**Attendance Welfare Service (AWS part of BASS)**

All children nationally are expected to be in education from Reception to Year 11. Usually, children start school in the September after their 4th birthday (Reception) and attend until the last day in June after their 16th birthday (Year 11).

Parents are responsible for making sure that their children of compulsory school age receive a suitable full-time education. This can be by regular attendance at school, at alternative provision, or otherwise (eg the parent can choose to educate their child at home).
A child reaches compulsory school age on or after their fifth birthday. If they turn 5
between 1st January and 31st March, they are of compulsory school age on 31st March; if they turn 5 between 1st April and 31st August, they are of compulsory school age on 31st August. If they turn 5 between 1st September and 31st December, then they are of compulsory school age on 31st December.
A child continues to be of compulsory school age until the last Friday of June in the
school year that they reach sixteen.

Tower Hamlets expects Children to have 96% attendance and above and schools monitor the levels of children’s attendance and punctuality.

When children are absent from school, they may miss out on valuable opportunities to learn, play, and developing social skills. When older children develop poor attendance habits, they may become vulnerable to exploitation and become involved in criminal behaviours in the community.

Children who have poor attendance may have reduced outcomes from education and schools may make referrals to the Attendance Welfare Service when children have poor attendance and /or punctuality.

The Attendance Welfare Service may invite parents to meetings with the school to try to understand any absence concerns and try to resolve them enabling the child to progress with positive attendance.

The Attendance Welfare Advisors can make referrals to services both within London Borough of Tower Hamlets and surrounding boroughs and they have a wealth of information regarding support services for children and families.

If parents are asked to attend meetings with the Attendance Welfare Advisor every attempt to arrange this at a time convenient for parents/carers will be made, however this will be during the school day. Parents/carers are expected to attend meetings to resolve attendance concerns and engage with the Attendance Welfare Advisors and school to support their child/children in education.

Whilst every effort will be made to support and resolve attendance concerns when they are not resolved or not sustained, schools may refer to the Attendance Welfare Advisor to issue Penalty Warning Notices (for fines) or Court Warning Notices (for prosecution).

**Penalty Notices to address poor attendance and punctuality in schools**

A Penalty Warning Notice can be issued to parents making them aware that if there are any further instances of absence/poor punctuality they may receive a fine. If there is no improvement in attendance or punctuality or improvements made are not sustained Penalty Charge Notices (fines) are issued to each individual parent/carer for each individual child who meets the criteria.

In the specific circumstances related to (i) the taking of 6 sessions (3 days) or more of unauthorised leave/holidays in term time, and (ii) where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification then the matter will be referred immediately to the Attendance & Welfare Service for issue of the Penalty Notice.

If parents/carers have already received a fine for poor attendance and then unauthorised leave in termtime (holiday) is taken this would be referred to the Attendance Welfare Advisor for Prosecution. In this case a Court Warning Notice would not be issued.

**When Fines are Issued**

Penalty Notices may be used in a range of situations where unauthorised absence occurs including:

Persistent unauthorised absence and/or late arrival at school (after the Register has closed).

Unauthorised holidays/leave in term time or excessive delayed return from an extended holiday without prior school permission.

Failure by parent(s)/carer(s) to attend LA convened attendance panels in schools to discuss their child’s attendance and/ or lateness.

Where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification.

There is no statutory right of appeal once a Penalty Notice has been issued.

When the notice is issued payment details of how to make payment are included in the Penalty Notice. You need to be aware that payment in part or by instalment is not an option with Penalty Notices.

The current fine for a Penalty Notice is £120 per parent and per child. If payment is received within 21 days the payment is reduced to £60 per parent and per child.

Where payment is not received within the 28 days the Penalty Notice is referred to the Legal Manager and progresses to Prosecution.

Fines are issued under

Education Act 1996 S444

If a child who is of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, the parent is guilty of an offence under s.444 Education Act 1996

The Education and Inspections Act 2006

Section 105 of this Act enables a Penalty Notice to be issued where parents/carers fail to fulfil the duty under section 103 to ensure that their child is not present during school hours in a public place without reasonable justification when they are excluded from school.

 The Anti-Social Behaviour Act 2003

Section 23 of the Act gives powers to the Local Authority (LA) and other designated bodies to issue Penalty Notices where a parent/carer is considered capable of but unwilling to secure an improvement in their child’s school attendance.

Why have they been introduced?

Reducing absence from school is a key priority nationally and locally because missing school damages a pupil’s attainment levels, disrupts school routines, the learning of others and can leave a pupil vulnerable to anti-social behaviour and youth crime.

Above all, missing school seriously affects children’s life opportunities.

When a Penalty Notice is issued and remains unpaid this progresses to a prosecution of the parent/parents under the Education Act 2006 s 444. Parents prosecuted can receive fines of up to £2500 and a criminal conviction.

**Prosecution**

If attendance remains poor the Attendance Welfare Advisor may issue a Court Warning Notice. Where poor attendance continues or it is very poor and there is no improvement or effort on the part of the parent to make a change for their child and sustain it Parents/carers can be prosecuted under the Education Act 2006 s444/441a.

Parents/carers commit an offence if a child fails to attend school regularly and on time and the absences/ late arrivals are classed as unauthorised or avoidable (those for which the school cannot or has not given permission). The failure of a child to attend regularly can result in the parent(s)/carer(s) of that child being prosecuted in the Magistrates Court under section 444 of the Education Act 1996. If convicted the parents/carers will receive a criminal record as well as whatever penalty is imposed by the Magistrates which can be up to £2500 /Custodial sentence.