

# PORTFIELD SCHOOL & SATELLITE CENTRES



## POLICY DOCUMENT FOR ATTENDANCE



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## **Review of Policy**

This policy will be reviewed annually unless changes of circumstances or legislation requires it to be amended earlier.

Signed: .....  
Headteacher

Date: .....

Signed: .....  
Chair of Governors

Date: .....

## **Portfield School Mission Statement**

Working together    Learning together    Achieving together

At Portfield School we strive to

- Create a happy, safe, supportive and stimulating learning environment
- Value everyone
- Develop everyone's personal, social, emotional health and wellbeing
- Promote relevant academic and vocational skills
- Meet individual needs through an imaginative and flexible approach
- Enable all learners to achieve their full potential

UNCRC United Nations Convention on the Rights of the Child

- Portfield School places the values and principles of the UNCRC at the heart all policies and practices
- Portfield School is a Rights Respecting School

**DESIGNATED STAFF MEMBER WITH RESPONSIBILITY FOR MONITORING ATTENDANCE**

NAME: Mrs Ladan Harper - Headteacher

CONTACT NUMBER: 01437 762701

**DEPUTY STAFF MEMBER WITH RESPONSIBILITY FOR MONITORING ATTENDANCE AT THE SCHOOL**

NAME: Mrs Caroline Ball

CONTACT NUMBER: 01437 762701

**NOMINATED MEMBER OF THE GOVERNING BODY FOR MONITORING ATTENDANCE**

NAME: Mrs Beryl Thomas Cleaver

**Contacts within the Local Authority**

**The named officer within Pembrokeshire LA is Mrs Christine Mathias**

**CONTACT NUMBER: 01437 775022**

**E-MAIL: Christine.Mathias@pembrokeshire.gov.uk**

## **1. RATIONALE**

- The school bases its attendance policy on the guidelines as set out by the ERW Consortium.
- Whilst the legal responsibility for regular school attendance rests with parents, the school shares with them, and the local authority (LA), responsibility for encouraging good attendance and improving poor attendance.
- The school is required by law to maintain specific records and to produce specified information on the attendance of pupils.
- Statutory obligation apart, the school is committed to improvements in attendance standards as a direct stimulus to raising pupil achievement.
- Poor attendance is destructive of educational achievement, undermines the well-being of each pupil and demoralises staff.
- The LA has a statutory duty to ensure that a child for whom they are responsible is receiving suitable education and, if a registered pupil at school, this means attending school regularly and on time.

## **2. OBJECTIVES**

- To promote good attendance as this is vital to educational achievement.
- To convey clearly to parents and pupils that:
  - regular attendance is essential;
  - unauthorised absence and persistent lateness is not acceptable;
  - only the headteacher in the context of the law can approve absence;
  - parental condoned, unjustifiable absence will be investigated and will be recorded as unauthorised absence.
  - establish strong home-school links and communication systems that can be utilised whenever there is concern about attendance.
- To keep records of attendance which:
  - clearly distinguish between authorised and unauthorised absence by pupils;
  - provide accurate information on actual attendance to enable monitoring and evaluation of school attendance rates through centrally held statistics.
- To build on existing good practice that fosters a positive attitude to good attendance by:
  - responding rapidly to pupil absence;
  - recognising pupils who maintain 'excellent', 'good' and 'improving' attendance records.
- To be sensitive to situations where regular attendance patterns are disrupted by external factors such as family bereavement and medical conditions.
- Celebrate good attendance which for some pupils with medical conditions may not be 100%
- If there are problems which affect a pupil's attendance we will investigate, identify and work in partnership with parents and pupils to resolve those problems as quickly and effectively as possible. We will adopt a clearly focused approach aimed at returning the pupil to full attendance at all times.

### **3. STATUTORY RESPONSIBILITIES**

The legal framework governing attendance is set by the Education Acts and their associated regulations (which relate to schools and Pupil Referral Units).

Section 7 of the Education Act 1996 states that "...the parent of every child of compulsory school age shall cause him/ her to receive full time education suitable to his/ her age, aptitude and ability and to any special education needs he/she may have, either by regular attendance at school or otherwise..."

Section 444 further states "...the parent of a child of compulsory school age registered at school and failing to attend regularly is guilty of an offence punishable by law...".

Compulsory school age means that children and young people should attend school from the start of the first term commencing after their fifth birthday and are of compulsory school age until after the last Friday in June of the school year in which they have their 16<sup>th</sup> birthday

An offence is not committed if it can be demonstrated that:

- the pupil was absent with leave (authorised absence);
- the pupil was ill or prevented from attending by an unavoidable cause;
- the absence occurred on a day set aside for religious observance by the religious body to which the pupil/ parent belongs;
- the school is not within the prescribed walking distance of the child's home and suitable transport arrangements have not been made by the LA;. The law relating to walking distance effectively is defined as two miles for pupils under eight and three miles for all other pupils. Distance will be measured by nearest available walking route;

Absence from school will be authorised if it is for the following reasons:

- sickness;
- unavoidable medical or dental appointments;
- days of religious observance;
- exceptional family circumstances,

Parents are asked to make all medical and dental appointments outside of school hours wherever possible.

Schools are required under the Education (Pupil Registration) (Wales) Regulations 2010 to take an attendance register twice a day: at the start of the morning session and once during the afternoon session. The accuracy of the register is important to support any statutory interventions that may be required. It should be noted that it is an offence not to maintain accurate registers.

The Welsh Government (WG) Education (Penalty Notice)(Wales) Regulations 2013 states that Local Authorities (LAs) are required by law to adhere to the Education Act 1996 section 444 to include penalty notices as one of the interventions to promote better school attendance.

Sections 444A and 444B of the Education Act 1996 provide that certain cases of unauthorised absence can be dealt with by way of a penalty notice. A penalty notice is a fine of up to £120 and may be issued to a parent / carer as a result of a child's regular non attendance at school / education provision.

#### 4. PRACTICE AND PROCEDURES

Clear systems and procedures will govern response to all pupil absence. The school will follow the 'Procedures for Non Attendance' flowchart as agreed by the ERW Consortium. (Appendix 1)

The school adheres to the descriptors received from ERW.

95-100% attendance	Best chance of success	Your child is taking full advantage of every learning opportunity.
90-95% attendance	At least 2 weeks of learning missed	Satisfactory. Your child may have to spend time catching up with work.
85-90% attendance	At least 4 weeks of learning missed	Your child may be at risk of underachieving and may need extra support from you to catch up with work.
80-85% attendance	At least 5 ½ weeks of learning missed	Your child's poor attendance has a significant impact on learning.

Below 80% attendance	At least 7½ weeks of learning missed	Your child is missing out on a broad and balanced education. You are at risk of prosecution.
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The school encourages good attendance and punctuality by;

- creating a caring and nurturing environment whereby pupils' feels safe and appreciated as young adults;
- ensuring that attendance and punctuality are recognised within the whole school reward system.
- developing positive relationships with parents / carers and external agencies working with the family/ pupil;
- monitoring and evaluating the early intervention strategies adopted by the school;
- working closely with multi agency colleagues and the Education Inclusion Service to improve attendance and punctuality;
- monitoring attendance data and trends and reporting this information termly to the Governing Body.

### **Specific actions**

- The school will make its policy on attendance clear to parents and pupils during pupil induction meetings.
- The school will also communicate the importance of attendance to parents and pupils through assemblies, the school prospectus, newsletters and the school website.
- If no contact is received by the parent/ carer of an absent pupil on the first morning of the absence, a telephone call is made by the school's administration staff to investigate the reason for the absence. If the school is not able to contact the family then this will be recorded as an unauthorised absence (N no reason yet provided for absence).
- Details of the absence are recorded, if later received, and discussed with the headteacher and a decision will be made with regards to authorisation as soon as possible. The headteacher may ask the Education Inclusion Service for advice with regards to this but the decision to authorise any absence remains with the school.

- If the pupil is registered as a Child in Need or on the Child Protection register and absent from school without reason, then the school should contact Social Services as soon as possible.
- if an absence remains unexplained for 3 consecutive days then arrangements should be made to visit the home.
- When a pupil returns to school from an absence, but no explanation is offered, a letter will be sent to the parent. (Appendix 2)
- A letter will also be sent out if a pupil is persistently late to school.
- Ultimately, if an attendance matter cannot be resolved by the school and the appropriate steps have been followed (as outlined in the 'Procedures for Non Attendance document), then a referral will be made to the LA Service for further investigation.
- A request to the Local Authority for a penalty notice can be made by the school, police or from within the local authority itself in relation to poor attendance at school.

The school will also:

- ensure that all staff are aware of the registration procedures, registration regulations and education law relating to school attendance;;
- complete school registers at the start of the morning session and afternoon session – the register closes at **9.30am** and **2.30pm**
- stress to parents and carers the importance of contacting the school as early as possible on the first day of absence;
- promote positive staff attitudes to pupils returning after absence;
- consult with all members of the school's community and LA Service in developing and maintaining the whole school attendance policy;
- ensure regular evaluation of attendance by the Governing Body;
- work towards ensuring all pupils are supported and valued and so want to attend school.

**The Designated Member of Staff - Headteacher**

Attendance is the responsibility of all staff. There is, however, a designated member of staff for attendance matters and all staff are able to discuss individual pupil attendance with this person. The Designated Member of Staff for Attendance:

- monitors the school's registers;
- liaises with teaching staff;
- meets with the LA Officer on a regular pre-arranged basis;
- refers to other agencies if appropriate;
- refers to the school nurse if there are doubts about the validity of an illness;
- oversees the use of standardised letters to parents addressing specific aspects of attendance and requiring parental response,
- arranges for an attendance meeting in the case of repeated, unexplained absences (school will consider inviting the named governor for attendance to such a meeting);
- ensures that the LA Officer's role is known and understood in school.

## **RESPONSIBILITIES OF PARENTS**

Parents are responsible in law for ensuring that their children attend the school at which they are registered, regularly, on time, properly dressed and in a fit condition to learn (parents are also responsible for ensuring that their children stay at school once they have registered).

Parents can do a great deal to support the regular and punctual attendance of their children. Parents should:

- a) take an active interest in their child's school life and work;
- b) attend parents' evenings and other school events, if possible;
- c) supports with their individual education plan and;
- d) ensures that their child completes homework, when set, and goes to bed at an appropriate time;
- e) be aware of letters from school which their child brings home;
- f) ensure that their child arrives at school on time each day;

- g) ensure that their child only misses school for reasons which are unavoidable or justified, such as illness or days of religious observance;
- h) always notify the school as soon as possible - preferably on the first morning - of any absence;
- i) confirm this in writing when the child returns to school;
- j) avoid booking family holidays during term-time;
- k) talk to the school if they are concerned that their child may be reluctant to attend.

## **PENALTY NOTICES**

Regular and punctual attendance of pupils at school and alternative provisions is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. In law, an offence occurs if a parent / carer fails to secure their child's regular attendance at school / alternative provision and that absence is not authorised by the school.

The LAs within ERW are committed to the continual raising of achievement of all their pupils. There is an expectation that all its pupils, regardless of their individual circumstances or needs, are able to secure their entitlement to high quality teaching and learning. Regular attendance is therefore critical if all our pupils are to be successful and benefit from the opportunities presented to them. Regular attendance and punctuality are essential to allow children to achieve their full potential during term time at school. Regular attendance also ensures that children are safe and lessens the opportunities to become involved in truancing and associated anti-social activities.

Parents / carers and pupils are supported at a school / alternative education provision level to overcome barriers to regular attendance and through a wide range of assessment and intervention strategies. Sanctions of any nature are for use only where parental cooperation in this process is either absent or deemed insufficient to resolve the presenting problem. This additional sanction is a means of enforcing attendance where there is a reasonable expectation that its use will secure an improvement.

At Portfield School the key criteria for the consideration of issuing penalty notices are as follows:

- when a pupil has a minimum of 10 sessions (five school days) that have been lost due to unauthorised absences during the current term and this brings the overall pupil's attendance to below 90% in the school year (these absences do not have to be consecutive);
- unauthorised absences of at least 10 sessions (5 school days) due to holidays in term-time if the absences take the overall pupil's attendance to below 90% in the school year to date (these absences do not have to be consecutive);
- persistent late arrival at school i.e. after the register has closed ( 'U' code as in the Codes Guidance Document 2010). Persistent for the purpose of this document means at least 10 sessions of late arrival within a term; these do not need to be consecutive but should bring the overall pupil's attendance to under 90% in the school year to date;
- where parents/carers have failed to engage with the school/and or LA in attempts to improve attendance.

It should be noted that penalty notices will only be issued by post.

It is only schools who can decide whether an absence is authorised or unauthorised. The code 'H' is for where a school has agreed to the absence for a child within term time due to a holiday, a 'G' code for when a school decides they are not prepared to authorise a holiday in term time or it is in excess of the agreed time away from school, and 'F' for an agreed Extended family holiday. The All Wales Attendance Framework (2011) provides information with regard to exceptional circumstances where a period of absence is requested over two weeks in a year that each request should be considered individually and the criteria for consideration are listed on p.74. of the Framework.

Advice from the Local Authority and from ERW is to continue to advise schools not to authorise absences during term time due to holidays, but that each application will be judged on an individual basis.

Penalty Notices are an early intervention tool and contribute to the drive towards improving school attendance and related outcomes for our children and young people in terms of attainment.

For further information on Penalty Notices please refer to the Code of Conduct (Appendix 3)

Or

For enquiries please email; [educationpn@pembrokeshire.gov.uk](mailto:educationpn@pembrokeshire.gov.uk)

## **REGISTRATION**

### **Keeping the registers**

The register is a legal document and must be kept accurately. The register may be requested in a court of law as evidence in a prosecution for non-attendance. It will also be used for end of term reports, records of achievement and reference requests, and information for other schools, LAs and external agencies.

- Class Teachers have a responsibility to complete registers daily and accurately.
- No pupil should be marked present unless actually in attendance at school or other agreed educational activity.
- The register should not have missing marks.
- When a pupil arrives late (L Code) but the register is still open, the pupils should be marked as late but counted as present for the session.
- When a pupil misses registration, she/ he should be marked as an unauthorised absence (U Code), unless a medical letter/ phone call by parent is received and deemed to be genuine.
- Pupils should not have access to the register.
- The headteacher is the only person who can authorise that a pupil be removed from the register – this can only be done with the agreement of the LA.
- The register is taken twice daily at the beginning of each morning and afternoon session

### **Lateness**

A pupil's punctuality is a legal requirement and the parent of a pupil who is persistently late is guilty of an offence, the law treats persistent lateness in the same way as irregular attendance and parents can be prosecuted if persistent late arrival is not resolved.

### **Holidays**

Headteachers do have the discretionary power to grant leave for the purpose of a family holiday or trips. However, the ERW Consortium is strongly advising that any holidays or day trips in term time should be unauthorised, and that there should be no exceptions to this policy. The school adheres to this and family holidays during term time will not be authorised.

## Registration Codes

/	Present (AM)
\	Present (PM)
B	Educated off-site (not dual registration)
C	Other Authorised Circumstances
D	Dual Registered i.e. Present at another school or PRU
E	Excluded (No alternative provision made)
F	Agreed extended family holiday
G	Family holiday (Not agreed or in excess of agreement)
H	Holiday agreed by head teacher in special / exceptional circumstances
I	Illness
J	Interview
L	Late (Before the registers closed)
M	Medical / Dental Appointment
N	No reason yet provided for absence
O	Other Unauthorised Absence (Not covered by other code)
P	Approved Sporting Activity
R	Religious Observance
S	Study Leave
T	Traveller Absence
U	Late (after registers closed)
V	Educational Visit or Trip

W	Work experience
Y	Partial or Enforced closure
X	Non-compulsory school age absence
#	School closed to all pupils
Z	Pupils not on roll yet

**MONITORING AND EVALUATION OF POLICY**

This policy will be reviewed annually.

Date passed by Governing Body .....

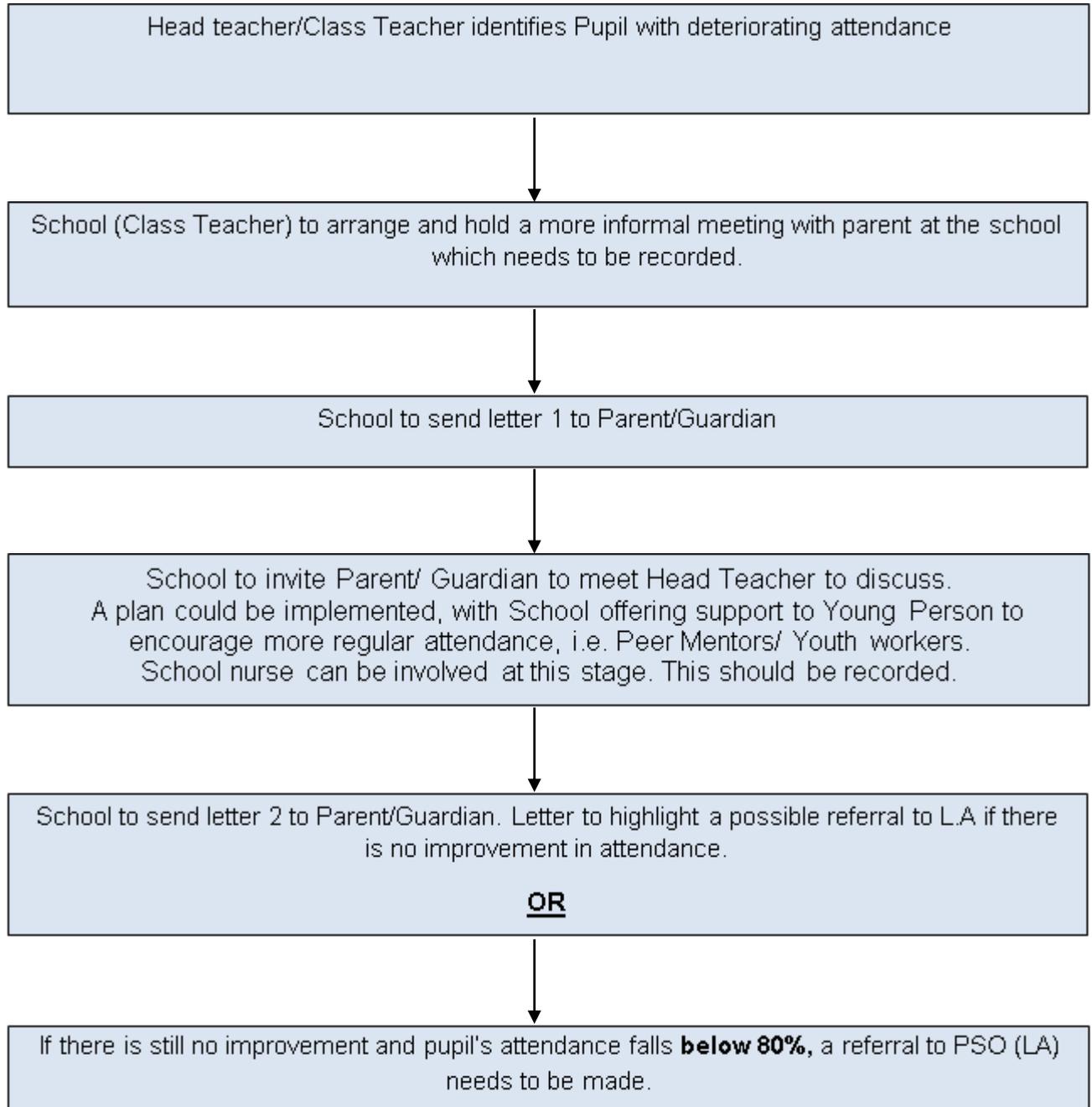
Chairman .....

Designated Governor for school attendance .....



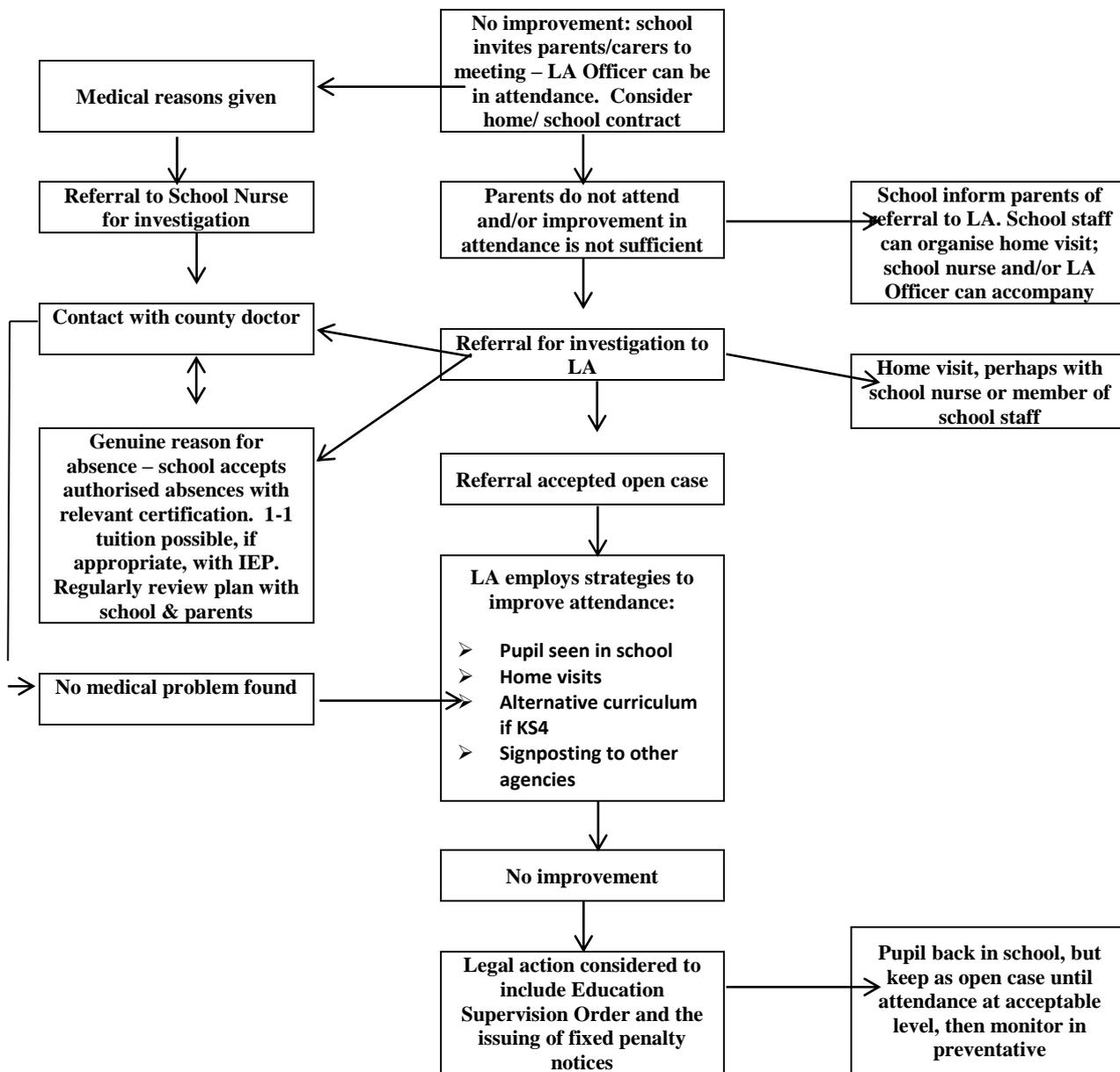
## ATTENDANCE

### SCHOOL PROCESS



Due to the medical needs of pupils attendance often falls below 90%. Portfield School monitors all attendance and tracks children with attendance below 80%. The above procedure will be followed where pupil attendance is deteriorating and there is no medical reason for absence

The PSO (LA) and Headteacher will meet to discuss the appropriate course of action to improve attendance.



**See attached Local Authority Code of Conduct for Penalty Notices**

**Appendix 2**

Date: .....

The Parent/Guardian of:

Dear Parent/Guardian of:

Your child was absent from school for the following sessions and as yet we have not had a reason for this absence.

From ..... until ..... for ..... Session/s.

Any absence without explanation must be recorded by staff as an unauthorised absence. Please complete and return the reply slip below or contact the school as soon as possible with a reason for each of the absences listed above. If your child is in receipt of EMA you will not receive payment unless an adequate reason is given. If you have already contacted the school regarding the above periods of absences, please ignore this letter.

Thank you for your co-operation.

Yours sincerely

Ladan Harper  
Headteacher

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..... was absent from school for the following reasons.

.....

.....

Signed: ..... (Parent / Guardian)

Date: .....



**Code of Conduct  
for  
Penalty Notices  
Irregular Attendance at School/  
Alternative Education Provision**

- **Legal Basis and Rationale**

The Welsh Government [WG] Guidance on Penalty Notices for Regular Non-Attendance at School (Guidance document no. 116/2013) [the Guidance] provides that penalty notices are one option available to promote better school attendance. The Guidance also provides that “due regard must be given to the guidance and there is an expectation that it will be followed unless there is good reason to depart from it”.

Regular and punctual attendance of pupils at school/alternative education provision is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. In law, an offence occurs if a parent, as defined in section 576 of the Education Act 1996, fails to secure their child’s regular attendance at school / alternative education provision and that absence is not authorised by the school.

Sections 444A and 444B of the Education Act 1996 provide that certain cases of unauthorised absence can be dealt with by way of a penalty notice. A penalty notice of up to £120 may be issued to a parent as a result of a child’s regular non-attendance at school / alternative education provision.

Pembrokeshire County Council [PCC] has the prime responsibility for developing the protocol within which schools, police and the local authority in Pembrokeshire will operate and PCC’s Children and Schools Directorate will deliver this responsibility. Head teachers, including their authorised deputy and assistant head teachers, and the police are able to request a penalty notice in relation to a parent of child/ren who have unauthorised absence from school / alternative education provision. A Head teacher, or their authorised deputy and assistant Head teacher, can only request a penalty notice in respect of a child who is a registered pupil at their school. The issuing of penalty notices must comply with all the requirements of the Human Rights Act and all equal opportunities legislation.

PCC will continue to investigate cases of irregular attendance from school / alternative education provision and following appropriate casework, will instigate legal action if appropriate. However, penalty notices offer a means of swift intervention which PCC may use to deal with issues of regular non-attendance before they become entrenched. The issuing of penalty notices will be based on clear threshold criteria which will be applied consistently and equitably across PCC. Any persons authorised to issue (and request the issuing) of a penalty notice must do so in accordance with this code of conduct.

The purpose of the Code of Conduct is to ensure that the powers are applied consistently and fairly across Pembrokeshire and that suitable arrangements are in place for the administration of the scheme.

## **Inclusion and equality issues**

PCC is committed to the continual raising of achievement of all their pupils. There is an expectation that all its pupils, regardless of their individual circumstances or needs, are able to secure their entitlement to high quality teaching and learning. Regular attendance is therefore critical if all pupils are to be successful and benefit from the opportunities presented to them. Regular attendance and punctuality are essential to allow children to achieve their full potential during term time at school. Regular attendance also ensures that children are safe and lessens the opportunities to become involved in truanting and associated anti-social activities.

Parents and pupils are supported at a school / alternative education provision and PCC level to overcome barriers to regular attendance and through a wide range of assessment and intervention strategies. Sanctions of any nature are for use only where parental cooperation in this process is either absent or deemed insufficient to resolve the presenting problem. This additional sanction is a means of enforcing attendance where there is a reasonable expectation that its use will secure an improvement.

## **Policy and Publicity**

In order to ensure parents are fully aware of the penalty notice legislation, it is expected that all schools, with the support of their governing body, clearly outline penalty notice information in their attendance policy and provide information to parents in writing at the beginning of each academic year (Appendix 1).

## **Legal practicalities**

- A penalty notice is £60 if paid within 28 days of receipt of the notice;
- this rises to £120 if paid after 28 days but within 42 days of receipt of the notice;
- if the penalty is not paid in full by the end of the 42 days the local authority must either prosecute for the offence or withdraw the notice.

The prosecution proceedings will be for the offence of failing to secure the child's regular attendance at school and not for non-payment of the penalty notice. The prosecution will be brought under section 444 of the Education Act 1996.

Withdrawal of the notice can only take place in limited circumstances as set out in this code of conduct.

### **The Issue of a penalty notice**

In order to avoid the issuing of duplicate penalty notices, the management and processing arrangements in Pembrokeshire will remain the sole responsibility of PCC's Children and Schools Directorate. A penalty notice may only be issued by authorised officers within PCC's Children and Schools Directorate. Those authorised officers will have the discretion to decide whether to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

### **Circumstances for issuing a penalty notice**

A penalty notice can only be issued in cases of unauthorised absence.

The key criteria should be as follows:

- when a pupil has a minimum of 10 sessions (five school days) of unauthorised absences\* within a rolling 12 school week period and this brings the pupil's overall attendance (including authorised absences) to below 90% in the same rolling 12 school week period (these absences do not have to be consecutive);

\*unauthorised absences include:-

- unauthorised non-attendance at school;
- unauthorised holidays in term-time; and
- unauthorised late arrival after registration has closed.

Authorised officers within PCC's Children and Schools Directorate will co-ordinate and work in consultation with schools, local police officers and neighbouring local authorities where appropriate, to ensure that:

- the child has to be registered as a pupil at the school at which the head teacher or his/her authorised deputy or assistant head teacher is making the request for the penalty notice;
- a penalty notice should only be issued for offences where PCC is able and willing to prosecute (if the penalty is not paid in full by the end of the 42 days of receipt of the notice). PCC should be satisfied that there is sufficient evidence to show the parent has committed an offence under section 444 of the Education Act 1996;

- the use of penalty notices will be restricted to the maximum of three notices per parent of a pupil within an academic school year;
- penalty notices may be issued for more than one child in cases where there is more than one poorly attending pupil in a family;
- there will be no restriction on the number of times a parent may receive a formal warning of a possible penalty notice;
- if the recipient of a penalty notice moves to another LA area in Wales then the penalty notice moves with them;
- penalty notices cannot be issued if legal proceedings against the parent under section 444 of the Education Act 1996 have commenced or are contemplated at the time of request.

It should be noted that penalty notices will only be issued by post and never as an instant action, e.g. during a truancy sweep. This will enable officers to ensure that all evidential requirements are in place and will limit the health and safety risks to individuals.

### **School request for issuing a penalty notice**

Where a school has identified that a period of unauthorised absence has occurred, a request to PCC's Children and Schools Directorate for a penalty notice can be submitted. Each Head teacher can, on an annual basis, authorise their nominated deputy or assistant Head Teacher to request for penalty notices (Appendix 2).

The school paperwork should comprise of:

- confirmation that information was sent to all parents at the start of the academic year which clearly states that parents may receive a penalty notice;
- a copy of the pupil's registration document;
- completed penalty notice request form (Appendix 3).

A penalty notice will not be issued in respect of Looked After Children (LAC) who are subject to on-going LA intervention.

### **Procedure for issuing a penalty notice**

PCC will respond to all requests to issue penalty notices within ten school days of receipt and where it is satisfied that all relevant information has been supplied (Appendix 4). Requests can be generated by a Head teacher, their authorised deputy or assistant head teacher, the police and neighbouring local authorities.

The procedure is as follows:

- PCC receive a request for a penalty notice (Appendix 3) and the relevant checklist will be completed by PCC (Appendix 4);
- If the request is accepted by PCC, PCC to send a formal written warning to the parent notifying them that they may receive a penalty notice. (Appendix 5).
- PCC set a period of 15 school days to allow the parent to respond. During the fifteen days, parents would have the right to provide any evidence they may wish to present to the school, including medical evidence, to argue that the penalty notice should not be issued.
- It will be for the Head teacher/authorised person in the school to determine whether the evidence is accepted and the register amended.

If evidence is not provided or the Head teacher/authorised person does not accept the evidence, then the Head Teacher should notify PCC, and a penalty notice can be issued by PCC by first class post (Appendix 6);

if the payment of £60 is made within 28 days of receipt of the notice there will be no further action;

- if the payment of £60 is not made within 28 days of receipt of the notice, the penalty rises to £120 if paid after 28 days but within 42 days of receipt of the notice;
- if payment of £120 is made within 42 days of receipt of the notice, there will be no further action;
- if payment is not made pursuant to the notice, then the notice will either be withdrawn or the offence will be prosecuted under Education Act 1996 section 444.

### **Payment of a penalty notice**

- Arrangements for payment will be detailed on the penalty notice.
- Once paid in accordance with the notice, the parent's liability for the period specified in the notice is discharged and they cannot be prosecuted under section 444 of the Education Act 1996 for the same period covered by the notice.
- PCC will use the sums received from penalty notices for the functions of issuing and enforcing penalty notices and prosecuting recipients who do not pay. However, any sums received from penalty notices which are not used for those functions must be paid to Welsh Ministers.

- There is no facility for payment by instalment

### **Non-Payment of a penalty notice**

Non-payment of a penalty notice may result in a prosecution under Section 444 of the Education Act 1996.

### **Withdrawal of a penalty notice**

There is no statutory right of appeal against issuing of a penalty notice.

Once issued, a penalty notice can only be withdrawn if PCC is satisfied that:

- the penalty notice was issued to the wrong person;
- the penalty notice ought not to have been issued, i.e. where it has been issued outside of the terms of this Code of Conduct or no offence has been committed;
- or
- the penalty notice contains material errors.

Where a penalty notice has been withdrawn in accordance with the above, notification of the withdrawal will be given to the recipient of the notice and any amount paid will be repaid to the person who paid it.

Except as provided in the paragraph below, no proceedings may be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued, or where the penalty notice related to an offence under section 444(1) of the Education Act 1996, for an offence under section 444(1A) of the Education Act 1996 arising out of the same circumstances.

Where a penalty notice was issued and was withdrawn due to the penalty notice containing material errors, proceedings may be continued or instituted for the offence in connection with which that penalty notice was issued, or where the penalty notice related to an offence under section 444(1) of the Education Act 1996, for an offence under section 444(1A) of the Education Act 1996 arising out of the same circumstances as the first mentioned offence, if both of the following are met:-  
-a further penalty notice in respect of the offence or the first mentioned offence, was issued at the same time as the first penalty notice was withdrawn; and  
-the penalty has not been paid pursuant to that further penalty notice in accordance with the requirements of the Education (Penalty Notices) (Wales) Regulations 2013 [the Regulations].

PCC must withdraw the penalty notice where:-

- a) the penalty is not paid in full before the expiry of the period for paying it ; and

- b) PCC (pursuant to regulation 3(f) of the Regulations) has neither instituted proceedings against the recipient for the offence to which the notice relates, nor is contemplating such proceedings.

### **Annual review and reporting**

PCC's Children and Schools Directorate will monitor the use of penalty notices as part of the quality assurance process. Data will also be made available to the Welsh Government on request.

This Code of Conduct will be reviewed on an annual basis and may be amended depending on the outcome of the review.

### **How to get further information**

For further information on the operation of this Code of Conduct and Penalty Notices within PCC, please contact:-

Early Intervention Officer  
Education Department  
Children and Schools  
Pembrokeshire County Council  
Freemans Way  
Haverfordwest  
Pembrokeshire  
SA611TP

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