

# Education Penalty Notice

# CODE OF CONDUCT

**Document Details:**

Status: V002

Date Issued: August 2024

Date Last Updated: July 2024

Document Location: [Information and resources for schools | Worcestershire County Council](#)

Contact: Children's Services, Education Engagement Service

## 1. Purpose and Rationale:

The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across Worcestershire. The code sets out the arrangements for administering penalty notices in **Worcestershire** and must be adhered to by anyone issuing a penalty notice for school absence in this area. The code complies with relevant regulations and the Department for national framework for penalty notices as set **out** in the



child during these days. Section 105 allows for a penalty notice to be issued to a parent guilty of an offence under section 103 (3).

The Act empowers designated Local Authority Officers, Head Teachers, Deputy Head Teachers and Police to issue Penalty Notices in case of unauthorised absence from school in line with the Local Authority's code of conduct for Penalty Notices.

The Local Authority and any persons authorised to issue Penalty Notices must have regard to the Human Rights Act 1998, Disability Discrimination Act 1995 and Sex Discrimination Act 1975 and the Equality Act 2006 and the Special Educational Needs Code of Practice.

The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.

It is the parent(s)/carer(s) responsibility to prove reasonable justification to the Authority and they may be asked to produce evidence of matters upon which they intend to rely (e.g. doctor's certificate or confirmation of a hospital visit). Whether parental/carers justification is reasonable is a matter for the Authority to decide upon, taking account of individual circumstances advanced by the parent/carers. Parents/carers will be given the opportunity to provide reasonable justification prior to issuing the penalty notice.

The issuing of a Penalty Notice is considered appropriate in cases of;

An excluded child is found in a public place during the school hours of the first five days of exclusion.

Overt truancy is detected (including being caught on truancy sweeps)

Parentally condoned absence is evidenced.

Unauthorised leave of absence has been taken (unauthorised family holidays)

Delayed return from leave of absence without prior school agreement

A Penalty Notice can be issued for leave of absence in term time for which no permission has been sought from the school, or permission sought was refused, or child has not returned by the agreed date and no acceptable reason for delay has been received, and where a child has been encountered on more than one truancy patrol and the absences were unauthorised.

Where more than one child in a family is involved multiple notices to improve may be issued. There will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of a Penalty Notice. The

The Education Engagement Service will consider requests to issue Penalty Notices from schools/colleges in the local authority and the local Constabulary.

The Education Engagement Service will action these requests providing a signed attendance certificate from the head teacher is received with a declaration confirming that:

The circumstances of the case meet the criteria for the issue of a Penalty Notice, as specified in the Code of Conduct, and

All necessary information is provided to the Education Investigation Service in order to establish that an offence under Section 444 (1 /1A) Education Act 1996 has been committed, and

In the case of an unauthorised period of leave of absence, supporting evidence is provided that clearly details the reasons permission has not been granted by the Head teacher.

Worcestershire County Council advises that schools/alternative education providers maintain a clear, consistent, and robust approach towards granting leave of absence for exceptional circumstances (family holidays in term time), in line with their Attendance and Equal Opportunities policies and the Human Rights Act.

Primary responsibility for issuing Penalty Notices rests with the Local Authority. Penalty Notices will only be issued subject to approval by the Education Engagement Service authorised officers.

The collection of payments and issuing of receipts will be administered by the Education Engagement Service on behalf of the Local Authority with support from the Finance department.

## **6. Procedure for the Withdrawal of a Penalty Notice**

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

The period for payment has expired and the Local Authority does not intend to ins



