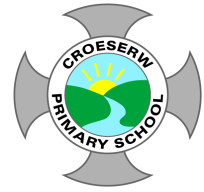


# The Federated Schools of the Upper Afan Valley



## Attendance Policy

### Incorporating Code of Conduct when Issuing Penalty Notices

|                             |  |
|-----------------------------|--|
| <b>Policy Adopted:</b>      | 9 <sup>th</sup> March 2015               |
| <b>Policy Review Date:</b>  |  |
| <b>Additional Comments:</b> |  |
| <b>Signed:</b>              | <i>M. Goodridge</i> (Chair of Governors) |

The Federated Schools of the Upper Afan Valley

# Policy for Pupil Attendance

## Introduction

All schools within the federation use SIMS process of registration to continue our work of improving levels of pupil attendance.

## Role of Class teachers within Primary School:

- Registers must be marked at the beginning of the morning session and at the beginning of the afternoon session.
- Registers must be kept in an accessible place available to the class teacher in the event of an emergency or fire. Class Teachers within the Primary Schools will update a Laminated A4 Class Register which absences are noted as the SIMs register is being taken.
- Every absence is either authorised or unauthorised by the school not by the parent.
- The register is a legal document, it can be used in cases of prosecution for non-attendance or in cases where a family is subject to a care order therefore it must be factually correct.
- Class teachers / Form Tutors are the first to note any changes in attendance or punctuality and should use any opportunity of asking parents regarding any outstanding reasons.
- Any concerns, where no reasons have been given should be brought to the attention of the office who will try to arrange contact by telephone. In the event of a telephone number not existing the EWO will be contacted.
- Regular absence or a pattern of absence must be brought to the notice of the Headteacher.
- The Headteacher and Lead Learners will continue to be the direct link with the EWO in cases causing concern. Staff will be aware of pupils' previous records of attendance and if pupils are subject to support/concern of Social Services.

## School Targets

- Parents are informed of their child's % attendance. Parents now informed every half term via traffic light letters.
- The target for attendance for school is set annually by Governors and reported in their annual report to parents.
- Attendance reported to governors in every termly meeting via the Headteacher report to Governors

## Day to Day Procedures Primary School

- Codes must be entered against absence.
- Illness medical/dental are authorized. Usually class teachers within the Primary Schools have good links with parents in these instances as it may be a course of regular treatment for a period of time. Parents will usually verify with the appointment card.
- Religious Observance. This is authorised ie special festivals etc.
- Family Holidays. - No Family Holiday will be Authorised.
- Family bereavement - authorised.
- Weddings - authorised.

## **Educational Welfare Officer**

- The Education Welfare Officer is invited to attend introductory meetings with nursery/reception parents.
- S/he is also invited to talk to pupils about importance of attendance and punctuality at school and on transition to comprehensive school.
- Projects are delivered to encourage attendance and punctuality due to their recognized effect on educational performance.
- S/he visits the school regularly to monitor attendance.
- Lead Learner has at least fortnightly meetings with EWO

## **Parental Responsibility**

We wish to improve attendance at in all our schools and ask that parents let us know on the first day of absence if possible either by calling in, by telephone or sending a note by 9.15 a.m., rather than waiting for the child to return to school. Failure to provide a reason will result in the absence being marked as unauthorised. The school contacts the parents on the first day of absence if no contact has been made.

Our educational welfare officer is available to link between parents and school in any case of difficulty in attendance or any other welfare or social concerns. Prolonged absence or irregular attendance will result in EWO involvement and may result in prosecution.

## **Day to Day Procedures Secondary School:**

### **Role of Form Tutors:**

#### **Form Registration**

A list of general rules regarding registration:

- Insist that pupils are in school on time for registration and lessons.
- All pupils to sit in their seats on arrival in the classroom and to remain seated until dismissed by the teacher.
- The pupils will sit quietly in chairs behind desks/tables and respond when their name is called. Pupils will respond to the register in Welsh.
- Pupils will not leave the room unless dismissed by the teacher.  
Form teachers please reinforce the need for pupils to follow the reporting late system (if pupils are late to school they need to report to the top office to receive their mark).
- Pupils to attend assembly on specific days. (Key Stage 3 on Tuesdays and Key Stage 4 on Thursdays)
- Tutors during registration time will carry out uniform and equipment checks and also sign the pupil's planners.

### **Role of Class Teachers within Secondary School:**

#### **Lesson Registration**

- During lesson time registers are to be taken in the first 15 minutes of the lesson.
- Any extra information on a pupil can be added through SIMS on the register (red flag) e.g. late, reason for absence, etc.
- If SIMS is not working paper registers are to be taken for each class and sent to the top office.

## **Attendance Strategies**

- Form teachers will discuss attendance with pupils on a weekly basis and encourage them to record their percentage in their planners.
- Each term pupils with 100% attendance will be presented with a certificate.
- Pupils with 100% attendance will also receive prizes or be entered into special prize draws during specific times of the year.
- If pupils have 100% attendance over the whole year they will be taken on a trip free of charge.
- Pupils will receive special assemblies throughout the year discussing school attendance and initiatives.

## **Attendance Interventions**

- If a pupil is absent from school and it is unauthorised there is a first day response phone call from the school's office staff. Parents / guardians will be requested to inform the school as to why their child is absent.
- Parents / guardians can inform the school as to their child's absence through the schools answerphone service, speaking to the EWO directly (Education Welfare Officer) or emailing the school. The school planners can also be used as a form of communication.
- If a teacher has a concern about a pupil's attendance they are to inform the Assistant Pastoral Leader, Pastoral Director or EWO.
- The Pastoral Director and EWO meet on a weekly basis to discuss the school's attendance and any specific pupils.
- Pupil's whose attendance is a concern will experience one or more of the following interventions:-
  1. Pupil will meet with EWO / Pastoral director to discuss attendance.
  2. Parents / guardians will receive letters informing them of their child's attendance percentage.
  3. Parents / guardians will be invited into the school for a meeting to discuss matters.
  4. EWO / Pastoral Director will carry out visits to the pupil's home address to resolve any issues.
  5. If poor attendance continues parents / guardians will go through the prosecution route. This will start with pre final letters and then progress up to final warning letters before a penalty notice or possibly court proceedings are put into place.

## **Absence**

- Pupils having external appointments (dental, medical etc.) or who have to leave school premises during a session MUST sign out in the upstairs office. Pupils who return from appointments must also sign in at the top office.
- If a pupil is feeling unwell during a lesson, they are to be sent to the top office where they will be seen by a first aider. At this point the first aider will make a decision as to whether the pupil is to be sent home or not.

## **Parental Responsibility**

We wish to improve attendance at in all our schools and ask that parents let us know on the first day of absence if possible either by calling in, by telephone or sending a note by 9.15 a.m., rather than waiting for the child to return to school. Failure to provide a reason will result in the absence being marked as unauthorised. The school contacts the parents on the first day of absence if no contact has been made.

Our educational welfare officer is available to link between parents and school in any case of difficulty in attendance or any other welfare or social concerns. Prolonged absence or irregular attendance will result in EWO involvement and may result in prosecution.

### **Monitoring / Traffic Light Monitoring**

Attendance is regularly monitored by the Pastoral Director and Headteacher in conjunction with the Education Welfare Officer.

The School has a Traffic Light Monitoring System for all Attendance:

|        |   |                   |   |                   |
|--------|---|-------------------|---|-------------------|
| Red    | - | Less than 80%     | - | Highly Concerning |
| Yellow | - | Between 80% - 90% | - | Concerning        |
| Blue   | - | Between 90 – 95%  | - | Adequate          |
| Green  | - | Over 95%          | - | Excellent         |

### **Penalty Notices**

The LAs within ERW will continue to investigate cases of irregular attendance from school / alternative education provision and follow appropriate casework, and will instigate legal action if appropriate. However, penalty notices offer a means of swift intervention which all ERW LAs 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 ERW. All persons authorised to issue (and request the issuing) of a penalty notice must comply with the guidance set out in this code of conduct. See *Appendix 1 for full ERW Code of Conduct Guidance which will run alongside the school Attendance Policy*

*Penalty notices will be issued at the Headteachers discretion.*

*An absence of 5 days / 10 sessions will give an automatic trigger for investigation.*

This policy will be reviewed annually or in line with other technological changes



Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot



# **Code of Conduct for Penalty Notices**

## **Irregular Attendance at School/ Alternative Education Provision**

## Legal Basis and Rationale

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. This means 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” (Guidance Doc 2013 p3).

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.

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.

The LAs within ERW, the South West Consortium being, Powys, Ceredigion, Pembrokeshire, Swansea, Carmarthenshire and Neath Port Talbot have the prime responsibility for developing the protocol within which all partners named in the Education (Penalty Notices) (Wales) Regulations 2013 will operate and each LA 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 parent/carers of children who have unauthorised absence from school / alternative education provision. The issuing of penalty notices must comply with all the requirements of the Human Rights Act and all Equal Opportunities legislation.

The LAs within ERW will continue to investigate cases of irregular attendance from school / alternative education provision and follow appropriate casework, and will instigate legal action if appropriate. However, penalty notices offer a means of swift intervention which all ERW LAs 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 ERW. All persons authorised to issue (and request the issuing) of a penalty notice must comply with the guidance set out in this code of conduct.

## Inclusion and equality issues

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 truancy 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.

## **Policy and Publicity**

In order to ensure parents and carers 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).

The definition of parent/carer as set out in section 576 of the Education Act 1996 is the person with whom the child lives irrespective of what their relationship is with the child ("Parents" and "Parental Responsibility", Welsh Government, 2007).

## **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;
- 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 fine. 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 ERW will remain the sole responsibility of each LA. An authorised officer will have the discretion to decide whether to issue a penalty notice to one or more parents / carers of a child. The specific circumstances in each individual case will be the determining factor.

Each LA will work in consultation and partnership with schools and local police officers to ensure that:

- the child has to be registered as a pupil at the school at which the headteacher or his/her authorised deputy or assistant head teacher is making the request for the penalty notice;
- a penalty notice can only be issued in cases of unauthorised absence; notices should only be issued for offences where the LA is able and willing to prosecute. The LA should be satisfied that there is sufficient evidence to show the parent / carer has committed an offence under section 444(1) of the Education Act 1996;
- the use of penalty notices will be restricted to the maximum of three notices per parent of a pupil in a rolling 12 month period;
- 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/carer under section 444 of the Education Act 1996 have commenced or are contemplated at the time of request (Regulations section 14 (b)).

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

The key criteria should be 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 school attendance to below 90% in the school year to date (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 school 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 school attendance to under 90% in the school year to date;

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 application for issuing a penalty notice**

Where a school has identified that a period of unauthorised absence has occurred, a request to the LA for a penalty notice can be submitted. Each headteacher 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;
- if referring to a holiday in term-time, then a copy of the ERW holiday request form;
- a copy of the pupil's registration document;
- completion of the 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.

### **Parental request for holidays in term time (unauthorised by school)**

Where the penalty notice is requested from a school in response to a parental request for unauthorised absence (holiday related unauthorised absence), the formal warning letter and 15 day improvement period will not apply.

The LA will only consider issuing penalty notices requested by a school in response to a parental request for unauthorised absence where the school has provided the necessary paperwork. This paperwork should comprise of:

- a copy of the information sent to all parents during the current academic year which clearly states that parents may receive a penalty notice;
- a copy of the ERW holiday request form submitted by parent, together with a copy of the school's response declining the request;
- relevant pupil attendance or registration certificate;
- completed penalty notice request form (Appendix 3).

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

The LA 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 and that the initiation of the penalty notice is appropriate (Appendix 4). Each LA within ERW has the prime responsibility for developing the protocol within which all partners named in the Education (Penalty Notices (Wales) Regulations 2013 will operate and each LA will deliver this LA responsibility. Requests can be generated by a headteacher, their nominated deputies, the police and neighbouring local authorities. The LA must ensure that issuing a penalty notice would not conflict with another legal intervention strategy contemplated or commenced under the Education Act 444(1) or 444(1A).

The procedure is as follows:

- LA receive a request for a penalty notice and relevant checks will be made (Appendix 3);
- LA to send a formal written warning to the parent/carer notifying them that they may receive a penalty notice. Absences that occur due to holidays in term-time will not receive a warning (Appendix 5).
- LA set a period of 15 school days to allow the parent/carer to respond. During the fifteen days, parents/carers 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/nominated person to determine whether the evidence is accepted and the register amended.

For example, if the absences are supported by medical evidence then the registers may have to be corrected using the appropriate code. In such cases the penalty notice may not be issued by the Local Authority.

If evidence is not provided or the head-teacher/nominated person does not accept the absences then a penalty notice can be issued by the LA by first class post (Appendix 6);

- if the payment is made there will be no further action;
- if payment is not made then the case will either be withdrawn or result in prosecution under Education Act 1996 section 444.

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

- Arrangements for payment will be detailed on the penalty notice.
- Once paid the parent/carer's liability for the period in question is discharged and they cannot then be subsequently prosecuted under other enforcement powers (section 444 of the Education Act 1996) for the same period covered by the notice.

- The LA will retain the revenue from penalty notices to cover enforcement costs. However, any surplus must be surrendered to the Welsh Consolidated Fund.
- 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, but where a parent contests the issuing of a penalty notice they can submit any complaints to the LA and/or opt to face proceedings in the Magistrates' Court under section 444 of the Education Act 1996 where all of the issues relating to their penalty notice can be fully debated.

Once issued, a penalty notice can only be withdrawn if the LA 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;
- the circumstances of the case warrant its withdrawal;
- the 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. No proceedings will continue or be instituted against the recipient of the notice for the offence in connection with which the withdrawn notice was issued, or for an offence under sections 444(1)/444(1A) of the Education Act 1996 for the offence arising out of the same circumstances.

### **Annual review and reporting**

The LA will evaluate the effectiveness of penalty notices every year and amend its general enforcement strategy as appropriate. This report will be made available to the head of service.

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

Further information on the operation of this Code of Conduct and Penalty notices within Neath Port Talbot is available from:

The School and Family Support Team, Civic Centre, Port Talbot. SA13 1PJ. Tel: 01639 763600. Email [sfs@npt.gov.uk](mailto:sfs@npt.gov.uk)

### **Appendices**

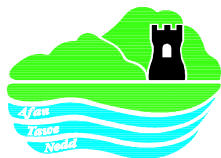
Appendix 1: School letter

- Appendix 2: Head teachers authorisation form.
- Appendix 3: Penalty notice request form
- Appendix 4: LA checklist
- Appendix 5: Warning notice.
- Appendix 6: Penalty notice letter

## References

- The Children Act 1989 - the definition of “parent”;  
“ Parents” and “Parental Responsibility” (Welsh Government 2007)The Education Act 1996 – section 444;  
The Education (Penalty notices) (Wales) Regulations 2013;  
United Nations Convention on the Right of the Child (the right to an education Article 28).

## Appendix 1



Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot

Dear Parent /Guardian,



### **Penalty Notices – Unauthorised Absence from School.**

This letter alerts you to the introduction of Penalty notices for unauthorised absences from school, which will take effect from January 2015.

The ERW consortium believe that any absence from school, for whatever reason, is detrimental to a child's long term life opportunities, so should be avoided if at all possible. Reducing absence from school is a key priority, both nationally and locally, because missing school damages a pupil's attainment levels, disrupts school routines and can leave a pupil vulnerable to anti-social behaviour and youth crime.

A Penalty Notice is an alternative to prosecution with the aim of seeking to secure an improvement in the pupil's attendance.

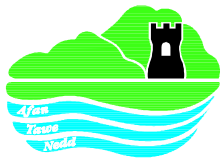
A Penalty Notice can be requested by the Head teacher, Police or from within the Local Authority Education Welfare Service in relation to unauthorised non-attendance at school. If a reason for absence is provided by the parent/carer then it is up to the head-teacher to decide if they accept it and mark it appropriately. There is no limit to the number of formal warnings which can be issued

If a notice has been requested the parent/carer will receive a warning letter that gives them 15 days to provide evidence to the Local Authority that the unauthorised absences are justified and that the register should be amended. If the unauthorised absences are due to taking a holiday in school time then a warning will not be issued, but parents may be liable to a penalty notice.

If the school attendance does not improve then the **penalty notice will be issued. Payment of £60 will be due** in the first instance which may rise to £120 if not paid in full within 28 days. If the penalty is not paid then the Local Authority (LA) will consider **issuing prosecution proceedings against parent(s)** for the original offence, which is 'failure to ensure regular attendance at school of the registered pupil' under **Section 444 (1) or (1A)** of the Education Act 1996.

Please remember that if there are reasons why your child is missing school then you can seek support and guidance from staff at your child's school. Ask before the non-attendance becomes an issue.

## Appendix 2



Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot



## Education Department

To be completed at the start of each academic year.

I, \_\_\_\_\_, Head teacher of

\_\_\_\_\_ School, hereby authorise:-

\_\_\_\_\_

Deputy/ Assistant Head teacher [delete as appropriate] at the above mentioned school to request Penalty Notices.

- in accordance with the **EDUCATION ACT 1996 (SECTION 444 (1) and/or (1A) / THE EDUCATION (PENALTY NOTICES) (WALES) REGULATIONS 2013 / Neath Port Talbot Local Code of Conduct, Education Fixed Penalty Notices.**

Signed: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 3



Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot



**PENALTY NOTICE REQUEST**  
**THE EDUCATION (PENALTY NOTICE) (WALES) REGULATIONS 2013**

I request that the Local Authority (Education Welfare Service) consider issuing a Penalty Notice to the person named below as parent(s)/day to day carer\* for the following pupil. This request is made in accordance with ERW's Code of Conduct and using the following criteria:

- At least 10 sessions (five school days) are lost due to unauthorised absences during the current term and this brings the overall school attendance to below 90% in the school year to date. (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 school 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 and brings the overall school attendance to under 90% in the school year to date.
  
- Where parents/carers have failed to engage with the school/and or the EWS in attempts to improve attendance.
  
- When it is not likely that court prosecution will be initiated.

The period in which the offence was committed: \_\_\_\_\_ to \_\_\_\_\_

Attendance at point of request: \_\_\_\_\_ % ( not including authorised absences).

**Pupil Details**

Name of Pupil \_\_\_\_\_ DOB \_\_\_\_\_ Year \_\_\_\_\_

Address \_\_\_\_\_

Parent/Carer1 Full name \_\_\_\_\_

Address if different from above: \_\_\_\_\_

Parent/Carer 2 Full name \_\_\_\_\_

Address if different from above:

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*(A "parent", in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for him or her, or who has day to day care of the child).*

Briefly outline the actions school has taken to resolve the attendance concern.

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Please indicate if the family is known to other services, e.g. Children's Services, YOS, CAMHS or Team Around the Family (TAF) etc.

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Are there any known circumstances to consider e.g. SEN, parental mental health, bereavement, domestic violence, young carer responsibilities?

Yes  No

If yes, please give full details:

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### Attachments required

- Registration certificate
- Parental request for unauthorised absence due to holidays

### Head Teacher Declaration

- I certify that the governing body of this school has reviewed it's attendance policy and agreed that requests be made to the Local Authority to issue Penalty Notices in accordance with the Local Authority Code of Conduct;
- I confirm that such action would not conflict with other intervention strategies in place or other enforcement measures being processed;
- To the best of my knowledge there are no exceptional circumstances to consider in making this request.

Signed \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ School





Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot



### **PENALTY NOTICE REQUEST EWS UNAUTHORISED ABSENCE CHECKLIST**

Date Penalty Notice Request received: \_\_\_\_\_

Pupil Name \_\_\_\_\_

School \_\_\_\_\_

Named person requesting PN \_\_\_\_\_

#### **Name of the person with**

Day to day care (1) \_\_\_\_\_

Day to Day Carer (2) \_\_\_\_\_

To satisfy the criteria:

1. Has the person named above previously received a Penalty Notice?

Day to day carer (1)            Yes     No     Date issued: \_\_\_\_\_

Day to day carer (2)            Yes     No     Date issued: \_\_\_\_\_

2. What is the pupil's attendance in the 12 months prior to the last unauthorised absence :  
\_\_\_\_\_ % ( not including authorised absences)

3. What interventions/offers of support been actioned by school to avoid this request (include an outline of parental engagement):

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4. Is the case open to the Education Welfare Service:

Yes     Name of EWO: \_\_\_\_\_    No

If "yes" briefly outline of case and actions to date:

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5. Has there been:

- At least 10 sessions (five school days) are lost due to unauthorised absences during the current term and this brings the overall school attendance to below 90% in the school year to date. (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 school attendance to below 90% in the school year to date. (These absences do not have to be consecutive)
  - Has an ERW parental request for unauthorised absence for holiday form been submitted by parent Yes  No
- 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 and brings the overall school attendance to under 90% in the school year to date.
- Where parents/carers have failed to engage with the school/and or the EWS in attempts to improve attendance.
- When it is not likely that court prosecution will be initiated.

**Legal Action:**

10. Has this parent/carer been prosecuted in the last 12 months  Date:

Outcome: \_\_\_\_\_

Has a pre-warning been issued YES  Date..... NO

Has an Official Warning been issued: YES  Date..... NO

**EWS PN Actions:**

Has an appropriate referral been made:

YES  Date: \_\_\_\_\_

NO  Date and reason why not accepted. \_\_\_\_\_

Date warning letter issued (not for term-time holidays): \_\_\_\_\_

Review date (15 days after warning issued): \_\_\_\_\_

Date Notice issued: \_\_\_\_\_ **NOTICE REF NO:** \_\_\_\_\_

Date at 28 days: \_\_\_\_\_

Date at end of Notice: \_\_\_\_\_

Was notice paid: YES  Close case.

NO  See SEWO regarding prosecution options.

Any additional information relevant to this case;

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Pupils attendance at the end of the academic year:

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## Appendix 5



Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot



### EDUCATION ACT 1996 (SECTION 444 (1) AND (1A)) THE EDUCATION (PENALTY NOTICES) (WALES) REGULATIONS 2013 WARNING NOTICE

Dear Mr/Mrs/Ms

I am writing to advise you that a request has been made that you be issued with a Penalty Notice in accordance with the above regulation.

In accordance with ERW Consortium's Code of Conduct, Penalty Notices are considered in the following circumstances:

- When a pupil has a minimum of 10 sessions (five school days) that have been lost due to unauthorised absence during the current term and this brings the overall attendance to below 90% in the school year to date. These do not need to be consecutive absences.
- Where unauthorised absence of at least 10 sessions (5 school days) due to holidays in term-time if the absences take the overall school attendance to below 90% in the school year to date. These do not need to be consecutive absences.
- Persistent late arrival at school i.e. after the registration has closed and marked as 'U' code as stated in the WG codes Guidance 2010. Persistent lateness for the purposes of this document consists of at least 10 days late arrival within a term; these do not have to be consecutive but should bring the overall school attendance to under 90% in the current year to date.

You are hereby requested to provide any evidence necessary to explain the reason for the unauthorised absences to the school within 15 days. It will be for the head-teacher/nominated person to determine whether the evidence is accepted and the register amended. For example, if the absences are supported by medical evidence then the registers may be corrected using the appropriate code. In such cases the penalty notice will not be issued by the Local Authority.

If evidence is not provided, or the head-teacher/nominated person does not accept the evidence and change the register to remove the unauthorised absences, then a penalty notice will be issued by the Local Authority.

Any evidence you wish to submit must be received within 15 days of the date of this letter and should be sent to:

Mrs Lesley Matthews, Senior Education Welfare Officer, School and Family Support Team, Civic Centre, Port Talbot. SA13 1PJ

Should you wish to discuss this warning notice please do not hesitate to contact me.

Yours sincerely,

**Senior Education Welfare Officer**

## Appendix 6



Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot

# FPN 1

Ref No: NPT.....

Education Department

## PENALTY NOTICE

**EDUCATION ACT 1996 - SECTION 444A**  
**THE EDUCATION (PENALTY NOTICES) (WALES) REGULATIONS 2013**  
**Neath Port Talbot CBC, Local Code of Conduct, for Penalty Notices for Irregular School Attendance**

### Part 1

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school / alternative provision or fails to attend regularly, the child's parent/carer is guilty of an offence under Section 444A of the Education Act 1996.

Title: \_\_\_\_\_

Forenames: \_\_\_\_\_

\_\_\_\_\_

Name of Child: \_\_\_\_\_

Of (address); \_\_\_\_\_

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Postcode: \_\_\_\_\_

You are the parent/carer of \_\_\_\_\_ of \_\_\_\_\_ (address) who is a registered pupil at (name of School / Alternative Education Provision) \_\_\_\_\_ and is failing to attend school regularly in that:-

Between the 1<sup>st</sup> day of unauthorised absence (date) \_\_\_\_\_ to the last day of absence (date) \_\_\_\_\_ the pupil failed to attend regularly at the school which brought your child's overall school attendance to below 90% due to unauthorised absences

This Notice gives you the opportunity to pay a penalty instead of being prosecuted for the offence stipulated above. Payment of £60 is to be made within 28 days of this notice. If you pay this penalty within the time limits set out below you will discharge your liability for the offence and no further action will be taken against you in connection with this offence as set out in this Notice.

- Payment should be made within 28 days i.e. by **XXXX** date
- If paid after 28 days but within 42 days i.e. by **XXXX** date the penalty is doubled to £120.

Payment should be made to **Neath Port Talbot CBC**. Payment can be made by **Telephone by credit or debit card**. Please call \_\_\_\_\_ on \_\_\_\_\_. Cheques or postal orders can be made payable to the **Neath Port Talbot CBC** and sent to \_\_\_\_\_ (Details of address and opening hours), clearly printing on the back the Fixed Penalty Notice Number which is **FPN1 NPT (XXXX)**

Alternatively payment can be made in person at the Contact Centre which is located at **XXXXXXXXXXXXXXXXXXXXXX**. You will need to provide your fixed penalty notice number when making payment.

If payment is not received by **<date specified>** (42 days from the date of receipt), you may be prosecuted for the offence and therefore be subject to a fine of up to £1000 under section 444(1) and £2,500 under section 444(1A) or up to three months in prison.

Late payments will not be accepted and no payment by instalments.

**Withdrawal**

This Notice may only be withdrawn by the EWS (School and Family Support Team) if we are satisfied that:-

1. The Penalty Notice was issued to the wrong person;
2. The Penalty Notice ought not to have been issued, i.e. where it had been issued outside the terms of this Code of Conduct (or no offence has been committed); or the circumstances of the case warrant its withdrawal.
3. If you believe that the notice was wrongly issued you must contact Neath Port Talbot CBC as soon as possible to ask for it to be withdrawn, stating why you believe the notice to have been incorrectly issued. Neath Port Talbot will consider your request and contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable for prosecution for the offence.

This notice is issued by [Name and official particulars].

Signed: \_\_\_\_\_

Designation: \_\_\_\_\_

Date of issue \_\_\_\_\_

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## **Part 2**

Please complete the following and return this notice with your payment to Neath Port Talbot CBC; **XXXXXX**, Civic Centre, Port Talbot SA13 1PJ

Name: \_\_\_\_\_

Address \_\_\_\_\_

I attach payment in the sum of £<sum of>

Signed \_\_\_\_\_ Date \_\_\_\_\_

### **Contact details**

If you have any queries about this notice please contact:

Education Welfare Service

(**School Address here**)

TEL: **XXXXXXXXXXXX**

# Procedures for issuing of a penalty notice

Appendix 8

