



**South Gloucestershire Council Code of Conduct
(Revised September 2013)
Penalty Notices
for unauthorised or irregular attendance at school or exclusion from
school**

*The Education (Penalty Notice) (England) Regulations 2006
As amended by The Education (Penalty Notice) (England)(Amendment)
Regulations 2012
And The Education (Pupil Registration)(England) Regulations 2013*

Rationale and overview of Penalty Notices

The purpose of this code of conduct is to ensure that Penalty Notices are applied consistently and fairly across the local authority area and that arrangements for their issue and administration are suitable.

A Penalty Notice (herein called the 'Notice') is a fine issued and administered solely by South Gloucestershire Education (Statutory) Service within the Education Learning and Skills Division behalf of the local authority. Head teachers (or nominated deputies) and the chief officer of police for the area may request a Notice to be issued by the local authority.

1. Any Notice issued must comply with the local code of conduct.
2. The amount of the penalty to be paid is :
 - a. £60 where the amount is paid within 21 days of receipt of the Notice or
 - b. £120 where paragraph a) does not apply but where the amount is paid within 28 days of receipt of the Notice.
3. Where the Notice is served by first class post, service is deemed to have been effected (unless the contrary is proved) on the 2nd working day after posting.
4. Payment is made to the local authority issuing the Notice. Revenue generated from the Notices will be used to cover the costs of issue and enforcement and the cost of prosecuting recipients who do not pay, any sums not used for this purpose will be forwarded to the Secretary of State.
5. Within this code of conduct 'parent' is as defined in Section 576 of the Education Act 1996.
6. A Notice is a method by which a parent may discharge potential liability for conviction of an offence either under:
 - a. Section 444 of the Education Act 1996 or
 - b. Section 103 of the Education and Inspections Act 2006
7. If the Notice is not paid in full before the expiry of the period for paying it, the local authority will instigate a prosecution or else withdraw the Notice. Part payment will not be accepted.
8. A Notice may only be withdrawn in cases in which the authority determines the Notice:
 - a. ought not to have been issued
 - b. ought not to have been issued to the person named
 - c. contains material errors

9. A Notice may be issued to each parent of a child
10. A maximum of 2 Penalty Notices may be issued per parent, per child in a 12 month period

Unauthorised or Irregular attendance at school

- a) A Notice is a method by which a parent may discharge potential liability for conviction of an offence under Section 444 of the Education Act 1996
- b) Notices may be issued in cases where more than 10 sessions of unauthorised absence accumulate in a 7 week period (i.e. 70 possible sessions of attendance at school).
- c) In cases where pupils are not expected to be present for every morning and afternoon session (e.g. attendance at a Pupil Referral Unit), proportionality will be used to determine whether or not a Notice may be issued. This will be approximately equivalent to 85% attendance (or less) in a 7 week period where some or all of the absences are unauthorised.
- d) A warning letter that a Notice may be issued should be sent, giving parents 15 days to effect an improvement.
- e) In circumstances of unauthorised holidays in term time it is expected that schools will have made every effort to warn their parents that they may receive a Penalty Notice if the holiday is taken without authorisation. No letter of warning giving parents 15 days to effect an improvement is required in these circumstances.
- f) Schools must regularly ensure that information regarding unauthorised absence from school and Penalty Notices is available to parents.

Exclusion from school

Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent must ensure that their child is not present in a public place during normal school hours without reasonable justification for any of the first 5 days of each and every fixed term and permanent exclusion. If a parent fails in this duty, a Penalty Notice may be issued. Section 104 of the Act requires schools to notify parents in writing that they are responsible for the child during these specified days.

- i. A Notice is a method by which a parent may discharge potential liability for conviction of an offence under Section 105 of the Education and Inspections Act 2006.
- ii. School hours are defined as 'a school session or the break between sessions on the same school day'
- iii. A public place means a highway or any other public place to which the public has access. A school is not a public place for this purpose.
- iv. Reasonable justification may include medical emergencies and hospital or other medical appointments. Shopping for clothes or food would not generally be considered reasonable. It is the parent's responsibility to prove reasonable justification.
- v. Parents will be given the opportunity to provide reasonable justification prior to the issue of a Notice.
- vi. Information will be collected by the Local Authority in order to establish whether or not an offence has been committed.
- vii. If the Notice is not paid in full before the expiry of the period for paying it, the local authority will instigate prosecution or else withdraw the Notice.

A Notice should not generally be issued for a first offence, a parent should receive a warning that a Notice may be issued if the pupil is found on a second or subsequent occasions. An

exception to this may be that the parent is particularly blameworthy or their attitude to the offence is negligent.

Administration for the Penalty Notice is co-ordinated by the Education (Statutory) Service within the Education Learning and Skills Division.

This code of conduct has been drawn up in line with The Education (Penalty Notice) (England) (Amendment) Regulations 2013, the original Code was drawn up in consultation with Headteachers, Governors and the police, this version is to reflect a statutory amendment and therefore further consultation was not required.