

Achieving for Children (RBWM)

Penalty Notice Code of Conduct

1. Legal Basis:

For the purposes of this Code of Practice “parent” includes any person who is not a parent but has parental responsibility for a child or any person who has care of a child. Parents of a pupil who is registered at a school and who fails to attend school regularly are committing an offence under section 444(1) Education Act 1996. The Anti-social Behaviour Act 2003 introduced new powers for authorised local education authority officers, (typically Education Welfare Officers), head teachers (and deputy and assistant heads authorised by them) and the police, to issue penalty notices to such parents. [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#) as amended came into force on 1st September 2013 and enable parents to discharge potential liability for conviction for the above mentioned offence by paying a penalty of up to £120.

2. Rationale:

Regular and punctual attendance at school is both a legal requirement and is essential in order for pupils to maximise their educational opportunities. Parents and pupils are supported at school and LEA level to overcome barriers to regular attendance through a variety of intervention strategies. Sanctions of any nature are for use only where parental co-operation is either absent or deemed insufficient to resolve the presenting problem. They are used as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement. Prosecution is expensive and time-consuming and can be considered too severe for parents who are not persistent offenders. Penalty notices provide a quicker, cheaper and more effective way of sanctioning those parents who are capable of improving their child’s attendance and where a simple sanction will focus them on their responsibilities.

3. Circumstances where a Penalty Notice may be issued:

A Penalty Notice can only be issued in cases of unauthorised absence. The issuing of a Penalty Notice is considered appropriate in the following circumstances:

- (i) Truancy (including pupils caught on truancy sweeps);
- (ii) Parentally-condoned absences;
- (iii) Unauthorised leave of absence in term-time;
- (iv) Unexplained delayed return from leave of absence;
- (v) Persistent late arrival at school (after the Register has closed).

- (b) In the same letter, set a maximum period of 15 school days within which the pupil must have no unauthorised absence; Issue a Penalty Notice through the post at the end of the 15-day period if the required level of improvement has not been achieved.
- (c) Advise the requesting body of the action taken
- (v) A maximum of 2 penalty notices will be issued to one parent in any twelve month period

5. Procedure for withdrawing Penalty Notices:

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- (i) Proof has been established that the Penalty Notice was issued to the wrong person;
- (ii) The use of the Penalty Notice did not conform to the terms of this Code of Practice

Due consideration will be given to any written representations that the recipient wishes to make. If the recipient would have difficulty with making written representations assistance will be given.

6. Payment of Penalty Notices:

Arrangements for payment will be detailed on the Penalty Notice. Payment of a Penalty Notice discharges the parent/carer's liability for the period in question and he/she cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.

The amount of the penalty to be paid shall be £60 where paid within 21 days of receipt of the notice and £120 where paid within 28 days of receipt.

The LA retains any revenue from Penalty Notices to cover the costs of issuing and enforcing notices or the costs of prosecuting recipients who do not pay.

7. Non-payment of Penalty Notices:

If the penalty is not paid in full before the expiry date mentioned in the notice the LEA shall either institute proceedings against the recipient for the offence to which the notice relates or withdraw the notice in accordance with Clause 5 above.

8. Policy & Publicity

The issuing of Penalty Notices as a sanction will be included in the LA's Attendance Policy.

Schools will be advised that their school Attendance Policies must include information on the issuing of Penalty Notices and this will be brought to the attention of all parents and pupils.

The LA will include information on the use of penalty Notices and other attendance enforcement sanctions in promotional/ public information material.

9. Reporting & Review:

The EWS will review the use of Penalty Notices at regular intervals and amend the general enforcement strategy as appropriate.