



**Code of Conduct  
for  
Penalty Charge 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 Section 444 of the Education Act 1996 to include Penalty Charge 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 Charge Notice. A Penalty Charge 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. Headteachers, including their authorised deputy and assistant headteachers, as well as the police, are able to request a Penalty Charge Notice in relation to the parent/carer of children who have unauthorised absence from school / alternative education provision. The issuing of Penalty Charge 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 Charge 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 Charge 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 Charge 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 Charge Notice legislation, it is expected that all schools, with the support of their governing body, clearly outline Penalty Charge Notice information in their attendance policy and provide information to parents in writing at the beginning of each academic year (Appendix 1).

### **Definition of parent**

Section 576 of the Education Act 1996 defines 'parent' as

- all natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility for a child or young person
- any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).

## **Legal practicalities**

- A Penalty Charge 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(1) or 444(1A) 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 Charge Notice**

In order to avoid the issuing of duplicate Penalty Charge 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 Charge 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 headteacher is making the request for the Penalty Charge Notice;
- a Penalty Charge 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) or 444(1A) of the Education Act 1996;
- the issue of Penalty Charge Notices will be restricted to the maximum of three notices per parent of a pupil in a rolling 12 month period;
- Penalty Charge 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 Charge Notice;
- if the recipient of a Penalty Charge Notice moves to another LA area in Wales then the Penalty Charge Notice moves with them;
- Penalty Charge Notices cannot be issued if legal proceedings against the parent/carer under section 444(1) or 444(1A) of the Education Act 1996 have commenced or are contemplated at the time of request (Regulations section 14 (b)).

### **Circumstances for issuing a Penalty Charge 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 pupils' 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 pupils' 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 pupils' overall school attendance to under 90% in the school year to date;

It should be noted that Penalty Charge 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 Charge Notice**

Where a school has identified that a period of unauthorised absence has occurred, a request to the LA for a Penalty Charge Notice can be submitted. Each headteacher can, on an annual basis, authorise their nominated deputy or assistant headteacher to request Penalty Charge Notices (Appendix 2).

The school paperwork should comprise of:

- confirmation that information was sent to all parents during the academic year which clearly states that parents may receive a Penalty Charge Notice;
- a copy of the pupil's registration document;
- completion of the Penalty Charge Notice request form (Appendix 3).

A Penalty Charge 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 Charge 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 Charge 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 Charge Notice;
- a copy of the request for absence letter submitted by parent, together with a copy of the school's response declining the request;
- relevant pupil attendance or registration certificate;
- completed Penalty Charge Notice request form (Appendix 3).

### **Procedure for issuing a Penalty Charge Notice**

The LA will respond to all requests to issue Penalty Charge 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 Charge 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 Charge 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 receives a request for a Penalty Charge Notice and relevant checks will be made (Appendix 3).
- LA sends a formal written warning to the parent / carer notifying them that they may receive a Penalty Charge Notice. Absences that occur due to holidays in term-time will not receive a warning (Appendix 5).
- LA sets 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 Charge Notice should not be issued.
- It will be for the headteacher/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 Charge Notice may not be issued by the LA.

If evidence is not provided or the headteacher/nominated person does not accept the absences then a Penalty Charge 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(1) or 444(1A).

#### **Payment of a Penalty Charge Notice**

- Arrangements for payment will be detailed on the Penalty Charge 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 Charge 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 Charge Notice**

Non-payment of a Penalty Charge Notice may result in a prosecution under Section 444(1) or 444(1A) of the Education Act 1996.

#### **Withdrawal of a Penalty Charge Notice**

There is no statutory right of appeal against issuing of a Penalty Charge Notice, but where a parent / carer contests the issuing of a Penalty Charge Notice they can submit any complaints to the LA and/or opt to face proceedings in the Magistrates' Court under section 444(1) or 444(1A) of the Education Act 1996 where all of the issues relating to their Penalty Charge Notice can be fully debated.

Once issued, a Penalty Charge Notice can only be withdrawn if the LA is satisfied that:

- the Penalty Charge Notice was issued to the wrong person;
- the Penalty Charge 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 Charge 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 Charge 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**

For further information on the operation of this Code of Conduct and Penalty Charge Notices within Powys County Council please contact the School Effectiveness Officer with responsibility for attendance.

### **Appendices**

- Appendix 1: School letter
- Appendix 2: Headteacher's authorisation form
- Appendix 3: Penalty Charge Notice request form
- Appendix 4: LA checklist
- Appendix 5: Warning notice
- Appendix 6: Penalty Charge 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 Rights of the Child (the right to an education Article 28).

### Penalty Charge Notices

This letter alerts you to the introduction of Penalty Charge Notices for unauthorised absences from school from March 2015.

The local authority and 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 Charge Notice is an alternative to prosecution with the aim of seeking to secure an improvement in the pupil's attendance.

A Penalty Charge Notice can be requested by the school, the police or from within the local authority's Education Inclusion Service in relation to unauthorised non-attendance at school. If a reason for absence is provided by the parent/carer, then it is the headteacher's decision to accept, or not accept this, and ensure that the register is marked appropriately.

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 not 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. Please note that there is no limit to the number of formal warnings which can be issued

If the school attendance does not improve then the Penalty Charge Notice will be issued. Payment of £60 will be due in the first instance which will rise to £120 if not paid promptly. If the penalty is not paid then the local authority 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. Please do ask before the non-attendance becomes an issue.

## Hysbysiadau Cosb

Mae'r llythyr hwn yn eich rhybuddio o'r bwriad i gyflwyno hysbysiadau cosb am absenoldebau heb eu hawdurdodi o ysgolion o mawrth 2015.

Mae'r awdurdod lleol a'r consortiwm ERW yn credu bod unrhyw absenoldeb o'r ysgol, am ba bynnag reswm, yn andwyol i gyfleoedd bywyd hirdymor y plentyn, felly dylid ei osgoi ar bob cyfrif os yn bosib. Mae lleihau absenoldebau o ysgolion yn flaenoriaeth allweddol, yn lleol a chenedlaethol, oherwydd mae colli ysgol yn niweidiol i lefel cyrhaeddiad y disgybl, yn amharu ar drefn arferol yr ysgol, a gall olygu bod disgybl yn fwy agored i ymddygiad gwrthgymdeithasol a throseddau ieuencid.

Defnyddir hysbysiad cosb yn hytrach nag erlyniad gyda'r nod o geisio sicrhau gwelliant ym mhresenoldeb y disgybl.

Gellir cyflwyno hysbysiad cosb yn sgil cais gan yr ysgol, yr heddlu, neu gan Wasanaethau Cynhwysiant Addysg yr awdurdod lleol, mewn perthynas ag absenoldeb heb ei awdurdodi. Os bydd y rhiant/gofalwr yn darparu rheswm dros yr absenoldeb, yna penderfyniad y pennaeth fydd derbyn, neu beidio â derbyn hwnnw, gan sicrhau bod y gofrestr wedi'i marcio'n briodol.

Os gwneir cais am hysbysiad, bydd y rhiant/gofalwr yn cael llythyr rhybudd yn rhoi 15 diwrnod iddyn nhw ddarparu tystiolaeth i'r awdurdod lleol nad oes modd cyfiawnhau'r absenoldebau anawdurdodedig, ac y dylid diwygio'r gofrestr. Os ydy'r absenoldebau anawdurdodedig o ganlyniad i gymryd gwyliau yn ystod amser ysgol, yna ni chyflwynir rhybudd. Noder nad oes yna gyfyngiad ar nifer y rhybuddion ffurfiol y gellir eu cyflwyno.

Os na fydd presenoldeb y disgybl yn gwella, yna cyhoeddir hysbysiad cosb. Bydd taliad o £60 yn ddyledus yn y lle cyntaf, a bydd hwnnw'n codi i £120 os na chaiff ei dalu'n brydlon. Os na thelir y gosb, yna bydd yr awdurdod lleol yn ystyried cymryd camau i erlyn y rhiant/rhieni am y drosedd wreiddiol, sef 'methu â sicrhau bod disgybl cofrestredig yn mynychu'r ysgol yn rheolaidd' dan Adran 444 (1) neu (1A) o Ddeddf Addysg 1996.

Cofiwch, os oes yna resymau dros absenoldeb eich plentyn o'r ysgol, yna gallwch ofyn am gymorth ac arweiniad gan staff yr ysgol. Dylech ofyn cyn i'r absenoldeb fynd yn broblem.



## Education Department

To be completed at the start of each academic year

I, \_\_\_\_\_, Headteacher of

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

\_\_\_\_\_

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

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

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

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

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



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

I request that the Local Authority (Education Welfare Service\*) consider issuing a Penalty Charge 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 pupil's 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 pupil's 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 the current school year to date; these do not need to be consecutive and brings the pupils' school attendance to below 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: \_\_\_\_\_ %

Authorised absence: \_\_\_\_\_ %

Unauthorised absence: \_\_\_\_\_ %

### **Pupil Details**

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

Address

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Parent / Carer1 Full name

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Address if different from above:

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Parent / Carer 2 Full name

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Address if different from above:

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### **Definition of parent**

Section 576 of the Education Act 1996 defines 'parent' as

- all natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility for a child or young person
- any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).

Briefly outline the actions the 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 (date from \_\_\_\_\_ to \_\_\_\_\_ )
- Parental request for absence due to holidays

**Headteacher Declaration**

- I certify that the governing body of this school has reviewed its attendance policy and agreed that requests be made to the Local Authority to issue Penalty Charge Notices in accordance with the Code of Conduct for Penalty Charge Notices for Irregular Attendance at School/Alternative Education Provision;
- 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



**PENALTY CHARGE NOTICE REQUEST- EDUCATION WELFARE OFFICER TO COMPLETE**

**EIS UNAUTHORISED ABSENCE CHECKLIST**

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

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

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

**Name of the person with**

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

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

To satisfy the criteria:

1. Has the person named above previously received a Penalty Charge 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 have been actioned by the 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) lost due to unauthorised absences during the current term and this brings the pupil's 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 pupil's school attendance to below 90% in the school year to date. (These absences do not have to be consecutive)
  - Has an ERW parental request/letter for absence for holiday during term time 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 the current school year to date; these do not need to be consecutive and bring the pupil's school attendance to below 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 but where court sanctions have not yet been initiated.

**Legal Action:**

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

Outcome:

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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:

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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 Team Leader regarding prosecution options

Any additional information relevant to this case:

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Pupil's attendance at the end of the academic year:

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**EDUCATION ACT 1996 (SECTION 444 (1) AND (1A))  
THE EDUCATION (PENALTY CHARGE 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 Charge Notice in accordance with the above regulation.

In accordance with ERW Consortium's Code of Conduct, Penalty Charge 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 pupil's 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 pupil's 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 pupils' 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 headteacher/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 Charge Notice will not be issued by the Local Authority.

If evidence is not provided, or the headteacher/nominated person does not accept the evidence and change the register to remove the unauthorised absences, then a Penalty Charge 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:

XXXXXXXXXXXXXXXXXXXXX

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

Yours sincerely,

<NAME>

**Principal Education Welfare Officer**

# PN 1

**Ref No:** <Abbreviation of authority>



**Education Department**

## **PENALTY CHARGE NOTICE**

**EDUCATION ACT 1996 - SECTION 444 (1) / 444 (1A) [Delete as Appropriate]**

**THE EDUCATION (PENALTY CHARGE NOTICES) (WALES) REGULATIONS 2013**

**Powys County Council, Local Code of Conduct, Education Fixed Penalty Charge Notices**

### **Part 1**

A child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school or at an alternative provision, the child's parent/carer is guilty of an offence under Section 444 (1) / 444 (1A) [Delete as appropriate] of the Education Act 1996.

To: Mr/Mrs/Ms \_\_\_\_\_

of \_\_\_\_\_ (address)

You are the parent/carer of \_\_\_\_\_ (pupil name) of \_\_\_\_\_ (address) who is a registered pupil at \_\_\_\_\_ (school) 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) your child failed to attend school which brought your child's attendance below 90% in the school year to date.

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.

- 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 may be made by Debit/Credit card online at [payments.powys.gov.uk](http://payments.powys.gov.uk) or by phoning **0845 602 7031** or **01597 827 461** during office hours.

If payment is not received by <date specified> (42 days from the date of issue), you may be prosecuted for the offence and therefore be subject to a fine of up to £1000.

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

### **Grounds for Withdrawal**

This Notice will only be withdrawn if the Education Welfare Service is satisfied that:

1. the Notice was issued to the wrong person and/or;
2. the use of the Notice did not conform to the Local Code of Conduct and/or;
3. the evidence demonstrates that the Notice should not have been issued, for example if medical evidence is provided covering the dates stipulated on page 1 of the Notice and/or;
4. the circumstances of the case warrant its withdrawal.

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

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

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

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

### **Part 2**

Please complete the following

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**  
**(Address here)**  
XXXX