



## St Andrew's CEVA Primary School Attendance Policy September 2020

<b>PERSON RESPONSIBLE FOR POLICY:</b>	<b><i>SUE GENTRY</i></b>
<b>SIGNED:</b>	<i>S.GENTRY</i>
<b>TO BE REVIEWED:</b>	<b><i>SEPTEMBER 2021</i></b>

**At St Andrew's CEVA Primary School we provide Christian worship and Christian teaching. Spiritual and moral development are central to the life of our school and this will be reinforced in the school's Attendance Policy where appropriate.**

### **1 Introduction**

- 1.1 We expect all children on roll to attend every day, when the school is in session, as long as they are fit and healthy enough to do so. We do all we can to encourage the children to attend, and to put in place appropriate procedures. We believe that the most important factor in promoting good attendance is development of positive attitudes towards school. To this end, we strive to make our school a happy and rewarding experience for all children. We will reward those children whose attendance is very good. We will also make the best provision we can for those children who, for whatever reason, are prevented from coming to school.
- 1.2 Under the Education (Pupil Registration) Regulations 2006, the Governing Body is responsible for making sure the school keeps an attendance register that records which pupils are present at the start of both the morning and the afternoon sessions of the school day. This register will also indicate whether an absence was authorised or unauthorised.

### **2 Definitions**

#### **2.1 Authorised absence**

- An absence is classified as authorised when a child has been away from school for a legitimate reason and the school has received notification from a parent or guardian. For example, if a child has been unwell, the parent writes a note or telephones the school to explain the absence.
- Only the school can make an absence authorised. Parents and carers do not have this authority. Consequently, not all absences supported by parents and carers will be classified as authorised. For example, if a parent takes a child out of school to go shopping during school hours, this will not mean it is an authorised absence.

#### **2.2 Unauthorised absence**

- An absence is classified as unauthorised when a child is away from school without the permission of the school.
- Therefore, the absence is unauthorised if a child is away from school without good reason, even with the support of a parent.

### **3 If a child is absent**

- 3.1 When a child is absent unexpectedly, the class teacher will record the absence on the register in SIMS which will immediately inform the school office once the register has been submitted. The first response team: Family Support Worker, Learning Mentor and School Attendance

and Welfare Officer will check the absences and will endeavour to contact a parent or guardian. Any parent that cannot be contacted will be visited at home by two school staff. If an explanation cannot be obtained from the parent/guardian, a letter is posted through the door asking the parent/guardian to contact the school as soon as possible.

- 3.2 When the child returns to school, a note should be brought from a parent or guardian to explain the absence.
- 3.3 A note may be sent to the school prior to the day of absence, e.g. if a child has a medical appointment.
- 3.4 If there is any doubt about the whereabouts of a child, the class teacher should take immediate action by notifying the school office. The school will then be in contact straight away with the parent or guardian, in order to check on the safety of the child.

#### 4 Requests for leave of absence

- 4.1 We believe that children need to be in school for all sessions, so that they can make the most progress possible. However, we do understand that there are **exceptional circumstances** under which a parent may legitimately request leave of absence for a child, **e.g. a special event\***. We expect parents and carers to contact the school at least a week in advance if possible. The parent/s will be requested to speak to the Headteacher/ Assistant Headteacher for leave or absence to be authorised. The interview will be to establish the reason for the request and to discuss impact on progress and attendance. An authorised absence may be granted. Any child who has an absence rate above 10% will not be granted authorised leave.

\* funeral or wedding of immediate family member

(Amount of days for exceptional leave = 2 days)

- 4.2 Parents and carers do not have the right to withdraw their children from school. The latest DfE guidance is as follows:

*The **Education (Pupil Registration) (England) Regulations 2006** currently allow headteachers to grant leave of absence for the purpose of a family holiday during term time in "special circumstances" of up to ten school days leave per year. Headteachers can also grant extended leave for more than ten school days in exceptional circumstances.*

*Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days a child can be away from school if the leave is granted.*

- 4.3 If parents take children out of school for an unauthorised period of **FIVE** days or more they will, from 1 September 2013, be liable to pay a Fixed Penalty of £60 per child within 21 days of issue of the notice. The Education Entitlement Service at the Local Authority will issue the Fixed Penalty Notice. This is based on documentation 'The Education (Penalty Notices) (England) regulations 2007/2013 and Appendix 5.

The Fixed Penalty Notice is per parent per child, so a household with two parents and one child would be liable to pay a Fixed Penalty of £120. If the Fixed Penalty is not paid within 21 days, the amount will double. This brings attendance penalty notices into line with other types of penalty notices and allows local authorities to act faster on prosecutions.

*See Appendix 6 and 7 for NCC Code of Conduct under the Provision of The Education (Penalty Notices) Regulation 2004 and Subsection (1) Section 23 Anti-Social Behaviour Act 2003 and Educational Inclusion and Partnership Team - A Brief Guide to Penalty Notices*

## **5 Long-term absence**

- 5.1 When children have an illness that means they will be away from school for over five days, when appropriate, the school will provide online Google Classroom work or where requested a work pack, so that they can keep up with their school work.
- 5.2 If the absence is likely to continue for an extended period, or be a repetitive absence, the school will contact the support services such as Educational and Inclusion Partnership team (EIP), so that support can be given to improve attendance or arrangements may be made for the child to be given some tuition outside school.

## **6 Repeated unauthorised absences**

- 6.1 The school will contact the parent or guardian of any child who has an unauthorised absence. If a child has a repeated number of unauthorised absences, the parents or guardians will be asked to visit the school and discuss the problem. If the situation does not improve, the school will then contact the Local Authority: Educational and Inclusion Partnership team (EIP), who may seek to ensure that the parents or guardians understand the seriousness of the situation. **If the attendance of a child drops below 85%, EIP could issue a Fixed Penalty Notice to the parent/parents/guardians (see 4.3).**
- 6.2 The governors, supported by the LA, reserve the right to consider taking legal action against any parents or guardians who repeatedly fail to accept their responsibility for sending their children to school on a regular basis.

## **7 Rewards for good attendance**

- 7.1 All the children who have 100 per cent attendance in any one academic year will receive an excellence certificate for attendance plus gift vouchers, awarded at the last assembly of the year. This will be reported to governors in the Headteacher's Report.
- 7.2 The class with the best attendance each week is given a certificate and has a reward of ten minutes extra playtime.

## **8 Attendance targets**

- 8.1 The school sets attendance targets each year. These are agreed by the senior staff and governors at the annual target-setting meeting. The attendance targets are then agreed with the SIP (School Improvement Partner) as well. The targets are challenging yet realistic, and based on attendance figures achieved in previous years. The school considers carefully the attendance figures for other similar schools when setting its own targets.

## **9 Monitoring and review**

- 9.1 It is the responsibility of the governors to monitor overall attendance, and they will request an updated report in the termly Headteacher's Report. The governing body also has the responsibility for this policy, and for seeing that it is carried out. The governors will therefore examine closely the information provided to them, and seek to ensure that our attendance figures are as high as they should be.
- 9.2 The school will keep accurate attendance records on file for a minimum period of three years.
- 9.3 Class teachers will be responsible for monitoring attendance in their class, and for following up absences in the appropriate way. If there is concern about a child's absence, they will liaise with the Family Support Worker and Attendance and Welfare Officer, who will contact parents and guardians.
- 9.4 The Family Support Worker and Attendance and Welfare Officer are responsible for monitoring the attendance of all pupils each day. They will liaise with their line manager on a regular basis.
- 9.5 Letter 1 will be sent when attendance drops below 95%, Letter 2 = 90%, Letter 3 if the attendance continues to fall and parents/carers will be required to have an interview with

Family Support Worker Administration Assistant and Family Support Worker to discuss ways in which the school can work with them to help improve attendance. (See Appendices 1, 2, 3)

If attendance continues to drop to 85% or below, the Family Support Worker and Attendance and Welfare Officer and their line manager will meet with parents on a more formal basis.

9.6 The Headteacher will monitor attendance through monthly meetings with the Inclusion Manager. (See Appendix 4)

## Appendix 1 – Letter 1

**St. Andrew's CEVA Primary School  
Ecton Brook Road  
Ecton Brook  
Northampton  
NN3 5EN  
Tel: 01604 406486**

**Head Teacher: Deborah Thompson B.Ed. (Hons) NPQH  
Email: head@standrews-pri.northants-ecl.gov.uk**

### ATTENDANCE

Dear ,

**Attending school on a regular basis is the key to your child doing well at school and will set them up with good routines for later life and the working world, as well as giving your child the opportunity to:**

- **Make lots of friends and feel included;**
- **Learn new things and develop many skills;**
- **Increase confidence and self-esteem;**
- **Improve social skills;**
- **Achieve potential and fulfil aspirations;**

**Following our regular monitoring of student attendance below 95%, \_\_\_\_\_ present attendance is \_\_\_\_\_%.**

**The School is aware that children do have time off for illness; however we are concerned that this level of absence will have an impact on their learning.**

**I would appreciate your support to make sure \_\_\_\_\_'s attendance improves. The school will continue to monitor the situation and will be in touch if it does not improve.**

**Thank you for your co-operation.**

**Yours sincerely,**

**Mrs S Gentry  
Assistant Head Teacher**

## Appendix 2 – Letter 2

St. Andrew's CEVA Primary School  
Ecton Brook Road  
Ecton Brook  
Northampton  
NN3 5EN  
Tel: 01604 406486

Head Teacher: Deborah Thompson B.Ed. (Hons) NPQH  
Email: head@standrews-pri.northants-ecl.gov.uk

### ATTENDANCE

Dear ,

I am writing to inform you that since I last wrote to you in \_\_\_\_\_, \_\_\_\_\_ attendance is presently at \_\_\_\_\_. This is only a slight improvement (*or has fallen from \_\_\_\_\_*) which gives me serious concerns.

In this school we are aiming for every pupil to achieve attendance levels of at least 95% and we have a duty of care to challenge poor attendance. Unbroken attendance at school is important for learning.

I would appreciate your support to make sure \_\_\_\_\_ attendance increases. The school will continue to monitor the situation and will be in touch if it does not improve.

Thank you for your co-operation.

Yours sincerely,

Mrs S Gentry  
Assistant Head Teacher

**Appendix 3 – Letter 3**

**St. Andrew's CEVA Primary School  
Ecton Brook Road  
Ecton Brook  
Northampton  
NN3 5EN  
Tel: 01604 406486**

**Head Teacher: Deborah Thompson B.Ed. (Hons) NPQH  
Email: head@standrews-pri.northants-ecl.gov.uk**

**Promoting Attendance – invitation to meeting**

**Dear \_\_\_\_\_**

**I refer to my letter dated \_\_\_\_\_ in which I expressed my concerns about \_\_\_\_\_ level of attendance. Unfortunately there has been no improvement and \_\_\_\_\_ attendance is still below 90%.**

**I would like to invite you to a meeting at the school with \_\_\_\_\_ to discuss the possible reasons for his/her non attendance and the affects that this is having on his/her education.**

**The aim of the meeting is to discuss and agree strategies to help support \_\_\_\_\_ achieve an acceptable level of attendance.**

**This meeting will be held on \_\_\_\_\_ if you are unable to attend on this date please call me to discuss an alternative.**

**I look forward to meeting with you.**

**Yours sincerely,**

**Mrs S Gentry  
Assistant Head Teacher**

## Appendix 4



Please ask for: Jonathan Lewis  
Tel: 01604 367960  
Our ref:  
Your ref:  
Date: 25 April 2016

### Northamptonshire County Council

Dear Parent/Carer,

The county council and its schools are very keen for all pupils in Northamptonshire to have the very best educational outcomes that are possible. Northamptonshire is currently under performing against to this expectation and following the launch of our 'Race To The Top' programme, we are reviewing all areas of how our schools perform to ensure this aspiration is met.

School attendance is a key area. In line with government expectations, the council firmly believes that for pupils to progress and achieve their full potential that they need to attend school. Changes to legislation in 2013 mean parents are no longer entitled to take their child on holiday during term time. Any application for leave must only be in exceptional circumstances and the headteacher must be satisfied that the circumstances are exceptional and warrant the granting of leave. Headteachers would not be expected to class any term time holiday as exceptional.

In Northamptonshire, the autumn term 2013 and spring term 2014, there were 39,672 days missed from primary schools and 57,781 days from secondary schools without permission. To date, despite changes in government legislation in 2013, the council has only chosen to issue a penalty notice after 10 days unauthorised absence. However to achieve our aspiration for the very best educational outcomes, we are proposing to issue penalties when children miss five consecutive school days or the equivalent of 5 days within a six week period from June 2016. This brings Northamptonshire in line with the majority of other Local Authorities.

The attached leaflet explains the policy and procedure in more detail and if you have any queries please contact the Educational and Inclusion Partnerships team at the following email address [attendance-admin@northamptonshire.gov.uk](mailto:attendance-admin@northamptonshire.gov.uk)

I realise that the vast majority of parents do not take family holidays in term time as they recognise the significant impact this can have on their child's education. We hope you will continue to support us by not planning a leave of absence during term time.

I am sure you will be supportive of this decision which along with a range of other measures should lead to improvements in educational attainment and life chances for all pupils.

Yours sincerely

**Jonathan Lewis**  
**Assistant Director Learning, Skills and Education**

County Hall  
George Row  
Northampton NN1 1ED

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## Appendix 5

### **Educational Inclusion and Partnership Team** **A Brief Guide to Penalty Notices** *Sections 444 Education Act 1996*

*Anti-Social Behaviour Act 2003*

*Crime and Disorder Act 1998*

NCC have changed its timescales for issuing Penalty Notices (PN) for unauthorised absence from school. This leaflet offers you a brief summary about the (PN) scheme and what it could mean for you.

#### **What is a PN?**

A penalty Notice is an alternative to prosecution and required the parent(s) to pay a fixed amount as a fine for their child's irregular attendance and avoid a court appearance.

It is issued per parent, per child. Please note **only** a Head Teacher can authorise absence from school.

#### **Who issues them?**

In Northamptonshire the Local Authority issues them through the Educational Inclusion and Partnership team

#### **When are they used?**

When a pupil has a minimum of 10 school sessions (5 days consecutive) recorded as unauthorised in a 6 school week period; a school day is two sessions AM and PM.

This includes;

- Any absence marked in the register as unauthorised.
- Persistent late arrival at school after the register has been taken and is recorded as an unauthorised absence.
- An absence in term time which has not been authorised by the Head Teacher. The Government has directed Head Teachers may only grant leave in exceptional circumstances.
- PNs can also be used during the first 5 days of exclusion. Parents are made aware of the consequences by letter when a child is excluded from school.

#### **Please note**

- **If the school refers a period of absence that is longer than 15 consecutive school days; the Educational and Inclusion Partnership team may consider a PN is not appropriate.**
- **In these instances the matter may proceed to a prosecution.**
- **Determination about whether it is appropriate to use a penalty notice will be based on the individual circumstances of each case.**
- **If a parent knows that their child is failing to attend school regularly and there is reasonable justification for not ensuring that their child attends then it is for the parents/carers to prove that reasonable justification.**

#### **How much is the PN?**

The PN is issued with an invoice for £120 and 28 days are given for you to settle the Penalty.

If the PN is paid within the first 21 days the amount payable is reduced to £60.

#### **How do I pay?**

The information on how to pay is included on the PN. Payment cannot be made in part or by installments.

#### **What happens if I don't pay?**

If you don't pay within the 28 days the Authority will consider instigating a prosecution in the Magistrates Court for the offence of poor school attendance. If proven this could result in a fine of up to £1000 per parent per child and/or a parenting order or a community service order and also costs.

#### **Can I appeal?**

There is no statutory right of appeal once a Notice has been issued.

#### **Can I be prosecuted if I pay the Fixed Penalty Notice?**

You cannot be prosecuted for the period of absence identified in the Fixed Penalty Notice. You may subsequently be prosecuted for further periods of unauthorised absence from school. Each case is considered on an individual basis

#### **\*\* REMEMBER \*\***

School staff would much rather work with parents/carers to resolve poor attendance than resort to enforcement actions like Fixed Penalty Notices or Court

For further information please contact

Educational Inclusion & Partnership Team  
[attendance-admin@northamptonshire.gov.uk](mailto:attendance-admin@northamptonshire.gov.uk)

<http://www.northamptonshire.gov.uk/en/councilservices/EducationandLearning/Parents/Attend/Pages/truancy.aspx>

## Appendix 6



Northamptonshire  
County Council

my  
county  
council

### **Code of Conduct under the Provision of The Education (Penalty Notices) Regulation 2004 and Subsection (1) Section 23 Anti-Social Behaviour Act 2003**

**This code of conduct relates to Penalty Notices for absences.**

#### **RATIONALE**

- 1 Regular and punctual attendance of pupils at schools is, under section 7 of the Education Act 1996, a legal requirement, parents being responsible for ensuring that any child of compulsory school age receives efficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs the child may have. Compulsory school age is defined as: Commencing at the start of term on or after a child's fifth birthday and concluding on the last Friday in June of the school year in which the pupil becomes 16. It is also essential for pupils to attend school regularly in order to maximise the opportunities available to them. The Educational Inclusion & Partnership (EIPT) investigates cases of irregular attendance and instigates statutory intervention where appropriate.
- 2 Under the provisions of subsection (1) of section 23 of the Anti-Social Behaviour Act 2003, in certain cases of unauthorised absence a penalty notice may be issued to the parent(s)/carer(s) responsible. Under these provisions the penalty is £60 if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt.
- 3 The EIPT will ensure the administration of justice of the necessary process and in order to fully comply with Article 6 and 8 of The Human Rights Act 1998 and ensure the consistent, fair and transparent application of penalty notices throughout the county. This Code of Conduct will govern the issuing of penalty notices across the county.

#### **GUIDANCE AND LEGISLATION**

- 4 The EIPT is authorised to operate this code and must have regard to the following legislation and guidance: -
  - The Race Relations (Amendment) Act 2000

- The Race Relations (Statutory Duties) Order 2001  
Disability Discrimination Act 1995
- Data Protection Act 1998  
Children Act 1989
- Crime and Disorder Act 1998  
Human Rights Act 1998
- Special Needs Code of Practice 2003
- Ensuring School Attendance: Guidance on the Legal Measures to Secure Regular School Attendance 2003
- Education Act 1996

#### Section 576 Education Act 1996: Definition of a Parent

The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in this section of the Education Act 1996. This defines 'parent' as:

- All natural parents, whether they are married or not.
- Any person who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) 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.

Throughout this document, references to 'parent' mean each and every parent coming within the definition, whether acting jointly or separately, and should not be taken to mean that provisions only apply to 'parent' in the singular.

## PROCEDURE FOR THE ISSUE OF PENALTY NOTICES

- 5 The issue of penalty notices will be strictly administered by the EIPT to ensure independence of judicial intervention, proportionality and that the provisions of this code do not have a negative impact on the current forms of statutory intervention pursued by the EIPT. No penalty notice may be issued without prior written warning in the form a written notification by a standard service warning notice unless written notification has been made by the school, which would constitute "written warning".
- 6 The key considerations are:
  - Whether, given the facts of the case the investigating officer believes that the issuing of a penalty notice will be effective in helping to ensure that the parent secures the regular attendance of the child at a place of education.
  - The parent is judged capable of securing their child's regular attendance at school but is not taking responsibility for doing so, for example failing to engage in voluntary or supportive measures.
  - That the notice has been issued only for an offence that the local authority is willing and able to prosecute.
  - The action is proportionate to the level of absence and the six month rule

7 Where a standard service notice has been issued at any time within a school year and a  
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further complaint has been received it will only be necessary to issue a reminder notice along with the penalty notice at the point of or prior to issue. This will also apply where parents take a child out of school during term time.

- 8 The EIPT will always issue penalty notices by first class post, as there may be considerable health and safety implications involved in the operation of a hand/ face-to-face delivery mechanism, but may be delivered by hand where an officer determines the risk appropriate.
- 9 The responsibility of the issue of penalty notice is within the statutory duties of the EIPT. EIPT, via revenue collection mechanisms, will ensure that the issue of penalty notices is closely monitored with the relevant financial penalty being imposed and collected.
- 10 In the case where the penalty has not been paid within 28 days of issue, the EIPT may instigate proceedings under section 444 (1) of the Education Act 1996. The Local Authority, therefore, will have the means to avoid the issue of duplicate notices, to ensure that any action taken is compliant with relevant legislation and that no conflict arises with other statutory interventions applied by the Local Authority in respect of high levels of unauthorised absence.
- 11 No one parent may receive more than two separate penalty notices resulting from the unauthorised absence of an individual child. Penalty notices will be issued to each parent of the child exhibiting the relevant patterns of unauthorised absence and, where appropriate, in respect of more than one child action will be considered for other unauthorised absences.
- 12 The EIPT may receive contacts with regard to cases where the issue of penalty notices may be appropriate from education providers in Northamptonshire, the Police and other agencies as appropriate. The EIPT shall action these requests providing the relevant information is supplied in the specified manner and that the level of unauthorised absence is consistent with the provisions of the detail contained herein and that the evidence supports intervention.

## **CIRCUMSTANCES WHEN PENALTY NOTICES MIGHT BE ISSUED**

- 13 Penalty notices may be issued following assessment of unacceptable levels of unauthorised absence of 5 continuous days but also in the following circumstances: any 5 day unauthorised absence within a six week period. In addressing the issue of parentally condoned absence, penalty notices may offer a prompt and potentially effective deterrent to unauthorised absence at a point, which may not be as easily accessed through existing enforcement provisions.
- 14 Unauthorised leave during Term Time

Following amendments to the 2006 regulations in the Education (Pupil Registration Regulations) (England) (Amendment) Regulations 2013.

Amendments to the 2006 regulations remove reference to family holidays and extended leave as well as the statutory threshold of five school days. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances (*no definition is given within legislation*). Headteachers should determine the number of days a child can be away from school if the leave is granted.

Head teachers should ensure that that the parents have advance notification of the schools policy on absence in term time and that where it is refused they may be subject to a penalty notice. This information should be within the schools behavior policy.

The issue of a penalty notice should be balanced proportionally against the option of a further warning notice dependant upon the amount of unauthorised absences. Where the volume of absences is low the EIPT may use their discretion as to which action is required but the issue of a penalty notice must be proportionate. Officers may only issue a penalty notice when there are 5 cumulative days of absence over a given period where the issue of the notice and the payment period fits within the six month rule for bringing proceedings should the notice remain unpaid.

The EIPT will notify the school/referrer of any actions taken.

#### 15 Following Truancy Sweeps

Parents interviewed during, or contacted following, a truancy sweep exercise, during which instances of parentally condoned absence are identified, will be advised in writing of their liability under this code. Each case will be assessed on an individual basis and full account will be taken of the pupil's levels of unauthorised absence.

If the levels of unauthorised absence are unacceptable, the EIPT may issue a penalty notice. In cases where a parent is contacted on more than one occasion during, or following, a truancy sweep exercise, the EIPT may issue a penalty notice without any further recourse.

#### 16 Contacts from Education Providers, Police, Neighbouring LAs and other Agencies.

The EIPT will assess any contacts received in this regard from other agencies/schools and where levels of unauthorised absence have reached the appropriate thresholds, may issue a penalty notice or a warning as an alternative to pursuing any other form of statutory intervention.

#### 17 As an Alternative to the Application of Formal Intervention via use of the Courts

The EIPT may employ penalty notices as an early use as a deterrent to escalating patterns of unauthorised absence and as such will supplement rather than replace current statutory interventions available under the Education Act 1996.

The EIPT, therefore, will have the potential to apply penalty notices in a range of attendance scenarios provided the absences are unauthorised, which may preclude the resort to court proceedings. If an Inclusion Officer feels the issue of a penalty notice may be appropriate, he/she may do so under the code but the decision will only be arrived after full assessment of the available evidence.



# St. Andrew's CEVA Primary School

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A large proportion of penalty fines can go unpaid; officers before issuing such a notice **shall assess the likelihood of securing a conviction if the notice is not paid.**

As in other cases, the necessary warning letters will precede the issue of a notice.

**NB** Under normal circumstances a penalty notice will not be issued in cases where a parent has received a previous conviction in respect of his/her child's absence from school without agreement from a line manager.

### ADMINISTRATION OF THE PENALTY NOTICE SCHEME

- 18 Penalty Notices shall be issued in a prescribed manner and revenue from such notices shall be collected by the EIPT via a payment collection provider allowing for various methods of payment. A penalty notice may not be issued unless a formal contact has been received and opened on the ONE database system. The officer issuing a penalty notice shall maintain accurate and up to date records.
- 19 A prosecution under s 444(1) (A) Education Act 1996 will be undertaken when sufficiency of evidence exists to warrant statutory intervention, the failure to pay a Penalty Notice will be used in evidence. There is no mechanism within the legislation or this code for the collection of non payment, neither is there an opportunity to pay in instalments and there is no right of appeal to the notice. Non payment of a Penalty Notice must result in prosecution to be **considered** of that person under the Education Act 1996.
- 20 For any person to be prosecuted the elements of s444 must be proven, the service cannot prosecute just because a notice has not been paid. The Rules of Evidence and Criminal Procedural Rules apply, any prosecution must meet the "evidential test" and the "public interest test" and must be proportionate otherwise a prosecution may not proceed.
- 21 There are only four exceptions when a notice may be withdrawn;
- when it is issued to the wrong person or
  - when issued outside the terms of the code of conduct
  - when an offence has not been committed
  - If a parent can prove it was delivered to the wrong address
- 22 The EIPT will review the annual statement of revenue collected from Penalty Notices. Such revenue may only be used to cover legal costs of administering the scheme or taking a prosecution as a result of non- payment in the interest of justice and training requirements.