

South Tyneside Council

Code of Conduct for Education Related Penalty Notices.

Rationale.

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them.

Penalty Notices are one of a number of important additions to the interventions available to promote better school attendance. Improving attendance is essential to improve a child's educational prospects and to avoid putting them at risk of criminal or anti-social behaviour.

This Code of Conduct is a requirement of The Education (Penalty Notices) (England) Regulations 2007 including amendments to the regulations in 2013. The Code ensures that the powers to issue Penalty Notices are applied consistently and fairly across the Local Authority area and that suitable arrangements are in place for the administration of the scheme.

This Code supersedes all previous Local Authority documentation and Codes regarding Fixed Penalty Notices.

Circumstances Where a Penalty Notice May Be Issued.

Penalty Notices are intended to provide an early intervention to deter patterns of unauthorised absence developing. Parents and pupils are supported both at school and at Local Authority level to overcome irregular attendance and any of the sanctions available are only for use when there is no parental co-operation or it is not sufficient to resolve the difficulties.

Circumstances in which a Penalty Notice may be a suitable intervention will include:

- Parentally condoned absence
- A pupil is taken out of school during term-time where this has not been authorised by the Head Teacher or no request for authorisation has been sought.
- Persistent lateness, after the register has closed.
- Unwarranted delayed return from leave of absence (without school agreement)
- Being in a public place during school hours without reasonable justification during the first 5 days of any exclusion. For an exclusion of less than 5 days, this applies for the whole of the excluded period.

The above list is not exhaustive.

Procedure for issuing Penalty Notices.

Penalty Notices are to be issued by Services for Young People in South Tyneside. This will ensure a fair and consistent delivery, maintain home-school relationships, avoid the issue of duplicate notices and ensure that Penalty Notices are used effectively alongside other enforcement sanctions.

Penalty Notices may be requested by schools, Police and neighbouring Local Authorities. These requests will be actioned providing:

- The pupil has recorded at least 10 sessions (5 school days) of unauthorised absence in the last 6 weeks
- Circumstances of the absence meet the criteria laid out in the agreed Code of Conduct
- All relevant information is supplied, in writing and in line with the agreed Code of Conduct
- The request for a Penalty Notice does not conflict with other intervention strategies or other enforcement action already in place.

Requests according to the above criteria will be actioned within 10 school days by the Local Authority through the following process:

- Parents will normally receive a formal written warning stating the possibility of a Penalty Notice being issued and a period of 15 school days within which the pupil must have no further unauthorised absence.
- Services for Young People will monitor attendance and, at the end of 15 school days, where further cases of unauthorised absence have occurred, a Penalty Notice will be issued using First Class post.

In exceptional circumstances, no warning will be issued i.e. the deliberate taking of leave of absence during term-time without the written permission of the Head Teacher or other authorised person. This will apply where it can be clearly demonstrated that permission had/would not be given, and where this has created an unauthorised absence of at least 10 sessions (5 days).

NB: No one parent will receive more than 2 Penalty Notices resulting from the unauthorised absence of an individual child in any 12 month period.

For Penalty Notices issued in relation to excluded children, no parent will receive more than 2 Penalty Notices in any 12 month period where their child has been found in a public place during school hours.

A Penalty Notice will not be issued when proceedings under Section 444 of the Education Act are being contemplated or have been commenced by the Local Authority.

Within this Code, 'parent' is defined as in Section 576 of the Education Act 1996. This includes individuals who have parental responsibility for a child.

'School hours' are defined as "a school session or the break between sessions on the same school day."

'A public place' means any highway or any other public place to which the public have access. A school is not a public place for this purpose.

Withdrawal of Penalty Notice.

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

- Where it ought not to have been issued (for example, the issuing of the Penalty Notice did not conform with this Code of Conduct); or
- Where it has been issued to the wrong person; or
- It contains material errors.
- Where after the expiry of 28 days the Penalty Notice remains unpaid and the LA has not started legal proceedings or wishes to take such action under section 444 of the education act.

Payment of a Penalty Notice.

Payment arrangements will be detailed on the Penalty Notice.

The Penalty is £60 if paid within 21 days of receipt of the notice, rising to £120 if paid after this time but within 28 days.

No reminders will be issued either orally or in writing.

Payment of a Penalty Notice discharges the parent's liability for conviction for the unauthorised absences in the period in question, and they cannot be prosecuted for the period covered by the Penalty Notice.

If the Penalty Notice is not paid in full by the end of the 28 day period, the Local Authority will prosecute for the offence under Section 444 of the Education Act 1996 for non-attendance Notices, or section 103 of the Education and Inspections Act 2006 for exclusion-related Notices, unless it can be withdrawn in accordance with the circumstances above.

Where the Penalty Notice is not paid in full by the end of the 28 day period, and the Local Authority has not commenced proceedings against the parent for the offence contained in the Notice, nor is contemplating such proceedings, the Local Authority must withdraw the Penalty Notice.

The Local Authority will retain the revenue from Penalty Notices to cover the enforcement costs of issuance, collection and any prosecutions in the even of non-payment.

Publicity

All school Attendance Policies will include information on the deployment of Penalty Notices and this will be brought to the attention of all parents.

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

Review.

The use of Penalty Notices will be reviewed annually and changes will be made to the general enforcement strategy as appropriate.

General.

This Code of Conduct is drawn up in accordance with the provisions of The Education (Penalty Notices) (England) Regulations 2007 and amendments to the regulations 2013, having regard to the guidance issued by the Secretary of State and in consultation with Head Teachers, Governing Bodies of all schools maintained by the Education Authority and the Chief Officers of Police for the Local Policing Areas within the Borough of South Tyneside.

To be reviewed September 2018