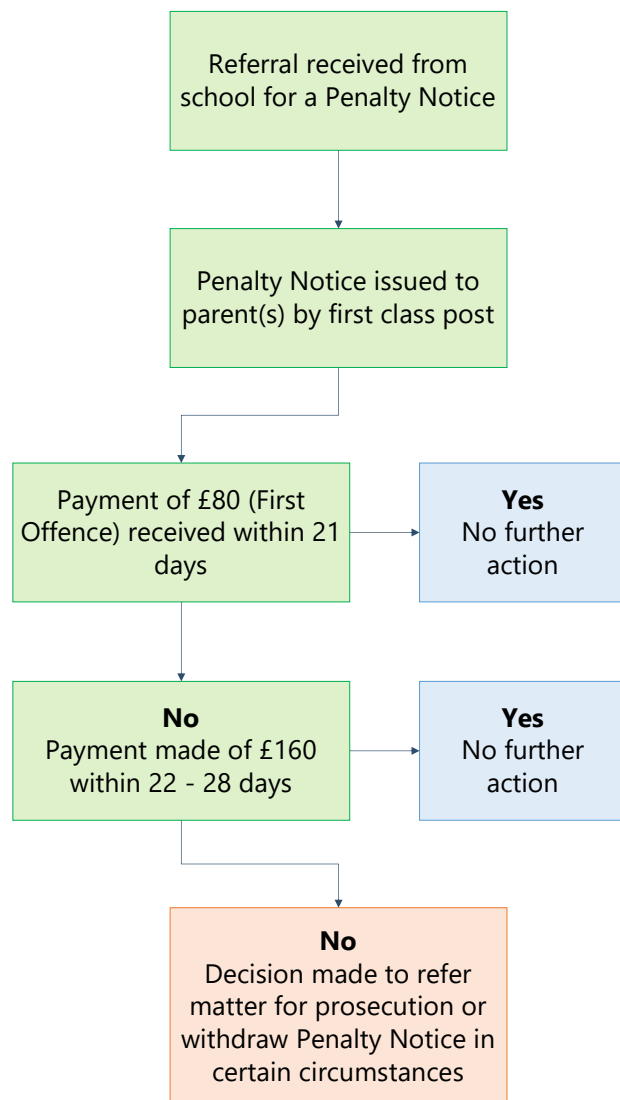


EDUCATION PENALTY NOTICES **FOR TERM TIME LEAVE**



School Attendance Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Email: epn.referrals@brent.gov.uk

For more information about the School Attendance Service prosecution policy and Local Code of Conduct for Education Penalty Notices, go to : www.brent.gov.uk



Children and Young People
School Attendance
Service



Guidance
Parents and Schools:

Education Penalty Notices

To avoid a penalty notice, a parent should not take their child out of school during term time

The law for issuing warnings and Education Penalty Notices

Section 23 of the Anti-Social Behaviour Act 2003 provides for the use of Penalty Notices by inserting section 444A into the Education Act 1996. This allows for Penalty Notices to be issued where it appears that an offence under section 444 of the Act (which relates to a child who is a registered pupil at a school and fails to attend there regularly) has been committed.

In accordance with The Education Pupil Registration England Amendment Regulations 2013 headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

The school

The school will expect that a parent has applied in writing to the school in advance and the headteacher has agreed that exceptional circumstances are applicable to the parent's case. If the school has not agreed that there are exceptional circumstances and the parent takes the child out of school regardless the school is entitled to make a referral to the School Attendance Service for a warning or Education Penalty Notice to be issued. Schools should inform parents once a year in writing of the use of warnings and penalty notices as a strategy to improve school attendance.

School Attendance Service

The School Attendance Service will accept referrals from schools for unauthorised term time leave and issue warnings or Education Penalty Notices to parents. The School Attendance Service is part of Brent Council's Children and Young People and has a responsibility to ensure that parents fulfill their legal duty to send their children to school regularly.

A Notice to Improve or Education Penalty Notice (EPN)

A Notice to Improve or Education Penalty Notice can be issued by the School Attendance Service when a parent removes their child from school during term time without permission. A Notice to Improve will advise a parent of their child's unauthorised absence from school and the legal consequences if it is repeated. There is no requirement for the School Attendance Service to issue a warning and it may choose instead to issue an Education Penalty Notice for a first offence.

Penalty Notices will be issued to each parent, for each child that was absent without authorisation.

The School Attendance Service may also decide to issue a Notice to Improve or Education Penalty Notice when a child has been referred with a school attendance of 85 per cent or less, with a significant amount of absence recorded as unauthorised, and where a pupil has unauthorised absence of 10 per cent or above over a 10 week period, as an alternative to prosecution.

Fines

From August 2024, the fine for school absences across the country will be £80 if paid within 21 days, or £160 if paid within 28 days for a first offence.

The second time a Penalty Notice is issued for unauthorised absence the amount will be: £160 per parent, per child if paid within 28 calendar days.

No discount for paying within 21 calendar days.

There is no right of appeal against the issuing of a penalty notice. The School Attendance Support Team will only withdraw an Education Penalty Notice if it contains errors, should not have been issued, or has been issued to the wrong person. The parent named in an Education Penalty Notice must ensure that the fine is paid.

Third and Any Further Offences

The third time an offence is committed a Penalty Notice will not be issued.

- The case will instead be presented straight to the Magistrate's Court.
- Prosecution can result in a criminal record and or a fine of up to £2,500.
- Cases found guilty in Magistrates can show on the parent's future DBS certificate due to 'failure to safeguard a child's education.'

Not paying a fine

If a fine is not paid in full within 28 days, Brent Council may prosecute for the offence of non-attendance. Parents will be summoned to appear at Willesden Magistrates Court and could be fined up to £2,500.

Paying the fine

The fine can be paid by any person to Brent Council. Guidance on ways to pay the fine are included with the notice. Any payments received after 28 days will not be accepted and you will be reimbursed.

Prosecutions

The School Attendance Service may issue two Education Penalty Notices in a 12 month period, or consider the case for prosecution.

How can a parent avoid a Notice to Improve, Education Penalty Notice or prosecution?

A parent must make sure that their child attends school regularly and has no unauthorised absence. **It is a school's decision whether to authorise absence.**