# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27



# Education, Schools & Children's Services Attendance Policy 2026/27

For the purposes of this policy, the term 'school' refers to maintained nursery, primary, secondary and special schools, and pupil referral units (PRUs).

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

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|---|---|
| Enw'r Ysgol<br><br>Name of school | **Ysgol Bro Elwern ac Ysgol Betws Gwerful Goch** |
| Cyfeiriad a Chod Post<br><br>Address and post code | Ysgol Bro Elwern,<br>Gwyddelwern,<br>Corwen<br>LL21 9DF<br><br>Ysgol Betws Gwerful Goch,<br>Betws Gwerful Goch,<br>Corwen<br>LL21 9PY |
| Rhif ffôn<br><br>Phone number | Ysgol Bro Elwern- 01490 412 332<br><br>Ysgol Betws Gwerful Goch-<br>01490 460 315 |
| Cyfeiriad e-bost ar gyfer y polisi hwn<br><br>Email address for this policy | ysgol.broelwern@denbighshire.gov.uk<br>betws.gg@denbighshire.gov.uk |
| Dolwen we i'r polisi<br><br>Web link to policy | Ysgolion Ffederal Bro Elwern a Betws Gwerful Goch \| Ysgol Betws Gwerful Goch \| Ysgol Betws Gwerful Goch Primary School \| Ysgol Betws GG \| Ysgol Betws Gwerful Goch, Denbighshire \| Betws GG \| Corwen \| Betws Gwerful Goch \| Ysgol Bro Elwern \| Ysgol Bro Elwern, (broelwernabetwsgg.co.uk) |

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

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|---|---|
| Enw'r polisi / Name of policy | Attendance Policy |
| Rhif fersiwn y Polisi / Policy version number | V8 September 2026 |
| Dyddiad a gymeradwywyd y Polisi yn ffurfiol gan y Corff Llywodraethol / Date Policy formally approved by Governing Body | |
| Dyddiad daw'r Polisi yn effeithiol / Date Policy becomes effective | |
| Dyddiad Adolygu / Review Date | |
| Arwyddwyd (Pennaeth) / Signed (headteacher) | |
| Arwyddwyd (Cadeirydd y Corff Llywodraethol) / Signed (chair of governing body) | |
| Gwybodaeth am y policy hwn ar gael i rieni/gofalwyr / Information about this policy is available to parents/carers | Ysgolion Ffederal Bro Elwern a Betws Gwerful Goch \| Ysgol Betws Gwerful Goch \| Ysgol Betws Gwerful Goch Primary School \| Ysgol Betws GG \| Ysgol Betws Gwerful Goch, Denbighshire \| Betws GG \| Corwen \| Betws Gwerful Goch \| Ysgol Bro Elwern \| Ysgol Bro Elwern, (broelwernabetwsgg.co.uk) |

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

**Table of Contents**

**DENBIGHSHIRE COUNTY COUNCIL POLICY AND PRACTICE**


1. Introduction
2. Promoting Attendance
3. Authorised / Unauthorised Absence
4. Responsibilities of Schools

4.1 Pupil Reintegration After Absence

4.2 School Self- Evaluation Audit

5. Responsibilities of Parents

5.1 Statutory Framework

6. Responsibilities of the Local Authority

6.1 Responsibilities of Education Welfare Service Officers

6.2 Referrals to the Education Welfare Service

6.3 Local Authority Monitoring and Support

6.4 Responsibilities of Children Services

6.5 Policy supporting Looked After Children (LAC)

6.6 Multi- Agency Networks and Partnerships

6.7 School Nursing Service and Other Health Agencies

6.8 Links with other Local Authorities

7. Fixed Penalty Notices
8. Family Holidays during Term- Time
9. Extended Overseas Holidays
10. Children Missing Education
11. Safeguarding
12. Elective Home Education


**Appendices**


Appendix 1 Legislation and Guidance

Appendix 2 Attendance Monitoring Flow Chart

Appendix 3 School Attendance Support Plan

Appendix 4 Case Management Guidance – School Use

Appendix 5 Good Practice: Guidance for Schools

Appendix 6 School Attendance Self Evaluation Audit

Appendix 7 School Nursing Service Referral Form

Appendix 8 Fixed Penalty Code of Conduct

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

## FOREWORD

This document is an operational policy for schools to adopt through their governing body each academic year. It places pupil engagement at the centre of attendance practice and establishes a shared commitment between the school, the parent or carer and the child to understand barriers, agree support and sustain regular participation in education.

All school staff have a role in promoting attendance and engagement. Staff with specific attendance responsibilities must also understand and apply related policies, including the Reduced Timetable Policy, Safeguarding Policy and Fixed Penalty Notice Code of Conduct. Decisions and interventions should be coordinated with the pupil and their parent or carer, be proportionate to the circumstances, and support the pupil's education, wellbeing and safety.

Denbighshire County Council remains committed to every pupil's right to a full education that meets their educational and social needs. Improving attendance begins with listening to the child, recognising their strengths and experiences, and creating a school environment in which they feel that they belong, can participate and are supported to learn.

Schools, parents or carers, pupils and education services must work together as active partners. Through timely conversations, meaningful pupil voice and jointly agreed plans, they should identify and remove barriers to attendance, strengthen the child's connection with school and review whether support is improving engagement, attendance and educational outcomes.

From the start of the new school year, the revised Welsh Government school attendance codes with this policy and accompanying guidance must be embedded across the whole school workforce. Leaders must ensure that all teaching, pastoral, administrative and support staff understand the changes relevant to their role, apply the codes accurately and consistently, and know how coding informs early identification, safeguarding, communication with families and effective support. This should be reinforced through staff briefing and training, clear procedures, routine quality assurance and ongoing review throughout the year.

G W Davies

**Geraint Davies**
Pennaeth Addysg / Head of Education

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

## 1. INTRODUCTION

Denbighshire County Council is committed to providing a full and efficient education to all pupils and embraces the concept of equal opportunities for all.

We will provide an environment where all pupils parents and carers feel valued and welcomed and are committed to the fundamental principle that early intervention and partnership working is crucial in ensuring the attendance, protection and wellbeing of all children.

Schools follow the Wales Safeguarding Procedures and Denbighshire School Safeguarding Policy as well as local protocols in relation to specific and identifiable wellbeing issues that prevent a child from accessing education, or where there are safeguarding concerns.

For a pupil to reach their full educational achievement, a high level of school attendance is essential. We will consistently work towards a goal of 100% attendance for all pupils. Every opportunity will be used to convey to pupils and their parents or carers the importance of regular and punctual attendance.

School attendance is subject to education law and guidance and our school attendance policy is written to reflect this legislation and guidance produced by the Welsh Government. For information relating to this legislation and guidance, see Appendix 1.

The legislation makes provision for a school day which is to be divided into two sessions with a lunch break in the middle and to be available for 190 days in any school year.

The school will review its systems for improving attendance on an annual basis to ensure that it is achieving its set goals and targets as identified by the Governors, local authority, School Improvement Team and Welsh Government statutory returns on attendance.

This policy will contain the procedures that the school will use to work towards meeting its attendance targets, shared with the local authority and monitored daily.

## 2. PROMOTING ATTENDANCE

The foundation for good attendance is a strong partnership between the school, parents, carers and pupils.

Denbighshire is committed to ensuring that pupils are made aware of the importance of good attendance and how this will benefit them, both now and in the future. Schools will offer a variety of reward incentives for individual learners, classes and year groups who have high levels of school attendance, no unauthorised absence and/or have shown to significantly improve their attendance.

Schools will use a variety of strategies to intervene at an early stage to encourage improved attendance of individual pupils and assist in overcoming any barriers that may

be preventing the expected level of attendance. **Persistent absence in Wales is set at below 90 %** and all pupils below this level are a concern for school and will require monitoring and intervention. The use of school attendance data and coding of pupils is fundamental to tracking and monitoring pupil and school performance. Strategies to improve a pupil's attendance may be school-based or involve joint working with other education services and partner agencies to ensure the most appropriate support for the pupil is in place supported by the parent/ carer. Please refer to Appendix 2 Attendance Monitoring Flow Chart, Appendix 3 Attendance Support Plan (ASP) and Case Management Guidance - School Use.

Where a school decides to implement a reduced timetable for a pupil there must be suitable reason to take such an approach and agreed with the parent, carer and local authority education together with any other services working with the pupil. A plan must be in place signed by all parties and involve review as defined in the Reduce – timetable policy to ensure the plan is offering an effective education. Any reduced timetable plan must outline the detail of the education to be offered each school day whilst the pupil is not in a school setting and coded correctly in the attendance register.

The focus will be on maintaining engagement with school whilst the plan is in place to ensure a pupil has continuous learning and achieve good attendance. ***Please refer to the Denbighshire County Council Reduced Timetable Policy (2024) for more detail on the implementation process and monitoring.***

The potential consequences of not meeting the expectations of regular school attendance will be regularly communicated to parents and carers throughout the academic year in various ways such as text messages, the school website, newsletters, parents' evenings and through the local authority communication team working with education.

**Statement from Welsh Government (December 2023)**
**Threshold Change to Persistent Absence in Wales**

***Welsh Government in December 2023 changed the threshold for a pupil being persistently absent from previously being any pupils whose attendance was below 80% to those whose attendance is below 90%. This increased expectation underlines the importance attached to regular school attendance and the need for local authorities, schools and families to work together to achieve this outcome.***

**Belonging, Engaging, Participation Guidance Welsh Government Guidance 293/ 2023**

The guidance is aimed at maintained schools, PRUs, EOTAS settings, parents/carers and local authorities. It is a practical document for leaders, teachers and other practitioners which sets out the approaches and resources that can be used by schools, PRUs and EOTAS settings to help ensure high levels of learner engagement and attendance. These approaches and resources should be adopted, developed and built upon so that they are aligned to the needs of children and parents/carers.

Attendance cannot be considered in isolation. The many interrelated and overlapping causes of absence and the varied nature of the learner experience in school, the community and at home mean that whole school strategies and strong multi-agency

working arrangements are needed, designed to support all learners. There is a growing understanding that schools also need to support learners in developing a sense of belonging, connectivity and engagement with school, and to build their resilience and ability to cope with the challenges they face.

The guidance should be read in collaboration with the Denbighshire school attendance and safeguarding policy and the many themes and approaches considered and adopted by schools to further improve pupil engagement and attendance.

## 3. AUTHORISED / UNAUTHORISED ABSENCE

It is vital to emphasise that there are two types of absence: authorised and unauthorised. Parents may need to be reminded that a letter or a phone call does not in itself authorise an absence, **only the Headteacher's acceptance of the explanation offered by the letter or phone call authorises the absence. Parents need to be made aware of these decisions so as not to confuse matters at a later stage and/or if matters are pursued through a legal process.** Schools will follow the Denbighshire Attendance Procedures in order to monitor, support and address attendance issues. It is critical schools implement an Attendance Support Plan with a pupil of concern at an early stage in the monitoring process to engage all parties and document the actions of school to manage the attendance concern. This will form part of the evidence required to refer a case to the local authority Education Welfare Service. Please refer to Appendix 2 Attendance Monitoring Flow Chart, Appendix 3 Attendance Support Plan (ASP) and Case Management Guidance – School Use.

**Schools should develop a close working relationship with the Education Welfare Service , Family Engagement Officers and Attendance Support Officers in order to promote regular school attendance**.

Absences from school will be authorised if the parent/carer can prove any of the following statutory defences:

- by reason of sickness or any unavoidable cause; or
- absent on any day exclusively set apart for religious observance by the religious body to which the parents belong; or
- absent because the school at which the child is a registered pupil is not within walking distance and no suitable arrangements have been made by the Local Authority. See link to Denbighshire County Council's School Transport Policy for further information: Free school and college transport | Denbighshire County Council

**If a child is absent with the approval of the school, for whatever reason, no offence is deemed to have been committed, thus, the decision taken by the school to give or withhold authorisation for an absence is a critical factor in determining the Local Authority decision to prosecute.**

- An explanation is required for every absence. If one is not forthcoming the absence

will be treated as unauthorised.

- Unauthorised absence is absence without approval from the Headteacher of the school. Regular unauthorised absence is an offence in law.

- Parentally condoned absence is often more difficult to identify than any other form of pupil absence and is equally as damaging to the pupil's educational experience as any other form of absence. If school staff have reason to doubt that the explanation offered about a particular absence is genuine, the absence should be treated as unauthorised **and communicated to the parent/carer**.

- Since all absences are to be treated as unauthorised unless and until school agree on a satisfactory explanation, it is important that schools' procedures are consistently applied to pursue explanations and for amending registers.

## 4. RESPONSIBILITIES OF SCHOOLS

Schools are primarily responsible for supporting the attendance of their pupils and for responding to difficulties and issues which might lead to non-attendance following Attendance Monitoring Flow Chart (see Appendix 2).

Schools should adopt a positive and proactive approach towards attendance matters. Schools which encourage parents to take an active role in the education of their children can play a major role in improving levels of attendance and punctuality and in reducing absenteeism.

School must have in place processes and systems that accurately record absence and place an emphasis on monitoring individual pupils causing concern. These pupils should be monitored on a weekly basis to enable school to effectively reduce absence rates. See link below for Welsh Government School Attendance Codes:

https://www.gov.wales/school-attendance-codes-guidance-html

Weekly Senior Leadership Team (SLT) meetings with those responsible for monitoring school absence should identify those pupils who require attendance support plans working with the parent, school staff and other agencies to engage the pupil into a pattern of regular school attendance.

It is a legal requirement that schools will:

- Maintain attendance registers in accordance with the Education (Pupil Registration) (Wales) Regulations 2010*.

  The register is a legal document and must be kept accurately. The register may be requested in a court of law as evidence in a prosecution for non-attendance, or for the issuing of a Fixed Penalty Notice.

  *https://www.legislation.gov.uk/wsi/2010/1954

- Accurately record each school session to show whether a pupil was present, or absent and whether authorised or unauthorised (according to criteria laid down by the Education Act 1996 Sections 537 and 538). Key to this work is the appropriate registration codes being applied by the registration staff.

- Remind parents it is the decision of the Headteacher as to whether or not an absence will be authorised.

- Ensure registers are updated daily to ensure that the data being analysed by the central data team and the Education Welfare Service is accurate.

- Set annual targets to reduce absence and submit these targets in accordance with the statutory regulations. These should be shared with education and governing body of the school at the beginning of each school year (September).

- Have an attendance policy and are therefore strongly recommended to adopt and follow the Attendance Monitoring Flow Chart. (See Appendix 2).

The following should be personalised to every school:

- Clear information regularly communicated to parents through the school website, newsletters, parents' evenings. Parents should receive accurate and detailed information from school about attendance both at child level and overall school performance.

- Opening and closing time of the school day, clear to all parents, with emphasis placed upon the need for a pupil to arrive on time. Registration period no longer than 30 mins.

- The attendance lead must be aware of the importance attached to monitoring of attendance data looking at progress, trends and registration codes regularly. If a school is to be effective, designated staff need to analyse data at individual pupil level on a weekly basis. Alongside this there needs to be regular monitoring of cohorts and whole school attendance data tracking patterns and trends.

- Ensure school administration staff understand the SIMS attendance procedures and can support the school management team by producing weekly reports on attendance.

- Have in place first day contact with parents/carers.

- Where absence is authorised, the school should remain vigilant to emerging patterns of non-attendance.

- Schools must have a named Governor with responsibility for attendance who receives a termly report on performance presented by the Headteacher at Governing Body meetings.

- Schools must have in place a key senior member of staff with overall responsibility for attendance, monitoring the above activities.

'Good Practice: Guidance for Schools' is attached in the appendices of this document. (See Appendix 5).

### 4.1 PUPIL REINTEGRATION AFTER ABSENCE

After any period of absence, schools should consider whether the child requires support to reintegrate back into school. EBSA Emotional Based School Avoidance / Attendance Support Plan could assist with reintegration and monitoring of the pupil in school regarding both progress or decline should be used and regularly reviewed by schools to support this process and each case needs to be managed on an individual basis.

- A named key worker with whom the pupil is comfortable should be appointed.
- Negotiate an Attendance Support Plan supported and agreed with the child, parent, school and any other relevant professional/agency.
- Support identified within the Attendance Support Plan needs to be in place in readiness for the child's return to school.
- The pupil needs to feel welcome and supported on their first day.
- The identified key worker needs to debrief with the child at the end of each day throughout the reintegration period to eliminate any problems which may contribute to the child not returning.

### 4.2 SCHOOL SELF-EVALUATION AUDIT

The School Attendance Self-Evaluation Audit (see Appendix 6) will be undertaken by all schools on an annual basis. Key features of these audits are to record key actions and areas for improvement using the school attendance data:

- Analysing attendance data
- Examining existing procedures
- Inspecting and being aware of attendance-related documentation
- Assessing communication with parents
- Considering strategies used to promote attendance
- Evaluating the response to Local Authority enquiries
- Identify training needs in the school

The audit will form part of the work with the Local Authority to address areas identified within the School Improvement Plan. The Education Welfare Service will support schools in this process. Copies of these documents are available electronically via the Hwb SharePoint within the Education Welfare Service pages.

## 5. RESPONSIBILITIES OF PARENTS

For the purposes of the Education Act 1996, 'Parent' means all natural parents/carers whether they are married or not, it includes any person who although not a natural parent, has day-to-day care of a child or young person.

**Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.**

Parents can do a great deal to support the regular and punctual attendance of their child. Parents should:

- Ensure a good home routine is in place to prepare their child for the school day (for example, school bag packed, uniform ready, an age-appropriate bedtime routine, a good early morning start including breakfast).
- Ensure that their child arrives at school on time each day.
- Inform the school on the first day of their child's absence and keep the school regularly updated daily throughout the absence period.
- Ensure explanations for absences are a true reflection of the circumstances to enable schools to offer support to improve attendance.
- Be open to support from the school in order to improve their child's school attendance.
- Be aware that action can be taken in law to address unauthorised absence from school including the use of Fixed Penalty Notices, an Education Supervision Order (court order on the child) or Parental Prosecution. Please reference Appendix 2 Attendance Monitoring Flow Chart and Appendix 3 Attendance Support Plan.

  Link to Denbighshire Website: A brief guide to Fixed Penalty Notices for non-attendance at school: https://www.denbighshire.gov.uk/en/search/search.aspx?q=fixed%20penalty%20notice%23gsc.tab%3D0&gsc.q=fixed%20penalty%20notice&gsc.page=1#gsc.tab=0&gsc.q=fixed%20penalty%20notice
- Only in exceptional circumstances will the Headteacher be in a position to consider the reasons for requesting holiday/ Absence approval following the Exceptional Circumstance rule. (Welsh Government Directive).
- Be aware that if the Headteacher receives a parental request for an extended holiday absence (i.e. longer than four continuous weeks, including exceptional circumstances) the Headteacher must advise the parent that the pupil will be removed from the school roll. On return to Denbighshire, the parent would need

to reapply to the Local Authority.

**Please note:** School places are offered based upon school numbers at the time of application. Parents may be unsuccessful in securing a school place in the same school their child was previously registered prior to the extended absence.

Applications for school places are through school admissions using the Denbighshire County Council Website Education page to complete a school admissions application.

## 5.1 STATUTORY FRAMEWORK

The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable to his/her age, aptitude and ability and to any additional needs he/she may have either regular attendance at school or otherwise. A pupil is required to attend regularly at the school where they are registered as a pupil.

Furthermore, Section 444 states that:

"If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence."

https://www.legislation.gov.uk/ukpga/1996/56/section/444

## 6. RESPONSIBILITIES OF THE LOCAL AUTHORITY

The Education Act 1996, Local Authorities have a duty to ensure a child for whom they are responsible is receiving a suitable education either by regular attendance at school or otherwise.

Section 436A of the Education and Inspections Act 2006 requires that Local Authorities must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a "suitable education".

* **http://www.legislation.gov.uk/ukpga/2006/40/section/4**
* **http://www.legislation.gov.uk/ukpga/1996/56/section/437**

Implementation of the duty under Section 436A should be integrated with a wider range of duties placed on Local Authorities, including the Children's Act 2004, Social Services and Well-being (Wales) Act 2014 and the Welsh Government's 'Safeguarding Children Working Together' that aims to provide outcomes, and safeguard and promote the welfare of children.

The Local Authority has the responsibility of enabling pupils and parents who experience difficulty in maintaining regular or punctual attendance at school, and to enforce attendance, where appropriate, through legal proceedings. In Denbighshire, this work is u

undertaken by the Education Welfare Service, working with other services who regularly offer significant input in the process.

* http://www.legislation.gov.uk/ukpga/1996/56/section/437

## 6.1 RESPONSIBILITIES OF EDUCATION WELFARE SERVICES OFFICERS

The Education Welfare Service acts on behalf of the Local Authority who has a duty to provide appropriate education to all statutory school age pupils in the county. The Education Welfare Service has the strategic responsibility for the writing and implementation of policies, operational procedures and codes of conduct in relation to school attendance.

In addition to improving overall school attendance research shows that children who are not in school are more vulnerable and can be easily drawn into crime, anti-social behaviour and open to exploitation. The Education Welfare Officers, supported by Education Attendance Support Officers and Family Engagement Officers undertake individual case work as part of the service support.

The Education Welfare Service are centrally based, responding to the needs of schools and families as they arise. Schools and families can contact the Education Welfare Service through the helpline number – 01824 708064 for advice and support.

## 6.2 REFERRALS TO THE EDUCATION WELFARE SERVICE

Schools must evidence that they have followed the Attendance Monitoring Flow Chart (see Appendix 2) prior to referral. Referrals to the Education Welfare Service and Support Officers should be completed on the appropriate form and sent via e-mail to *inclusion.referrals@denbighshire.gov.uk. An acknowledgement of receipt will be automatically sent to schools.

Once the referral is discussed at the service weekly allocation meeting school will receive a tracking sheet advising if the referral has been accepted or not. If the case has been accepted the tracking sheet will detail the worker who will make direct contact with the referrer, the family and any identified professionals involved.

The service staff will assist in removing barriers which may prevent a child from receiving full-time education by employing a range of practices and strategies in their case work and only where necessary resorting to legal intervention.

## 6.3 LOCAL AUTHORITY MONITORING AND SUPPORT

The Local Authority Officers and Education Welfare Service will monitor attendance through daily inspection of centrally held live data on all schools. It is the role of the Education Welfare Service to analyse and disseminate data on attendance. Continuous analysis of school data informs the Education Welfare Service's long-term strategic direction.

The Education Welfare Service will provide local and national data to enable schools to act upon it with the aim of improving educational outcomes.

Thorough analysis of attendance data by both school and the Local Authority can help highlight the early indicators of disengagement, which can ultimately lead to persistent absence.

## 6.4 RESPONSIBILITIES OF CHILDRENS SERVICES

Children's Services staff undertake assessments in collaboration with other relevant professionals. The assessment will look at all aspects of the child's developmental needs, including his or her educational needs. Education Welfare Officers may bring to the attention of Children's Services, children who have been referred to them due to attendance difficulties, who in their professional opinion may require additional support in accordance with the Local Authority's eligibility criteria for 'Care and Support'.

## 6.5 POLICY SUPPORTING CHILDREN LOOKED AFTER (CLA)

Denbighshire County Council is committed to securing the best possible educational outcomes for children looked after (CLA). Regular, punctual and uninterrupted attendance at school is vital to help ensure that children looked after can make the most of the educational opportunities available to them.

Denbighshire Children's Services: https://www.denbighshire.gov.uk/en/health-and-social-care/children-young-people-and-families/children-young-people-and-families.aspx

Section 20 of the Children and Young Persons Act 2008 states that the governing body of a maintained school must designate a member of staff as having responsibility for promoting the educational achievement of children who are looked after in the school. This duty applies regardless of whether or not there are looked after children on the school roll, as schools need to be sufficiently prepared to respond quickly to these childrens needs.

In discharging their duties under the Children Act 1989 and 2004 Denbighshire County Council as a designated Education Liaison Officer (ELO) to coordinate the child's education plan and address the education needs of child looked after and care leavers

in the local authority area. In addition, the ELO must ensure that every child looked after by them has an effective and high-quality Personal Education Plan (PEP). They are there to make sure that looked after children get any additional support they need with education and are based within the social care or education departments of the local authority. They have a clear remit to establish and enforce joint procedures and protocols, provide information as appropriate to all involved in corporate parenting and to act as a champion for young people in public care.

### 6.6 MULTI-AGENCY NETWORKS AND PARTNERSHIPS

The Local Authority recognises that the reasons for persistent non- school attendance are such that no single service or agency can expect to successfully address the issue. The Local Authority strives, through the development of area and locality working, to develop a multi- agency, cross-service, inter-disciplinary approach. This is characterised by the delivery of a child-centred, co-ordinated and effective response.

### 6.7 SCHOOL NURSING AND OTHER HEALTH AGENCIES

The School Nursing Service is accessed through a referral system. (See Appendix 7).

The School Nursing Service is offered to all parents/carers, but parents can decline the service.

On school entry and on commencing secondary school, the School Nursing Service sends parents/carers a health questionnaire. It is really helpful if the school can encourage the return of this information in order for the school nurse to link in with families at the earliest opportunity. The School Nursing Service health questionnaire, together with a handover from the Health Visitor, is used to identify any health issues likely to impact on the child's school attendance.

Where issues are identified, a referral will be made to health colleagues or other agencies. School nurses, as with school staff, are required to work in a confidential manner, therefore parents are encouraged to share this information directly with the school.

With parental consent, school nurses may have a role to play in giving advice to the staff on supporting parents and children and young people with their:

- Health & Well Being
- Exercise
- Healthy Eating
- Sexual Health
- Immunisations
- Behaviour (e.g. sleep, continence, bullying)
- Chronic long-term conditions

School nurses are unable to access GP records without the consent of parents. Schools are therefore advised to request that parents sign a consent form that the school or parent can forward to the GP for release of health information held by the surgery in order to support the family and the pupil with attendance issues at school.

### 6.8 LINKS WITH OTHER LOCAL AUTHORITIES

Denbighshire has strong links with the Education Welfare Services across Wales. Regular meetings take place to share good practice and implement consistent actions that affect each Authority.

There are cross-working arrangements and developments in place linked to Welsh Government guidance and policy in the area of school attendance.

## 7. FIXED PENALTY NOTICES

A Fixed Penalty Notice can be issued by the Local Authority at the request of the school in relation to unauthorised absences for a child or young person of statutory school age (i.e. The school term following the child's fifth birthday of a child in Reception to the last Friday in June in Year 11).

Please refer to the following documents:

- Denbighshire County Council's Local Code of Conduct regarding Education Fixed Penalty Notices (see Appendix 8).
- Attendance Monitoring Flow Chart (see Appendix 2).

Schools may request a Fixed Penalty Notice Warning letter be issued to parent/carers by the Local Authority. A warning can be issued following 5 days of unauthorised absence.

A Fixed Penalty Notice can be requested by the school where a child has 10 or more school days recorded unauthorised absences.

**(Please note that each school day is made up of 2 sessions, am/pm therefore 10 days = 20 sessions).**

The Local Authority will only issue a Fixed Penalty Notice requested by a school relating to unauthorised leave of absence, when a school provides the necessary evidence to substantiate their request.

If the absence is unauthorised and recorded on the register with a combination of any of the following unauthorised codes, this can result in a Fixed Penalty Notice being issued:

- "U" - Lateness 30 minutes after the start of the school day or after afternoon register = 1 session am/pm unauthorised absence.
- "O" – Where the Headteacher makes the decision that the reason provided is an unacceptable reason not to attend school.
- "G" – Holiday absence not agreed by the headteacher.

## 8. FAMILY HOLIDAYS DURING TERM-TIME

**Welsh Government guidance states:**

In term-time, parents do not have an automatic right to withdraw pupils for holidays and authorisation remains at the discretion of the Headteacher.

All requests for holiday leave should be in writing, ideally four weeks before the holiday, the application can only be made by the parent/carer with day-to-day care of the child, even if they are not actually going on holiday themselves.

There needs to be consistency amongst schools on this issue. Denbighshire County Council's position is that no term-time holidays should be approved unless there are exceptional circumstances. If a parent/carer applies for a holiday in term-time which results in the child being absent for 10 school days this may result in a Fixed Penalty Notice being issued.

## 9. EXTENDED OVERSEAS HOLIDAY

When making judgements about extended absence for pupils from families, schools should ensure that full account has been taken, not only of the Regulations and Welsh Government guidance, but also consider in some circumstances ~~of~~ the cultural needs of minority ethnic families, and the particular circumstances relating to each individual case. It is important that schools show an understanding of the parents' perspective even though the school may not be able to comply with the request for absence.

Schools should ensure that all parents are aware of the school's policy on absence. In the case of minority ethnic parents, special care should be taken to ensure that the regulations are fully explained and understood.

Key to this is schools communicating effectively with all their parents and carers, including those whose preferred language of communication is other than English or Welsh. Schools should contact the EAL Service Manager for guidance on good practice in using interpreters and translations.

The current Denbighshire County Council provider for translation/ interpreting services is 'The Big Word'. The EAL Service can advise on using these services and other options.

## 10. CHILDREN MISSING EDUCATION

All agencies have a clear role to play in helping to trace children who go missing from schools in Denbighshire, or who go missing from schools from other authorities, and who may have moved into Denbighshire.

Parents/carers can support the smooth transition of their children's education provision between Denbighshire and other Local Authorities where a move is required for any reason, by notifying the child's registered school.

Schools are expected to follow corresponding procedures in relation to those pupils who are removed from school by their parents without a named-school destination being provided and confirmed. **Schools must ensure they report any child who is determined as missing on SIMS via the lost children's data base and report such pupils to the Education Welfare Service via the ewo@denbighshire.gov.uk or contact the EWO Helpdesk for advice on 01824-708064.**

## 11. SAFEGUARDING

The Safeguarding Officer in Education Services provides advice, support and training to schools and Education Services staff on all safeguarding issues. Safeguarding is a consideration with all attendance concerns. Part of the Education Welfare Service roles and responsibilities involves representation at the following multi-agency forums which identify and plan support for the most vulnerable families and young people in Denbighshire:

- Multi-Agency Panel (MAP) - Education led
- Multi-Agency Risk Assessment Conference (MARAC) - Police led
- Exploitation Panel - Children's Services
- ECS Panel – Education led
- Multi Agency Daily Strategy Meeting – Police led

## 12. ELECTIVE HOME EDUCATION

Parents or carers have the primary responsibility for ensuring that their child receives a suitable education, and some choose to elect to home educate.

Schools must ensure that they receive the request to home educate in writing from the parents or a person with parental responsibility. On receipt of this notification, a copy must be sent by the school to the local Authority within 5 working days. If a child has a

Individual Development Plan (IDP)/Statement of Special Educational Needs they cannot be removed from the school roll without the consent of the Local Authority Additional Learning Needs Department.

For further information please refer to Denbighshire County Council's guidance on educating your child at home via the link below: Please see link to Welsh Government guidance below:

https://www.gov.wales/home-education-handbook-home-educators-html

**Appendix 1**

**Legislation and Guidance**

The Education Act 1996 Part 1, Section 7 states:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable:

(a) to his age, ability and aptitude and

(b) to any special needs he may have either by regular attendance at school or otherwise.

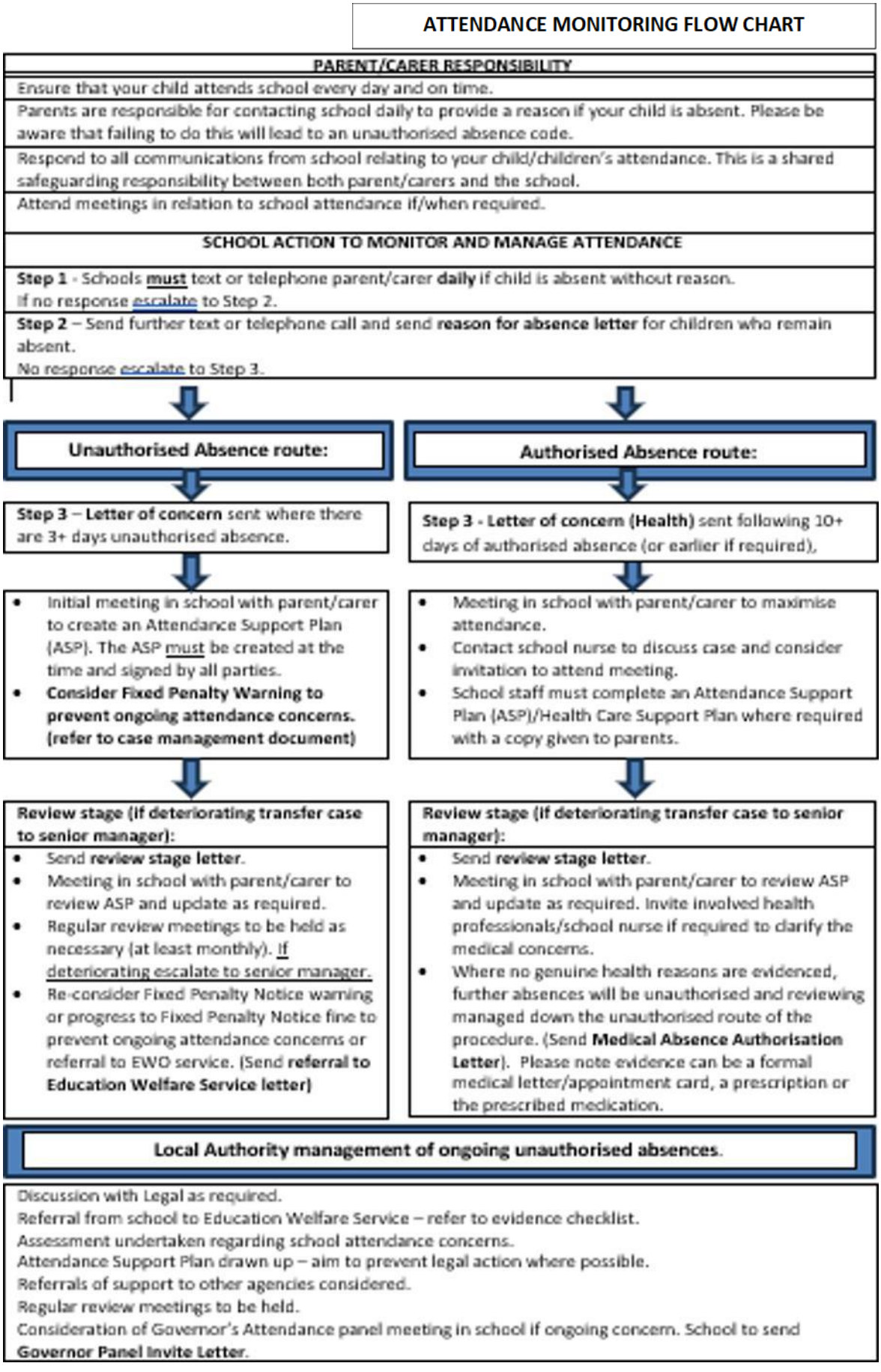
For educational purposes the term parent means natural parents and includes any person who has parental responsibility or has day to day care of the child.

Section 444 1, 1(a) and (ZA) contains the details of when an offence is committed if a child fails to attend school or alternative provision arranged by the Local Authority.

For further information please see link below.

https://www.legislation.gov.uk/wsi/2010/1954

## Appendix 2 – Attendance Flow Chart For Denbighshire Schools



## Appendix 3 – Attendance Support Plan (Initial Attendance Meeting Record and Attendance Support Plan)

**A copy of the document should be provided for parent/carer/pupil reference. If the parent/carer does not attend the meeting a copy should be posted to the home address with a covering letter requesting written consent for any of proposed actions/referrals.**

| School | Pupil Name | Date of Birth | Year group/class | Date of meeting |
|---|---|---|---|---|
| | | | | |

| Overall Attendance % | Authorised Absence | Unauthorised Absence | Punctuality (U) | Other attendance observations |
|---|---|---|---|---|
| | | | | |

| Present for the meeting today | Who has offered their Apologies? | Who was invited but didn't respond? |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

| Can the meeting go ahead today? | Yes | | No* | |
|---|---|---|---|---|
| *Secondary pupils - A meeting can be held with the pupil in the absence of parents/carers. | | | | |
| If not, why not | | | | |
| Next step | Reschedule at the same school level | Escalate to the next school level | Referral to LA following FPN route | Referrals to EWS |

| Identify issues impacting upon school attendance in any of the following areas<br>School / Home / Community | Document the proposed actions agreed to address the issues raised. | | Action for who | By when |
|---|---|---|---|---|
| | School identified support | Other Agencies e.g. CAMHS, LIFT, TAF | | |
| | | | | |

| List Pupil & Parent/Carer Strengths: |
|---|
| |

| List any support proposed but declined for now? | Reason why it has been declined? |
|---|---|
| | |

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

| We, the undersigned, are in agreement with Attendance Support Plan | | |
|---|---|---|
| **Signature of pupil** | **Signature of parents/carers** | **Signature of school staff** |
| | | |
| **Signatures of other attendees (include job title or relationship to pupil/parent/carer)** | | |
| | | |

| Consent for referrals | | | |
|---|---|---|---|
| It has been explained what information the school would like to share about me, who they want to share the information with and why they want to share it. I understand that if I agree to my information being shared I have the right to limit how much is shared and withdraw my consent at any time. | | | |
| **I consent to sharing my information or my child's information or both on a need to know basis to the listed support services above with the aim to address the attendance concern.** | | **Yes** | **No** |
| **Name** | **Signature** | **Date** | |
| | | | |
| | | | |

| Date and time agreed to review progress | Venue |
|---|---|
| | |

| Who needs to be invited to the review meeting: | | |
|---|---|---|
| | | |
| | | |

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

## Attendance Support Plan Review Meeting

**A copy of the review document should be provided for parent/carer/pupil reference. If the parent/carer does not attend the meeting a copy should be posted to the home address with a covering letter requesting written consent for any of proposed actions/referrals.**

| | |
|---|---|
| **Date** | |
| **Present** | |

| Overall Attendance % | Authorised Absence | Unauthorised Absence | Punctuality (U) | Improved/Declined since last meeting % |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| **Can the meeting go ahead today?** | **Yes** | | **No*** | |
| ***Secondary pupils - A meeting can be held with the pupil in the absence of parents/carers.** | | | | |
| **If not, why not** | | | | |
| **Next step** | **Reschedule at the same school level** | **Escalate to the next school level** | **Referral to LA following FPN route** | **Referrals to EWS** |

| Present for the meeting today | Who has offered their Apologies? | Who was invited but didn't respond? |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

| Identify any new issues impacting upon school attendance in any of the following areas<br>School / Home / Community | Document the proposed actions agreed to address the issues raised. | | Action for who | By when | completed |
|---|---|---|---|---|---|
| | School identified support | Other Agencies<br>e.g. CAMHS, LIFT, TAF | | | |
| | | | | | |

| List any support proposed but declined for now? | Reason why it has been declined? |
|---|---|
| | |
| | |

| We, the undersigned, are in agreement with Attendance Support Plan | | |
|---|---|---|
| Signature of pupil | Signature of parents/carers | Signature of school staff |
| | | |
| Signatures of other attendees (include job title or relationship to pupil/parent/carer) | | |
| | | |

| Date and time agreed to review progress | Venue |
|---|---|
| | |

| Who needs to be invited to the review meeting: | | |
|---|---|---|
| | | |
| | | |

## Appendix 4 Case Management Guidance Form – School Use

| School | Pupil Name | DOB | Year/Form |
|---|---|---|---|
| | | | |

| Fixed Penalty Notices | | | |
|---|---|---|---|
| Fixed Penalty Notices are one of the sanctions available to schools/Local Authorities to address the following **criminal offence** – parent's/carer's failure to secure the child's regular attendance, for unauthorised reasons, at the school at which they are registered.<br><br>Fixed Penalty Notices offer a means of suitable and effective intervention for improving levels of unauthorised absences, **before they become entrenched and persistent absences whilst reducing the need for lengthy and costly prosecutions**.<br><br>**Fixed Penalty Notices will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will be used as a means to support parents to meet their legal responsibilities and only where there is reasonable expectation that their use will secure improved school attendance**. | | | |
| **Does the attendance concerns warrant a Fixed Penalty Warning?** | **N/A** | **Yes** | **No** |
| **Does the attendance concern warrant a Fixed Penalty Notice?** | **N/A** | **Yes** | **No** |
| **Is the attendance issue deteriorating despite ASP and use of Fixed Penalty Warning/Notice?** | **N/A** | **Yes** | **No** |
| **Is there a reasonable expectation that a Fixed Penalty is likely to secure an improvement in school attendance?** | **N/A** | **Yes** | **No** |

| Local Authority Support - Education Welfare Service | | | |
|---|---|---|---|
| Is a referral to the Education Welfare Service appropriate | N/A | Yes | No |
| Has the referral criteria been met | N/A | Yes | No |

| Education Welfare Service Already Involved - Escalation towards Legal Action | | | |
|---|---|---|---|
| Is a referral to the schools Attendance Governor's Panel Meeting required? | N/A | Yes | No |
| Is a Letter Before Action required due to there being no improvement /un-sustained improvement? | N/A | Yes | No |
| Has there been no improvement or has an improvement not been sustained following Letter Before Action necessitating escalation to court? | NA | Yes | No |
| Have all legal defences been ruled out. | | Yes | No |

**Appendix 5**

**Good Practice – Guidance for Schools**

**Analysis of Attendance Data**

All schools hold a great deal of information about attendance which should be used for strategic planning and effective liaison with the Education Welfare Service and can thereby enable schools to manage attendance issues more effectively.

The link to this work is the administrative staff in schools who use SIMS relating to attendance data. Schools need to know how to use SIMS effectively to provide data for the school management teams who monitor attendance.

Schools can receive training for staff through Education Services on this matter by contacting the Education Welfare Service Team Leader.

**STRATEGIES FOR PROMOTING GOOD ATTENDANCE**

- The school's commitment to achieving high levels of attendance should be explicit and clear to pupils, staff and parents.
- Pupils should constantly be reminded of the importance and value of good attendance and punctuality.
- The school must ensure the pupils' classroom experience is positive and enriching, encouraging them to take responsibility for and show commitment to their learning.
- Ensure that all school staff are trained on the appropriate use of registration codes. Training is available from the Education Welfare Service on request.
- Look at alternative curriculum options/possibilities for pupils who are hard to engage.
- Ensure that opportunities to reward attendance are scheduled into the school calendar.
- Discuss individual attendance targets with pupils; key staff need to monitor this work.
- Make clear to parents, through newsletters the difference between authorised and unauthorised absence.

- Use the school website and other media platforms to promote the school's performance in school attendance weekly.
- Ensure key information about pupils is shared at transition.

The Denbighshire Press Office could be contacted as a means to highlight good attendance at your school.

- Work closely with the governing body of the school and provide updates in governor meetings relating to attendance.
- Use the Attendance Audit to evaluate your school systems yearly.
- Use reward systems to celebrate success for pupils and inform parents.

**INSET AND TRAINING**

INSET and training can be provided and facilitated by Education Services, Customer Services and the Education Welfare Service to all schools, covering such issues as (please note this is not an exhaustive list):

- Good practice on the use of SIMS
- Strategies for promoting regular attendance
- Strategies for addressing persistent absenteeism
- Communication with parents
- Good practice in monitoring punctuality
- Reintegrating long-term absentees. EBSA Emotional Based School Avoidance
- Rewards and incentives
- First-day of absence contact

DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

R

**Appendix 7 School Nursing Referral Form**

| | |
|---|---|
| Re: Child's name: | D:O:B: |
| Address: | Contact tel:<br>Home……<br>Work……<br>Mobile…… |
| School: | Class (if known) |
| Name of adult with parental responsibility (P.R.) | Name<br>…… |
| Is child aware of referral (please circle) Yes<br>No Not applicable | **Please be aware that referral will not be accepted without parental consent** |
| Reason for referral: | |
| | |
| Other agencies involved: | |

| | |
|---|---|
| | |
| Name of referrer (please print): | Signature of referrer: |
| Designation: | Contact number: |
| Date of referral: | Date received by School Nurse |

**Appendix 8 - Fixed Penalty Notice Code of Conduct**

# Local Code of Conduct Education Fixed Penalty Notice

* For the purposes of this policy, the term 'school' refers to maintained nursery, primary, secondary and special schools, and pupil referral units (PRUs).

| | |
|---|---|
| Enw'r Ysgol Name of school | Ysgol Bro Elwern ac Ysgol Betws Gwerful Goch |
| Cyfeiriad a Chod Post Address and post code | Ysgol Bro Elwern,<br>Gwyddelwern,<br>Corwen<br>LL21 9DF<br><br>Ysgol Betws Gwerful Goch,<br>Betws Gwerful Goch,<br>Corwen<br>LL21 9PY |
| Rhif ffôn Phone number | Ysgol Bro Elwern- 01490 412 332<br>Ysgol Betws Gwerful Goch- 01490 460 315 |
| Cyfeiriad e-bost ar gyfer y polisi hwn<br>Email address for this policy | ysgol.broelwern@denbighshire.gov.uk<br>betws.gg@denbighshire.gov.uk |
| Dolwen we i'r polisi Web link to policy | Ysgolion Ffederal Bro Elwern a Betws Gwerful Goch \| Ysgol Betws Gwerful Goch \| Ysgol Betws Gwerful Goch Primary School \| Ysgol Betws GG \| Ysgol Betws Gwerful Goch, Denbighshire \| Betws GG \| Corwen \| Betws Gwerful Goch \| Ysgol Bro Elwern \| Ysgol Bro Elwern, (broelwernabetwsgg.co.uk) |

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

**Yellow: For schools to edit to reflect practice**

***To be completed by the school:***

| | |
|---|---|
| Enw'r polisi<br>Name of policy | Local code of conduct, Education Fixed Penalty Notice |
| Rhif fersiwn y Polisi<br>Policy version number | V2.001 |
| Dyddiad a gymeradwywyd y Polisi yn ffurfiol gan y Corff Llywodraethol<br>Date Policy formally approved by Governing Body | |
| Dyddiad daw'r Polisi yn effeithiol<br>Date Policy becomes effective | |
| Dyddiad Adolygu Review Date | |
| Arwyddwyd (Pennaeth)<br>Signed (headteacher) | |
| Arwyddwyd (Cadeirydd y Corff Llywodraethol)<br>Signed (chair of governing body) | |
| Gwybodaeth am y policy hwn ar gael i rieni/gofalwyr<br>Information about this policy is available to parents/carers | Ysgolion Ffederal Bro Elwern a Betws Gwerful Goch \| Ysgol Betws Gwerful Goch \| Ysgol Betws Gwerful Goch Primary School \| Ysgol Betws GG \| Ysgol Betws Gwerful Goch, Denbighshire \| Betws GG \| Corwen \| Betws Gwerful Goch \| Ysgol Bro Elwern \| Ysgol Bro Elwern, (broelwernabetwsgg.co.uk) |

***To be completed by Denbighshire Education and Children's Services:***

| | |
|---|---|
| Datblygwyd y Polisi gan<br>Policy developed by | Wayne Wheatley Education Welfare Officer |
| Dyddiad mabwysiadwyd gan JMT y Gwasanaethau Addysg a Phlant<br>Date adopted by Education and Children Services JMT | |
| Dyddiad rhannwyd y Polisi gwreiddiol gydag ysgolion Sir Ddinbych<br>Original policy date issued to Denbighshire schools | |
| Ferswin rhif a dyddiad Version number and date | |
| Datblygwyd y fersiwn gan<br>Version developed by | |
| Dyddiad Adolygiad Blynyddol<br>Annual review date | |

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

# DENBIGHSHIRE ATTENDANCE POLICY V8 2026-27

## 1. Legal Framework

1.1. The law empowers designated Denbighshire County Council Officers, head teachers, including their nominated deputies and the Police to issue Fixed Penalty Notices to the parents of children who have unauthorised absence from school. The rules governing the implementation of these powers and the factors that should be taken into account when issuing a Fixed Penalty Notice are outlined In:

- The Education Act 1996;
- The Education & Inspections Act 2006;
- The Education (Penalty Notices) (Wales) Regulations 2013; and
- Guidance published by the Department for Education, in particular the "Guidance on Education–Related Parenting Contracts, Parenting Orders and Penalty Notices 2007 and Ensuring Children's Rights to Education".

1.1.1. (DCC) is responsible for developing a protocol with which all the partner agencies named in legislation will jointly work.

## 2. Rationale

2.1. Section 7 of the Education Act 1996 states that:

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability aptitude and to any special educational needs he may have, either by regular attendance at school or otherwise."

2.1.1. Regular and punctual attendance at school or alternative provision is a legal requirement and is essential to enable children to maximise their educational attainments, potential and opportunities available to them.

2.1.2. Evidence shows that children with poor attendance are unlikely to succeed academically and they are more likely not to be in education, employment or training (NEET) when they leave school. NEET young people are likely to have a history of non attendance and persistence absences in years 10 and 11.

2.1.3. Section 444 of the Education Act 1996, makes it a criminal offence for a parent's failure to secure their child's attendance at the school at which they are registered and where absences are not authorised.

2.1.4. The definition of "parent" includes all natural parents, whether they are married or not and includes any person who, although not a natural parent, has the parental responsibility and/or care for a child or young person.

2.1.5. Targeted intervention plays a vital role in resolving issues of poor school attendance, however where this fails to have the desired effect there are a number of sanctions available to Local Authorities to try and secure improvements.

2.2. Fixed Penalty Notices are one of the sanctions available for this offence and offer a means of suitable and effective intervention for improving levels of unauthorised absences, before they become entrenched and persistence absences, whilst reducing the need for lengthy and costly prosecutions.

2:3 Fixed Penalty Notices and other sanctions will only be used where parental co-operation with this process is either absent or deemed to be insufficient to resolve the problem. They will be used as a means to support parents to meet their legal responsibilities and only where there is a reasonable expectation that their use will secure improved school attendance.

## 3. Policy and Publicity.

3.1. School Attendance Policies will include information on the issuing of Fixed Penalty Notices and this will be brought to the attention of parents.

## 4. Monitoring and review.

(DCC) will monitor and evaluate the effectiveness of Fixed Penalty Notices every two years and amend its general enforcement strategy as appropriate. Annual reports will be made available to the Head of Service, JMT, Scrutiny Committee and the Welsh Government.

**(DCC) protocols and procedures in relation to Fixed Penalty Notices.**

**Issue of a Penalty Notice**

- A Fixed Penalty Notice can only be issued in cases of unauthorised absence;
- Use of Fixed Penalty Notice will be restricted to one notice per parent of a pupil per academic year;
- In cases where there is more than one poorly-attending pupil in a family, Notices may be issued for more than one child;
- There will be no restriction on the number of times a parent may receive a formal warning of a possible Fixed Penalty Notice.

**Penalty Notices may be considered appropriate when:**

- At least 20 sessions (10 school days) are lost due to unauthorised absence during the current term. These do not need to be consecutive;
- Unauthorised absences of at least 20 sessions (10 school days) due to holidays in term time or delayed return from extended holidays; or
- Persistent late arrival at school, i.e. after the register has closed, in the current term. “Persistent” means at least 20 sessions of late arrival;

The Local Authority (LA) will only issue Fixed Penalty Notices requested by a school in response to a holiday related unauthorised absence where the school has provided the necessary paperwork and evidence. This paperwork should comprise:

- A copy of the school newsletter or letter sent to all parents during the current academic year which clearly states that parents may receive a Fixed Penalty Notice or an authorised holiday in term time. (The LA will not need a hard copy of this newsletter/letter each time a school applies for an unauthorised holiday Fixed Penalty Notice, just on the first occasion each academic year);
- A copy of the Holiday Request Form submitted by parent, and a copy of the response sent to the parent by school. In the event the holiday request is being denied the school’s response should state the reason why the holiday is unauthorised and should again advise parent that they may receive a Fixed Penalty Notice if they take their child out of school;
- A copy of the letter sent by school to the parent advising that the school has referred the matter to the LA and that a Fixed Penalty Notice will be issued;
- Relevant pupil Attendance or Registration Certificate;
- Signed certificate from the Head Teacher or their nominated deputy confirming that non-attendance during the period was unauthorised;

**Children Looked After**

Children looked after by Local Authorities are especially at risk of low attainment in school. Schools should be especially sensitive to issues where these children are concerned. Schools should try every practical means to maintain the learner in school and should seek LA and other professional advice as appropriate. LA children’s services departments should in all

cases be involved at the earliest opportunity in working with the school.

A Penalty Notice will not be issued in respect of Looked After Children who are subject to on-going LA intervention.

**Considerations and Assessment as to whether a Fixed Penalty Notice should be issued.**

Head Teachers, their nominated deputies and the Education Welfare Officers (EWO) will take into account the following when determining whether a Fixed Penalty Notice should be issued:

- Level of absence;
- Any Equalities considerations relating to the child or family (as listed in the Council's Equality Policy);
- Any statement of Special Educational Needs;
- History of the attendance issues and action taken;
- Defences which may be available;
- Welsh Government (WG) Guidance;
- Likely effectiveness of Fixed Penalty Notice as a tool for obtaining compliance;
- Level of parent engagement/cooperation.
- Any substantial adverse effect a fine will have on the welfare of the family.

**Procedure for Issuing Fixed Penalty Notices**

The designated EWO's within the Education Welfare Service (EWS) will be the only individuals permitted to issue Fixed Penalty Notices within the County of Denbighshire which will ensure consistent and equitable delivery and allow schools to maintain good relationships with parents and ensure that they reinforce any other enforcement sanctions.

Fixed Penalty Notices will only be issued by post and never as an instant action. This will enable officers to ensure that all evidential requirements are in place and limit the health and safety risks to individuals.

**Requests for issue of a Fixed Penalty Notice**

Where schools, police or neighbouring local authorities request the issue of a Fixed Penalty Notice, their request will be investigated and actioned by the EWS, provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct;
- The pupil is registered at a (DCC) school;
- All necessary evidence is provided to the EWS to establish whether an offence under Section 444(1) or 444(1A) of the Education Act 1996 or Section 103 of the Education and Inspections Act 2006 has been committed;
- Issuing a Fixed Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed and that there is a reasonable expectation that the use of a Fixed Penalty Notice would improve the child's school attendance or prevent further contravention of the

Education and Inspections Act 2006.

- The EWO's will aim to respond to all requests within 10 school days of receipt, and where satisfied that all of the relevant criteria are met, will Issue a formal written warning to the parent of the possibility of a Fixed Penalty Notice being issued;

**Fixed Penalty Notices for unauthorised holidays.**

Where the Fixed Penalty Notice is requested from a school in response to a holiday related unauthorised absence which is 10 days or more, or is in relation to an offence under section 103 of the Education and Inspections Act 2006 an immediate fixed penalty notice will apply.

**Monitoring and Review**

All Fixed Penalty Notices will be entered onto a database maintained by Education Services to ensure that no duplicate Fixed Penalty Notices are issued and to evaluate the effectiveness of the process within DCC.

**Excluded Pupils**

The basis of the fixed penalty notice powers, do not extend to excluded pupils.

Section 108 of the Education and Inspections Act 2006 came into force in October 2010 and amends section 16 of the Crime and Disorder Act 1998 to extend Police powers for the removal of excluded pupils to designated premises if a child or young person excluded from school is found in a public place in a specified area during a specific period and during school hours.

**Procedure for the Withdrawal of Fixed Penalty Notices**

Once issued, a Fixed Penalty Notice can only be withdrawn if the EWS is satisfied that:

- The Fixed Penalty Notice was issued to the wrong person;
- The use of the Fixed Penalty Notice did not conform to this Code of Conduct;
- The Fixed Penalty Notice was delivered to the wrong address;
- The evidence demonstrates that the Fixed Penalty Notice should not have been issued, e.g. medical evidence; or
- The circumstances of the case warrant its withdrawal.

**Right of appeal**

There is no statutory right of appeal, but where a parent contests the issuing of a Fixed Penalty Notice, they can submit any complaints to the EWS and/or opt to face proceedings in the Magistrates' Court under section 444 of the Education Act 1996 where all of the issues relating to their Fixed Penalty Notice can be fully debated.

**Payment of Fixed Penalty Notices**

Arrangements for payment will be detailed on the Penalty Notice.
Payment of a Fixed Penalty Notice discharges the parent's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Fixed Penalty Notice.
If the Fixed Penalty Notice is paid within 28 days, the penalty payable is £60, or £120 if within 42 days. Payments will not be accepted from parents after 42 days has elapsed and cannot be paid either by instalments.
(DCC) will retain any revenue from the Fixed Penalty Notices, hold it separately and use it to cover enforcement costs, i.e. costs associated with the issue, collection or prosecution, in the event of non-payment, of Fixed Penalty Notices.

**Non-Payment of Fixed Penalty Notices**

Non-payment of a Fixed Penalty Notice may result in prosecution for the period covered by the Fixed Penalty Notice under Section 444 of the Education Act 1996.

**Equalities and Welsh Language**

The issuing of Fixed Penalty Notices must comply with other related legislation and regulations, in order to ensure that they are used in a fair and consistent manner and have paid due regard to the circumstances of the child/children and families involved. These include, but are not limited to the following:-

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Welsh Language (Wales) Measure 2011
- Human Rights Act 1998

The Council's Equalities Policy covers the full range of issues that may need to be considered, depending on the individual case.

**Appendices**

Appendix 1 - Fixed Penalty Notice Warning Letter Request

Appendix 2 - Fixed Penalty Notice Request

Appendix 3 - Relevant Legislation that relates to Fixed Penalty Notices

**Appendix 1**

**FIXED PENALTY NOTICE WARNING LETTER REQUEST**
**(Following 5 days (10 sessions of unauthorised absence)**
**UNAUTHORISED ABSENCE – Section 444, Education Act 1996**

I request that the Local Authority consider issuing a Fixed Penalty Notice Warning letter to the parent(s)/carer(s)* of the following pupil:

**Pupil Details**
Registered School……

Name of Pupil ……... …….. DOB ……. Year ……..

Address……..……

……..……

***Only provide details of the parent/carer to whom the FPN is to be issued.**
**Parent 1 ***
Full name …… DOB……...

Address……..

**Parent 2 ***
Full name……...…….. ……DOB……....

Address…….

The expression “parent”, in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for him or her, or who has day to day care of the child.

In making this request, I confirm that such action would not conflict with other intervention strategies already in place or other enforcement measures already being processed. I can also confirm that the governing body of this school has reviewed its attendance policy and agreed that this school will request the Local Authority to issue Penalty Notices in appropriate cases.

How has the parent been contacted regarding the unauthorised absences?

School Meeting ☐ Letter ☐ Telephone Call ☐

Is the family known to other Services, eg: Children's Services, YJS, CAMHS?

Yes / No

If yes, please give full details:

Are there any notable circumstances to consider, eg: mental health, bereavement, family dynamics/domestic violence? Yes / No

If yes, please give full details:

Signed …… Designation …… Date:……

**Please enclose an up to date registration certificate signed by the Headteacher or Deputy in their absence.**

**Appendix 2**

**FIXED PENALTY NOTICE REQUEST**
**UNAUTHORISED ABSENCE - Section 444, Education Act 1996**

Information contained in the form will be used in legal action under the above Act relating to non-attendance at school in the event that an Education Penalty Notice is issued and remains unpaid. I request that the Local Authority consider issuing a Penalty Notice to the parent(s)* of the following pupil:

**Pupil Details**
Registered School……

Name of Pupil ……... …….. DOB ……. Year ……..

Address……..……

……..……

***Only provide details of the parent/carer to whom the FPN is to be issued.**
**Parent 1 ***
Full name …… DOB……...

Address……..

**Parent 2 ***
Full name……..…….. ……DOB……....

Address……

The expression “parent”, in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for him or her, or who has day to day care of the child.

In making this request, I confirm that such action would not conflict with other intervention strategies already in place or other enforcement measures already being processed. I can also confirm that the governing body of this school has reviewed its attendance policy and agreed that this school will request the Local Authority to issue Penalty Notices in appropriate cases.

How has the parent been contacted regarding the unauthorised absences?

School Meeting ☐ Letter ☐ Telephone Call ☐

Is the family known to other Services, eg: Children's Services, YJS, CAMHS? Yes / No

If yes, please give full details:

Are there any notable circumstances to consider, eg: mental health, bereavement, family dynamics/domestic violence? Yes / No

If yes, please give full details:

Signed …… Designation …… Date:……

**Please enclose an up to date registration certificate signed by the Headteacher or Deputy in their absence.**

## Appendix 3

Relevant legislation that relates to Fixed Penalty Notices includes:

**The Children Act 1989**

The definition of "parent" means all natural parents, whether they are married or not; and includes any person who, although not a natural parent, has parental responsibility and/or care for a child or young person.

**The Education Act 1996**

| | |
|---|---|
| Section 7 | Duty of parents to secure education of children of compulsory school age; |
| Section 8 | Definition of compulsory school age; |
| Section 444 | Offence: Failure to secure regular attendance at school of registered pupil; |
| Section 444A | Penalty notice in respect of failure to secure regular attendance at school of registered pupil; |
| Section 444B | Penalty notices: supplemental; |
| Section 444ZA | Application of section 444 to alternative educational provision |
| Section 576 | Meaning of "parent" |

**Education & Inspections Act 2006**

| | |
|---|---|
| Section 103 | Duty of parent in relation to excluded pupil. |