



**Guidance Notes for Penalty Notice Request for
Unauthorised Absence
(Including Family Holidays)**

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Guidance Notes for Penalty Notice Request for Unauthorised Absence (including Family Holidays)

These guidance notes have been produced to assist schools and Kent County Council officers with the process of requesting a Penalty Notice for unauthorised absences, and should be read in conjunction with Code of Conduct for Education Penalty Notices revised June 2020. See also **Summary Tips** document.

Penalty Notices for unauthorised absence can only be requested in accordance with the Penalty Notice Code of Conduct, using the Penalty Notice request form available via Digital Front Door (pathway 10) www.kelsi.org.uk and following the Penalty Notice check list.

A Penalty Notice request must be authorised by the Headteacher.

Schools Expected Attendance Level

Each school sets its expected attendance level as stated in the school's attendance policy and in correspondence to the parent. i.e., 100%, 96% etc. If the child's attendance is above the schools expected level of attendance a Penalty Notice cannot be requested. Following the Supreme Court's decision on 6th April 2017, a child attends regularly if she/he attends as prescribed by the school rules.

Early Help, CHYPS or Social Care involvement:

In most cases, Penalty Notices are not an appropriate measure if a child concerned currently requires intervention of an Early Help Worker, Social Worker or medical/mental health professional. However, there are exceptional circumstances in which legal measures may be used as part of a multi-agency intervention to achieve outcomes. In these circumstances, a request for a Penalty Notice must be agreed by the professional who is working with the family or at a CP Planning or CHIN meeting. Written evidence of such an agreement or decision should be presented with the Penalty Notice request in order for a Penalty Notice to be issued.

1: Completion of Penalty Notice request form

The Headteacher must authorise the Penalty Notice (PN) request.

Penalty Notice Details: Please note that you cannot request a Penalty Notice Warning Letter or for Holiday if the child has had less than 10 sessions unauthorised absence. Please use the other information box to give any background information about the child or

family. e.g., parents have poor literacy, child is subject to an Education Health Care Plan (EHCP) etc.

School Information: Please provide the schools details.

Referrer Information: Please provide the details for the person that should be contacted in the case of queries and notifications.

Pupil Information: Please provide pupils legal name in full, (include details of any other surname they are known by) UPN number, date of birth and year group, if you have not had confirmation from the parent within the last 6 months of the pupil's address, please check this before submitting the Penalty Notice request. If the school is aware that the child's address has changed and do not give the correct address on the PN request, the PN will be withdrawn.

Siblings: Where a school is aware that there are siblings they should answer Yes, where the school are not sure they should endeavour to find out and answer Yes or No accordingly. Where a sibling attends the same school advise Yes or No as to whether a PN has been requested for each sibling. Where the sibling attends another educational establishment the requesting school should liaise with that establishment to discover if a PN will also be requested for the sibling(s) before submitting their PN request.

Parent/guardian information (include anyone who has day to day care of the child); (S576 Education Act 1996 for full definition)

Full details of both parents, please use "add additional parent/carer button" if there are more than 2 parents, e.g., mum, dad, and step parents, live in partners.

If the parents are separated, please include details of both parents. If the school has no knowledge of an additional parent/carer please note this on the request.

If you have not had a data collection form returned confirming parents address/es in the last 6 months, please contact them to check their address before submitting the PN request.

2: Registration Certificates

Please attach an up-to-date registration certificate showing at least two terms attendance including **10 or more unauthorised sessions in 100 possible sessions**.

For unauthorised absence use code "O" and/or "U".

For unauthorised holiday use code "G".

Please make sure there are no missing marks or code "N" recorded on the register that you submit.

The following documents must be sent with the Penalty Notice request.

3: Other Documents required

Unauthorised absence/late Code O & U

A) Evidence of actions taken i.e., letters, notes of meeting(s), conversations with parent/carer to address the concerns around the pupil's attendance, school strategies, reduced timetable (**Where a child has accrued unauthorised absence during a period of reduced timetable, please refer to your School Liaison Officer and do not request a Penalty Notice**), referral to Early Help. Refer to the Kent referral pathway (available on KELSI). Please ensure that the school has acted in accordance with its own Attendance Policy.

B) A copy of the letter to all known parent/carer informing them that if their child's attendance does not improve, they are at risk of being issued with a Penalty Notice. Details of the Penalty Notice need to be included in this letter i.e., the cost of the Penalty Notice per parent per child, timescales for payment, see suggested format on KELSI. Please note the letter must be tailored to an individual child's circumstances.

C) A Penalty Notice request form must be completed and submitted promptly and within 10 school days of the last of the unauthorised absences on which the request relies.

Parental Request for Holiday Code G

A) Please attach a **copy of the letter or log of request for holiday** from parent/carer. A copy of the log of verbal request for holiday should include details of the parent/carer e.g., email trail to colleague or log from SIMS. If there is no written record of the request from parent/carer, please ensure the detail of the conversation is included in the school refusal letter. Your letter will also include who the conversation was with and the date of the conversation.

B) **A copy of the refusal letter** from the school to each parent/carer informing them that the absence will be unauthorised, and a Penalty Notice may be requested if the holiday is taken. Details of the Penalty Notice need to be included in this letter. This refusal letter must be sent before the holiday is taken. See suggested format on KELSI.

C) When a holiday is taken without request to the school, the school will send a letter to each parent/carer informing them **why** the school think a holiday has been taken and that unless evidence of the child being ill, or another unavoidable cause can be supplied within 10 school days, the absence will be unauthorised and a Penalty Notice will be requested for unauthorised holiday during term time. See suggested format on KELSI.

D) Where a child has been taken out of school over a period of pre published public examination, please provide evidence of how the dates were published (e.g.,

Newsletter, individual letter to a parent) and refer to the examinations that will be missed in the refusal letter.

E) A Penalty Notice request form must be completed promptly and submitted to Kent County Council within 10 school days of the absences occurring. The Penalty Notice request must be made after the family has taken their holiday and not before.

4: Absences reported as illness Code O

A) If the school feel there is an excessive amount of illness which is not supported by medical evidence or reasonable explanation, school should consult with parents and advise that the school may chose not to authorise these absences and may make a referral to Early Help or request a Penalty Notice if 10 or more sessions are recorded. If absences are recorded as "I" (illness) the absences cannot be included when a Penalty Notice is requested. For further advice please speak to your School Liaison Officer.

B) Penalty Notice request form must be completed promptly and within 10 school days of the last of the unauthorised absences on which the request relies.

N.B. Medical evidence

Medical evidence should not be routinely requested by schools to support absences, however, if there is excessive amount of illness, parent/carers can provide evidence in the form of a prescription, medication, or appointment card, etc. in order to account for the period of absence.

5: Early Help, Social Services or other Agency involvement

Please attach written confirmation that there are exceptional circumstances in which legal measures may be used as part of a multi-agency intervention to achieve outcomes.

6: Exclusions Code E

Where a request for a Penalty Notice is made following a child's exclusion, a copy of the letter to all parent/carers explaining the period of exclusion and that that the school will request a Penalty Notice if the child is found in a public place during the first 5 days of the exclusion during school hours must be attached to the Penalty Notice request. The person who saw the child in a public place must complete a witness statement (please request template from the attendance enforcement team), stating the circumstances. This must also be attached to the request.