

Penalty Notices Code of Conduct

Attendance Network Meeting
July 2024

Fliss Falconer – Lead Officer for Legal Intervention in Education (Attendance)

Living our values every day




Accountable



Integrity



Empower



Respect



Excellence



We are a Support First Team

Steps to take before initiating legal proceedings

Support for the **child**

- Anxiety**
- ☐ Has the child suggested that they have feelings of anxiety?
 - ☐ Have steps been taken to alleviate these feelings?
 - ☐ Is there evidence of child-on-child abuse or bullying?
 - ☐ Are home life or parenting styles causing concern for the child?
 - ☐ Has a part-time timetable been considered to support return to full-time learning?
 - ☐ Have the parents applied to their GP, TIC+ or CAHMS for a referral?

- SEN**
- ☐ Has specialist advice been sought?
 - ☐ Has the feedback been implemented?

- Patterns**
- ☐ Have patterns in attendance been identified and addressed?

- Section 19**
- ☐ Has a referral been considered?

Support for the **parents**

- Communication**
- ☐ Are communication lines with the parents open?
 - ☐ Are both parents contacted with information from school?
 - ☐ Is communication delivered in an alternative language or format?
 - ☐ Are parents aware that legal proceedings are being considered and what that means for them?
 - ☐ How often does the school send out leaflets about attendance? (Available on Schoolsnet)

- Meetings**
- ☐ Have meetings with the parents been arranged, either on- or off-site as necessary?
 - ☐ Have AIM (Attendance Improvement Meetings) been arranged and held?
 - ☐ Has the attendance of parents and outcome been recorded?

- Improvement**
- ☐ Has a Parenting Contract been considered?

Support for the **family**

- Collaboration**
- ☐ Are the parents in need of support for the whole family?
 - ☐ Has transport assistance been investigated?
 - ☐ Have schools where siblings attend been contacted and consolidated plans been arranged?
 - ☐ Have parenting courses and family support been considered?
 - ☐ Has Early Help been considered?



Has the graduated pathway been followed to identify barriers to regular attendance?

Support for the **school**

- Intervention**
- ☐ Have all absences been recorded as unauthorised?
 - ☐ Has evidence been collated for absences from the initial period of unauthorised absences?
 - ☐ Has all communication with parents been recorded with names, dates and details of information?
 - ☐ Has the Inclusion Officer been made aware of the attendance issues?

- Policies**
- ☐ Has the Attendance Policy been available to all parents?
 - ☐ Does it have a clear definition of what the school regards as 'regular attendance'? For example: We regard regular attendance for all children to be in school, on time. This is for every session of every day that the school is open to them.
 - ☐ Has it clear information regarding the school's expectation of good attendance and consequences of poor attendance?
 - ☐ Has it guidance on how to approach the school regarding attendance concerns?
 - ☐ Has it been updated in the last 12 months?

GCC's Code of Conduct for Penalty Notices for school absence, 2024

Where difficulties arise with school attendance, professionals should take a '**support first**' approach in line with the DfE's 'Working together to improve school attendance' guidance

Outcomes for a prosecution

- A guilty verdict for a 444(1) and 444(1a) case usually includes a fine and a criminal conviction
- Convictions appear on standard and enhanced DBS checks and the defendant must disclose the conviction for the 12 months after the sentence
- Convictions may affect visa and travelling plans



When is the sentence classed as spent?

- Custodial sentences and fines are considered spent after 12 months
- A community order is spent after the period stated on the order

Advice on Legal Proceedings

The legal process can lead to a criminal conviction for parents. GCC follows the 'Support First' guidance from the Department for Education, and we ask you to ensure that legal action is the last avenue for attendance.

The Rehabilitation of Offenders Act 1974 confirms the following time periods before a sentence is classed as spent:

- A custodial sentence of 1 year or less - the end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed
- A relevant order (e.g. community order) - the last day on which the order is to have effect
- A fine - the end of the period of 12 months beginning with the date of the conviction

After the period ends, the conviction is still on the person's record and could come up on an Enhanced Records Check but the defendant would be classed as a "protected person". They are essentially treated as if they have not been convicted of the offence.

Before the rehabilitation period ends, the defendant must disclose the conviction when asked.

The Local Authority has the power to prosecute parents who fail to secure their child's regular attendance at school. Schools can, in some circumstances, request that the Local Authority issue a Penalty Notice where parents have failed to secure regular attendance at school.

Consider the 'Steps to take before initiating legal proceedings' document to ensure all voluntary support options have been tried. Maintain records of all the intervention that has been offered, and what impact it has had on the child's attendance.

In line with the 'Working together to improve school attendance' guidance, we have drafted a Parenting Contract for schools to use.

The first stage in the legal process is to write to parents informing them that they may be at risk of prosecution and invite them to attend a mutually agreed Attendance Improvement Meeting.

Should there be no improvement, discuss the case with your Inclusion Officer. They will support you in completing the 'Request to Initiate Legal Proceedings' form.

Useful Documents

[Parenting Contract](#)

[GCC AIM And AIM Review Forms](#)

[The Legal Process, Witness Statements And Exhibits](#)

[Steps To Take Before Initiating Legal Proceedings \(Use\)](#)

[Request To Initiate Legal Proceedings Questionnaire 2024](#)

The legal process can lead to a criminal conviction for parents. GCC follows the 'Support First' guidance from the Department for Education, and we ask you to ensure that legal action is the last avenue for attendance.




Speak to your Inclusion Officer if you feel you have a case that should be considered for legal intervention

[Advice on Legal Proceedings](#)

[Contacting the local authority and legal options](#)


GCC's Code of Conduct for Penalty Notices

Changes from 19 August 2024

-  Notices to Improve
-  Penalty Notices
-  Capita Module



Notice to Improve (NTI)



A notice to improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued.

A Notice to Improve should be sent to give parents a final chance to engage in support



GCC will issue the Notice to Improve on behalf of the school



An email will be sent to each parent through the CAPITA One FPN application



Recommended length of improvement should be between 3 and 6 weeks



Sufficient improvement shall be no more unauthorised absences (unless an alternative, tailored to the family, has been previously agreed with GCC officers)



Schools will monitor the improvement period and request a penalty notice through Capita if the criteria are met

When may a penalty notice for absence be appropriate?

10 unauthorised sessions in 10 weeks

G, N, O, U, and a combination of these codes

When a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks, with one of, or a combination of the following codes:

- (a) code G (the pupil is absent without leave for the purpose of a holiday)
- (b) code N (the circumstances of the pupil's absence have not yet been established),
- (c) code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies)
- (d) code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

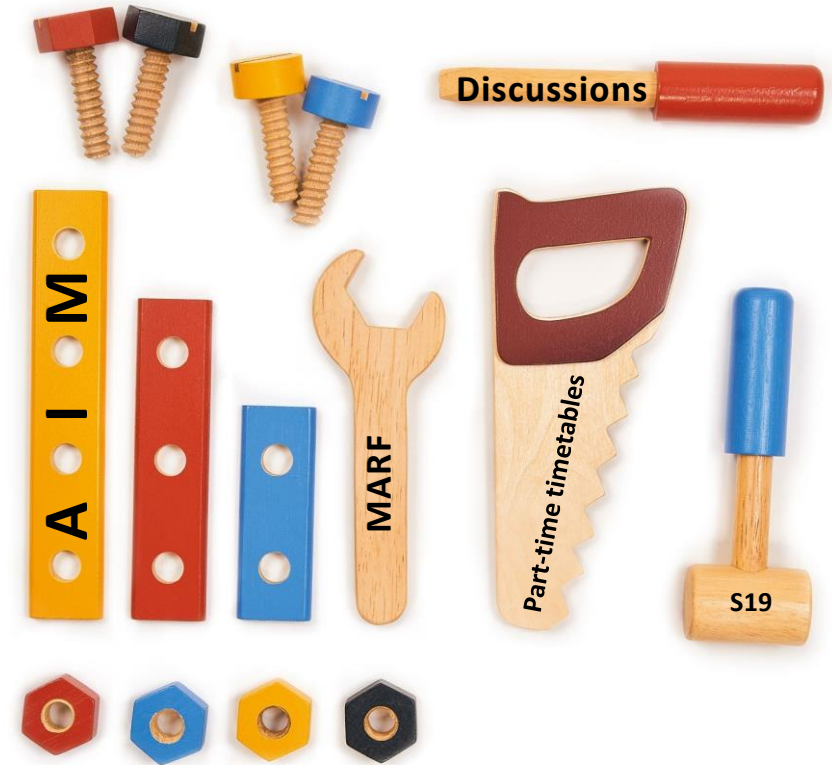
If in an individual case the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

Is it the best tool for the job?

If repeated penalty notices are being issued – and they are not working to change behaviour – **they are unlikely to be most appropriate tool.**

The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period.



Is it the best tool for the job?

If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be used.

At this point GCC will consider prosecution through the magistrate's court under Section 444(1) of the Education Act 1996.





We are launching the new Capita Module
for requesting
Notice to Improve email notifications
and Penalty Notices

[Video](#)

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Penalty Notice Evidence Form

This form will be used in any legal action under the Education and Inspections Act 2006 S103 and the Education Act 1996 S444 relating to non-school attendance of a registered pupil at the school.

School				
Name				
Locality and Inclusion Officer				
Headteacher				
School's contact name				
School contact's email				
Pupil				
Name				
DOB				
Gender				
NCY	CIC	CPP	SEN	Traveller
	Yes / No	Yes / No	Yes / No	Yes / No
Current attendance	%	Unauthorised		%
Primary Parent				
Name				
Address				
Telephone number				
Email				
Relationship to pupil				
Child resides with parent	Yes / No			
Translation required	Yes / No	Language:		
Date parent warned in writing of possible LA prosecution:				

Using the
**‘Steps to Take
Before Initiating Legal Proceedings’**
form, schools can complete the ‘Penalty
Notice Evidence Form’ when requesting the
penalty notice

Full details of what will be needed for each
code/combination of codes will be available to
view on Schoolsnet

Similarly to 444(1a) cases, schools should be able to exhibit what they have done to support the child's attendance



For O codes, U codes, and Combination codes Support for the child and parent(s)

Type of Support	Date Offered	Accepted / Declined / Withdrawn	Date Commenced	Impact on Attendance
121 talks /capturing the child's voice				
Mentoring/Buddying				
Change in tutor group / seating arrangements				
Support with catching up on missed work				
Counselling				
Behaviour support				
Amended timetable including date EIS notified				
Alternative Provision including date EIS notified				
Patterns in attendance certificate identified/addressed				
Graduated Pathway/My Plan/My Plan+				
Health referral e.g., GP, TIC+, CAHMS				
TALC/Intervention Circle referral				
Referral to any other multi-agency				
Attendance Contract				
Early Help/Family Support Workers				
Parenting Courses				
Attendance Improvement Meetings				
Contact with siblings' schools				
Identification of transport needs				
Other				

Continue another page if necessary

Please refer to 'Steps to take before Initiating Legal Intervention' to support the completion of this table

Support for the child and parent(s)/carer(s)

121 talks /capturing the child's voice	Graduated Pathway / My Plan / My Plan +
Mentoring/Buddying	GP, TIC+ and/or CAHMS referral
Change in tutor group / seating arrangements	TALC/IC referral
Support with catching up on missed work	Referral to any other multi-agency
Counselling	Attendance Contract
Behaviour support	Early Help
Part-time timetable including date EIS notified	Parenting Courses and Family Support Workers
Alternative Provision including date EIS notified	Attendance Improvement Meetings
Patterns in attendance certificate identified/addressed	Contact with siblings' schools
	Identification of transport needs
	Other

Where pupils move between local authority areas, Gloucestershire County Council can be contacted on crossborder.penaltynotice@gloucestershire.gov.uk to find out if penalty notices have been issued previously.

Where pupils attend school in Gloucestershire but live in a different LA, Gloucestershire County Council will liaise with the home LA to ensure consistency of approach for all pupils attending Gloucestershire Schools.



Don't forget to **Update**
your attendance policy, letters to
parents and website versions of
your policies



Remember!

Gov.uk – New regulations

<https://www.gov.uk/government/news/new-regulations-for-schools-in-next-stage-of-attendance-drive>

Gov.uk – Working together to improve school attendance

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

Gov.uk – Summary table of responsibilities for school attendance from 19 August 2024

https://assets.publishing.service.gov.uk/media/65df04aff1cab30011fc4842/Summary_table_of_responsibilities_for_school_attendance_applies_from_19_August_2024.pdf

Gov.uk – Toolkit for schools: communicating with families to support attendance Updated 29 February 2024

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance/toolkit-for-schools-communicating-with-families-to-support-attendance>

Gov.uk – Annex A: example attendance letters and emails to parents and carers

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

Office of the Children's Commissioner – Guidance for parents on school attendance

<https://www.childrenscommissioner.gov.uk/back-into-school/resources-for-families/>

Youtube.com – Working Together to Improve School Attendance: DfE guidance overview for schools

<https://www.youtube.com/watch?v=WLymR706NHM>