you feel relates to this case and should be considered. If you have any documentary evidence to support this, such as medical evidence, please attach it to this report.

Date chronology completed:

Name of School Staff and Job Title:  
Signature:

**Once completed, this form should be sent (along with copies of all warning letters sent to parents/ minutes of attendance meetings held at school etc) to [duty.assess@harrow.gov.uk](mailto:duty.assess@harrow.gov.uk)**

## NOTES AND LINKS TO SUPPORT ATTENDANCE GUIDANCE

1. Persistent Absence is absence at or above 10%. The Department of Education view this as a measure of performance not a target. It is data that is publicly available and used by Ofsted. The thresholds usually equate to missing 39 sessions or more in the first five half terms of the year.
2. As part of this guidance, reference is made to engaging the Early Support to support the improved attendance of individual pupils. This service is accessed through completing an Inter-Agency Common Assessment and Information Sharing Form. All schools hold an electronic version of this.
3. The AIM flowchart refers to a formal school meeting at phase 2. This varies from school to school but may take the form of a School Attendance Panel meeting (SAP). As a result of this meeting, a Parenting Support Plan (PSP) or a Notice to improve might be created.
4. Safeguarding issues always remain the responsibility of the lead professional involved with the child/young person. It is not appropriate to use these attendance procedures when a child is missing from education. These are very specific circumstances and require schools to complete a MASH referral. More information is available on the Harrow web site, Education and Learning page under 'Children Missing Education Policy' or can be discussed with Lead Officer for CME & Child Employment at [cme@harrow.gov.uk](mailto:cme@harrow.gov.uk).
5. The Penalty Notices and Court pathways are not normally appropriate when a child is looked after or already part of formal intensive Local Authority plans. There may be exceptions and such cases should be discussed with the Court Attendance Officer at [courtattendanceofficer@harrow.gov.uk](mailto:courtattendanceofficer@harrow.gov.uk) prior to referral forms or chronologies being submitted.
6. There are specific reasons when a school can remove a pupil from their roll and poor attendance is not one of these. More information is available on the Harrow web site, Education and Learning page under 'Children Missing Education Policy' or can be discussed with Lead Officer for CME & Child Employment at [cme@harrow.gov.uk](mailto:cme@harrow.gov.uk).
7. Whilst parents have a right to home educate their children, schools should not seek to promote this option as a way of avoiding excluding the pupil or because the pupil has a poor attendance record. Schools must inform the LA if written notification has been received from the parent(s) to home educate.

For further information, please contact:

Court Attendance Officer, Education Services

Email: [courtattendanceofficer@harrow.gov.uk](mailto:courtattendanceofficer@harrow.gov.uk)