

1 Background

Under existing legislation, parents/carers commit an offence if a child fails to attend school regularly and the absences are classed as unauthorised (absences without a valid reason).

Depending on circumstances such cases may result in prosecution under the Education Act 1996.

7 Key Steps for Schools

- Ensure the policy and process related to PNs is displayed clearly on your school website
- Seek evidence from parent prior to issuing PN as it is very time consuming for all to withdrawal after issuing
- Check all details carefully when sending the PN to ensure withdrawal does not occur due to material errors
- Be aware that there is a 6 month time limit from the last day of unauthorised absence to when a case can go to prosecution

6 SBCs Role

- Issue the fine to the parent/s on behalf of school
- Refer any parental queries or disputes back to the issuing school
- Monitor the enforcement process and payment of fine/s
- If payment is made no further action will be taken at this stage
- If no payment is made the LA will, along with legal services, consider prosecuting the parents under The Education Act 1996

2 The Law - The Anti-social Behaviour Act 2003

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

The Education (Penalty Notices) (England) Regulations 2007

The Education (Penalty Notices) (England) (Amendment) 2013

Penalty Notice

www.slough.gov.uk
Slough
Borough Council



3 When it can be applied

- In cases of overt truancy (including pupils caught on truancy sweeps)
- In cases of parentally-condoned absence, where this can be demonstrated e.g. holidays
- In cases of persistent late arrival at school after the register has closed
- In cases where the extended leave policy is not followed
- In cases where an excluded child is found to be in a public place during school hours without reasonable cause (and it is for the parents to prove justification)

5 Essential Information to provide

- Registration certificate that clearly displays the G codes
- Records of schools interventions to date such as phone calls, emails and home visits
- Details of any referrals to other agencies

4 Key Facts

SBC's code of conduct states that parent/s will only be issued with **one fine per academic year**.

It is the Headteacher's decision to issue a fine.

The decision to withdraw lies solely with the school headteacher during the payment period and a reason is required.

If a case goes to prosecution, schools are required to represent themselves.