



## **City of York Council Education and Skills**

City of York Code of Conduct for the use of  
Education Related Penalty notices

## **Penalty notice**

	school where appropriate.
2.4	<p>Parents, carers and pupils are supported at school and at partner agencies level to overcome apparent barriers to regular attendance through a wide range of assessment and intervention strategies, for example via schools pastoral support systems and Local Area Teams (LAT).</p> <p>Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem. They will be used as a means to support parents to meet their responsibilities in law and where there is reasonable expectation that their use will secure an improvement.</p> <p>Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.</p> <p>Family circumstances and the ability to pay is judged against the likelihood of securing an improved attendance by issuing a penalty notice (this to include any cases of possible multiple issue to any one family)</p> <p>These measures are permissive and it is for individual governing bodies and the LA to decide whether to use them. In exercising these powers governing bodies, head teachers and local authority officers should have regard to their safeguarding duties.</p>
2.5	<p>Before requesting issue of a penalty notice for unauthorised absence, other strategies should be considered that may help the child concerned return to regular school attendance.</p> <p>These might include:</p> <ul style="list-style-type: none"> <li>• writing to the child's parents to remind them of their legal responsibilities</li> <li>• meeting with the child's parents</li> <li>• ensuring a first-day response to any absence</li> <li>• setting targets for improvement</li> <li>• involvement of other services or agencies such as LAT, wellbeing service etc.</li> </ul> <p><b>Please note: The above strategies do not apply to term time leave or holiday.</b></p>
3	<b>Circumstances where a penalty notice may be issued</b>
3.1	To ensure consistent practice penalty notices will be issued only in cases of <b>unauthorised</b> absence and may be considered in the following circumstances.
3.2	<p><b>Persistent unauthorised absence.</b></p> <p>At least ten sessions (five school days) of unauthorised absence in the previous 12 school weeks. Following a warning letter being sent, an invite</p>



	The school should clearly communicate to parents that they will categorise as unauthorised any further lateness (code O).
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3.7

**Excluded pupils (fixed term or permanent)**

A parent/carer is required to ensure that their child is not present in a public place during school hours, without reasonable justification, during the first five days of each and every fixed period or permanent exclusion. A public place means any highway or any place to which the public have access.

***N.B:*** *School premises are not a public place for this purpose (Section 547 Education Act 1996).*

A penalty notice enables the parent to pay a fine as a way of discharging liability for the offence of failing to ensure that their child is not present in a public place on the days specified in the notice given to them by the school. The parent must have been notified of their duty by the school at the time of the exclusion and the days to which it relates.

In order for the LA to issue a penalty notice, evidence would be required,

	Adviser following a request from a headteacher (or a member of staff authorised by the headteacher such as a deputy or assistant headteacher) or police officer. This will ensure consistent and equitable delivery, protect school-home relationships and allow cohesion with other enforcement sanctions.
4.2	<p>Schools can contact the School Attendance Adviser to request the issue of a penalty notice, if the circumstances detailed within the code of conduct have been met.</p> <p>The following documentation needs to be submitted:</p> <p><b>Certificate of Attendance</b> - for the period in question completed and signed by the Head teacher. This may straddle two academic years  <b>Leave of Absence application form</b> - if appropriate  <b>Letter of refusal to the parent</b> - if appropriate  <b>Warning letters</b> ± if appropriate  <b>Attendance panel minutes</b>- if appropriate  <b>Parenting contract</b> ±if appropriate</p> <p>In cases regarding unauthorised leave of absence documentation should be submitted preferably no more than two weeks following the taking of the unauthorised leave.</p>
4.3	Penalty notices issued by City of York will only be issued by first class post, using City of York invoices, and never as an on the spot action. This is to ensure that the evidence to support the penalty notice is sound and meets Health and Safety requirements.
4.4	The School Attendance Adviser will normally respond to all requests within 10 school days of receipt.
5	<b>Procedure for withdrawing penalty notices</b>
5.1	<p>Once issued, a penalty notice may only be withdrawn in the following circumstances:</p> <ul style="list-style-type: none"> <li>•it ought not to have been issued</li> <li>•it ought not to have been issued to the person named as the recipient</li> <li>•it contained material error</li> </ul>

6.1	Arrangements for payment will be detailed on the penalty notice.
6.2	Payment of a penalty notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the penalty notice.
6.3	Payment of a penalty notice within 21 days is £60 and payment after this time but within 28 days is £120.
6.4	Payment can not be made by instalment.
6.5	The LA retains any revenue from penalty notices to cover enforcement costs (collection or prosecuting in the event of non-payment).
7	<b>Non-payment of penalty notices</b>
7.1	Non-payment of a penalty notice will result in the withdrawal of the notice and will trigger consideration of the prosecution process under the provisions of Sec 444, 1996 Education Act.
8	<b>Policy &amp; publicity</b>

