



Non-School Attendance and Education Penalty Notices

Local Code of Conduct

August 2024

Queries about this document should be addressed to:
School Attendance Service Team Leader
Email: ews@brent.gov.uk
Brent Civic Centre
Engineers Way
HA9 0FJ

Contents

1. Introduction
2. Rationale
3. National Framework for Penalty Notices
4. Legal Basis
5. Responsibility
6. Notices to Improve, Education Penalty Notices or other action
7. Circumstances for Issuing an Education Penalty Notice
8. Process for requesting an Education Penalty Notice
9. Withdrawal of a Penalty Notice
10. Payment of Education Penalty Notices
11. Non-payment of Education Penalty Notices
12. Policy and Publicity
13. Arrangements for Coordination
14. Reporting and Review
15. Representation
16. Annual Review

1. Introduction

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. Penalty notices offer a swift intervention and may be used to combat school non-attendance problems before they become entrenched. Penalty Notices are suitable for use where there is a reasonable expectation of a parent's ability to secure improvement, and where parents are not co-operating in those measures being offered or recommended, to improve attendance. Education Penalty Notices will only be issued for offences where the Local Authority is willing and able to prosecute. Throughout this code, the term **parent** is used to refer to an individual who falls within the definition of **section 576** of the **Education Act 1996**. This includes all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989); and any person who although not a natural parent, has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a parent.

A penalty notice is to be used as an additional opportunity for parents/carers and guardians to fulfil their legal obligations as an alternative sanction and before entering a court process, which can lead to criminal prosecution.

The purpose of this local code of conduct is to ensure that penalty notices for school absence are issued in a manner that is fair and consistent across Brent. The code sets out the arrangements for administering penalty notices and complies with relevant regulations and the DfE's national framework for penalty notices as detailed in the 'Working together to improve school attendance' guidance.

A penalty notice is to be used as an additional opportunity for parents/carers and guardians to fulfil their legal obligations as an alternative sanction and before entering a court process, which can lead to criminal prosecution.

No penalty notice will be issued outside the terms of this code of conduct.

2. Rationale

Good school attendance is essential to improving children's educational and future employment prospects. Evidence shows that poor attendance severely impacts on children's educational growth and their future prospects are significantly restricted. They are more likely to be unemployed, suffer from poverty and are more at risk of criminal or antisocial behaviour.

There is evidence from research conducted by the Department for Education (DfE) that overall grades achieved by individual schools, decline in line with the number of school days missed by pupils during the year. For the most vulnerable children, regular school attendance is an important protective factor and often the best opportunity for needs to be identified and support provided.

Regular attendance at school is a legal requirement and Section 444 of the Education Act 1996 exists to enforce attendance through the courts in appropriate circumstances. Penalty notices are an alternative to prosecution and enable parents to discharge criminal liability in relation to an offence under the Education Act 1996.

3. The National Framework for Penalty Notices

In line with the National Framework, all local authorities within England, must follow the legislation and regulations as laid out, ensuring a fair and consistent approach to the consideration and issuing of penalty notices, as mandated within the *Working Together to Improve School Attendance Statutory Guidance*, is effective from 19th August 2024.

National Framework for Penalty Notices aims to:

- Make penalty notices more effective by ensuring they are only used in cases where they are the most appropriate tool to change parental behaviour and improve attendance.
- Prioritise the support first approach by expecting support to be used in cases where it is appropriate and using penalty notices in cases where support is not appropriate (e.g., a term time holiday) has not worked or has not been engaged with.
- Improve consistency in the use of penalty notices across England by introducing a new national threshold at which they are considered.
- Improve the deterrent effect of a penalty notice by increasing the amount and introducing a new national limit of two penalty notices within a three-year period to break cycles of repeat offending.

4. Legal basis

Section 7 of the Education Act 1996 states that the parent of a child of compulsory school age has a legal duty to ensure that they receive an efficient fulltime education suitable to their child's age, ability, aptitude and any special educational needs. Therefore, in order to ensure that parents comply with this duty and to ensure that children and young people are able to maximise the opportunities available to them via regular attendance at school, London Borough of Brent (the Local Authority) will support schools to challenge irregular school attendance using the powers outlined in this Code of Conduct

Section 444 of the Education Act 1996, states that, if it is believed that a child has failed to attend school regularly, the parent is guilty of an offence under section 444(1) of the Act.

Penalty notices are an alternative to prosecution and enable parents to discharge criminal liability in relation to an offence under the Education Act 1996.

The Education (Penalty Notices) (England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.

- A penalty notice can only be issued in relation to children of compulsory school age in maintained schools, pupil referral units, academy schools, alternative provision academies and certain off-site places as set out in section 444A(a)(b).
- A penalty notice can only be issued by an authorised officer of the Local Authority and the Police. Headteachers (including Deputy and Assistant Headteachers

authorised by them) are authorised to request a penalty notice be issued for unauthorised absence from school.

5. Responsibility

Although the regulations make provision for a penalty notice relating to unauthorised absence to be issued by a head teacher (and other nominated school staff), the Police and authorised Local Authority staff, in Brent the responsibility for issuing and managing the arrangements for Education Penalty Notices rests solely with the Team Leader and staff of the Brent School Attendance Service. The Education Penalty Notice can only be issued by an "Authorised Officer." This will ensure that all procedures relating to Penalty Notices are consistently applied, that enforcement action is not duplicated and any subsequent court action that may be necessary can be integrated within the existing arrangements.

It's for the Local Authority to make such arrangements as it sees fit for aspects of the operation of the scheme not provided for in the code of conduct. The Brent School Attendance Service (BSAS) is part of the Inclusion Service within the Children and Young People Department.

6. Notices to Improve, Education Penalty Notices or other action

Where concerns have been identified regarding non-attendance, there are three courses of action which can be pursued:

1. A Notice to Improve
2. An Education Penalty Notice
3. Legal measures including prosecution

One of these is appropriate if:

- the parent has committed an offence under **section 444** of the **Education Act 1996**, and
- the school to which the offence relates is a relevant school in England (i.e. a qualifying school under **section 1(3)** of the **Education Act 2002** or a pupil referral unit as defined in **section 19(2)** of the **Education Act 1996**).

Cases will always proceed in accordance with this Code of Conduct, the BSAS Prosecution Policy, and regard will be given to any guidance published by the Secretary of State. The BSAS will respond to all requests for the issue of a Notice to Improve or Education Penalty Notice within fifteen working days.

All Notice's to Improve and Education Penalty Notices will be served by first class post. Please note that it is possible to issue a separate Education Penalty Notice to both parents. The Penalty Notice will be addressed to each parent and will be sent to the recipient at his/her usual or last known address.

The BSAS will closely monitor the issuing and enforcement of Notice's to Improve and Education Penalty Notices, keeping accurate and detailed records within the case file. Where an Education Penalty Notice is not paid, the BSAS will instruct legal services to instigate proceedings through the court under **section 444** of the **Education Act 1996**.

This will ensure consistency in ensuring that duplicate notices are not being issued, and parents are dealt with appropriately.

A Notice to Improve (with accompanying guidance) will inform the parent of:

- a) Details of the pupil's attendance record and details of the offences.
- b) The benefits of regular attendance and parents' duty under section 7 of the Education Act 1996.
- c) Details of the support provided so far.
- d) Opportunities for further support and the option to access previously provided support that was not engaged with if appropriate
- e) A clear warning that a penalty notice may be issued or prosecution considered if attendance improvement is not secured within the improvement period.
- f) A clear timeframe for the improvement period of between 3 and 6 weeks.
- g) Details of what sufficient improvement within that timeframe will look like.
- h) The grounds on which a penalty notice may be issued before the end of the improvement period

An Education Penalty Notice (with accompanying guidance) will inform parent of the:

- record of unauthorised absences which give rise to the EPN
- local authority's power to issue the Education Penalty Notice and what the notice means
- procedure for withdrawing an Education Penalty Notice (and that there is no right to appeal).

The penalty for an EPN is £80, if paid within 21 days of receipt of the notice, rising to £160 if paid after the 21 days have elapsed but within 28 days of receipt. If the penalty is not paid in full by the end of 28 days the LA, will either prosecute for the offence of non-attendance or withdraw the notice. The prosecution is for the offence of failing to secure attendance at school not for non-payment of the fine. Prosecutions are brought under **s444** of the **Education Act 1996**. Withdrawal of the notice can only take place in very limited circumstances as set out in this code of conduct.

A Local Authority officer may only issue a Notice to Improve or Education Penalty Notice in respect of a child who is a registered pupil at a school. A parent may receive a separate Education Penalty Notice for each child who has unauthorised absence.

7. Circumstances for Issuing an Education Penalty Notice

Penalty notices are issued to parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or, in certain cases, at a place where alternative provision is provided if the provision is registered with the DfE. Penalty notices can be used by all schools (except for independent schools) where the pupil's absence has been recorded with any of the unauthorised codes and that absence(s) constitutes an offence. A penalty notice can be issued to each parent liable for the offence or offences. They should usually only be issued to the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence). For example, where a separated parent has taken a child on holiday without the

consent or approval of the other parent. Penalty notices are intended to prevent the need for court action and should only be used where it is deemed likely to change parental behaviour and support to secure regular attendance has been provided and has not worked or been engaged with or would not have been appropriate in the circumstances of the offence (e.g. an unauthorised holiday in term time).

8. Process for requesting an Education Penalty Notice

All schools will issue Education Penalty Notice through a referral to their link School Attendance Officer using the Brent School Attendance Service RF1 Referral form (see appendices). Before issuing an EPN the LA will consider whether the criteria has been met based on the information contained in the RF1 and supporting documents.

All schools must notify parents of the use of EPNs each academic year. This can be done through a variety of methods letters, newsletters, and the school website, but all parents must receive written notification that EPNS may be issued for unauthorised absences. Brent School Attendance Service has a model/template letter which school can adapt for this purpose (see appendices).

The national threshold for issuing EPNS is 10 sessions of unauthorised absence. This can be made up of a combination of any type of unauthorised absence, e.g. 4 sessions of unauthorised holiday (G code) taken in term time plus 6 sessions of arriving late after the register closes (U code), all taken within any 10-school week period. The unauthorised absence sessions can be consecutive or not. The 10-school week period may span different terms or carry over from different school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

In line with Working Together to Improve School Attendance and the National Penalty Notice Framework (August 24) prior to requesting a penalty notice, schools must consider:

Is support appropriate for this case of absence?

If yes, schools are expected to follow a 'support first' approach and offer a range of support before requesting a penalty notice, such as: letters to parents raising concerns regarding the level of absence, telephone calls or emails, and invitations to a school meeting to discuss difficulties and attendance agreements. Schools should engage with the professional network and refer to services that can support the family to improve attendance, such as Brent School Attendance Service and Brent Inclusion Service. All persistently absent children, who are not already under an existing support plan, should be offered an Early Help Assessment.

Schools then have the option to continue to provide support without a penalty notice or request a Notice to Improve (e.g. where a parent is engaging well in the support, or other support is available), request a Notice to Improve and continue to provide support (e.g. where a parent is not engaging well in support); or request a penalty notice (e.g. where a Notice to Improve has previously been issued and the parent has not engaged in support), subject to the further considerations below.

If not, a penalty notice should be issued (e.g. in the case of a holiday in term-time) subject to the further considerations given below.

In all cases, whether for PA or TTL, before a penalty notice is issued, the following questions should also be considered:

- a. Is a penalty notice the best available improvement tool that is most likely to change behaviour and improve attendance or would further support or one of the other legal measures be more appropriate?
- b. Is issuing a penalty notice appropriate in this case after considering any obligations under the Equality Act 2010, such as where a pupil has a disability?

If the answer is yes to above, a penalty notice should be issued. If not, another measure should be used to improve attendance.

Summary chart for schools - EPN referral process

EPNS for Term time Leave of Absence (G Code)	
Criteria	Documentation
10 or more sessions of unauthorised leave during term time Pupil has returned to school Referrals should be made within 3 weeks of the child's return to school. Consult with Link School Attendance Officer	1. RF1 form 2. Attendance Certificate for year to date including G codes 3. TTL Request from parents 4. Refusal letter from school stating why the request has been refused and advising parents that a request for a Penalty Notice may be made to Brent School Attendance Service
If no request for leave was made, evidence of why you have concluded that the family were on holiday i.e. international dialling tone or advised by another party such as family member, pupil etc.)	

EPNS for Unauthorised absences	
Criteria	Documentation
10 or more sessions of unauthorised leave during term time, consecutive or not Consult with Link School Attendance Officer Is EPN more appropriate than supportive interventions or other legal measures to secure full attendance?	1. RF1 form with details of school interventions to improve attendance or why no support was deemed appropriate 2. Attendance Certificate for year to date 3. Any relevant documentation relating to absences

Authorised officers have the discretion to issue an Education Penalty Notice rather than a Notice to Improve for a first offence. This will be determined based upon the facts of the case.

An Education Penalty Notice can only be issued in cases of unauthorised absence that can be evidenced in the school register. The unauthorised absence need not be consecutive; however, officers should bear in mind the six-month time limit to issue for summary proceedings.

The national framework directs that a penalty notice may be issued where there have been at least **10** sessions of unauthorised absence in the preceding **10** school weeks.

The 10-school week period can span different terms and school years, i.e., the end of one academic year, into the beginning of the next academic year. (This is applicable from the academic year 2024/25 only).

A penalty notice can be issued for **£80**, to be paid within **21 days** of the date of the notice.

If this is not paid within the timescale, the penalty notice is increased to **£160** and should be paid by the **28th day** of the date of the notice.

Non-payment of the penalty notice will permit the Local Authority to prosecute the parent for the original offence, under section 444(1) of the Act.

The national framework directs that a limit of **two** penalty notices can be issued to a parent for the same child within a rolling **three-year** period, so at the third or subsequent offence(s) another tool will need to be considered (such as prosecution or one of the other attendance legal interventions).

Previous penalty notices include those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) but not those which were withdrawn.

Where it is deemed necessary and appropriate to issue a second penalty notice to the same parent for the same child within the three-year period, the penalty notice will be issued at the higher rate of £160. There will be no option, to pay the lesser amount of £80.

Should the issuing of a penalty notice fail to improve attendance, consideration will be given to prosecution following appropriate legislation.

9. Withdrawal of a Penalty Notice

A penalty notice may be withdrawn by the Local Authority in the following circumstances:

- It has been determined that the Education Penalty Notice ought not to have been issued or ought not to have been issued to the person named as the recipient.
- The Education Penalty Notice contains material errors.

Where an Education Penalty Notice has been withdrawn on one of the above grounds, a notice of the withdrawal shall be given to the recipient and any amount paid in pursuance of that notice shall be repaid to the person who paid it. If a recipient believes

that one of these grounds applies, he or she should make a request in writing to the Local Authority. Details of how to do this shall be given in the Education Penalty Notice.

Once the notice has been withdrawn, no proceedings under **section 444** of the **Education Act 1996** shall be continued or instituted against the recipient of the notice in relation to the offence for which the notice was issued; except in cases where an Education Penalty Notice has been withdrawn because it contains material errors. If a new Education Penalty Notice is issued, at the same time as the first Education Penalty Notice containing the material errors is withdrawn, proceedings under **section 444** of the **Education Act 1996** may be continued or instituted against the recipient [Regulation 8 of the Education (Penalty Notices) (England) Regulations 2007]. Proceedings may also continue, or be instituted, if full payment for the new Education Penalty has not been received within 28 days.

A penalty notice must be withdrawn by the Local Authority when the penalty has not been paid in full within 28 days and the Local Authority has not instituted proceedings against the recipient of the notice, nor are proceedings contemplated [Regulation 9 of the Education (Penalty Notices) (England) Regulations 2007].

10. Payment of Education Penalty Notices

- a) Arrangements for payment are detailed on the penalty notice.
- b) A penalty notice is currently for the sum of £80.00 to be paid within 21 days. The penalty rises to £160.00 should payment not be made within 21 days and must be paid within a further 28 days.
- c) Part payment or payment plans for penalty notices are not accepted.
- d) Payment in full discharges the parent's legal responsibility and for the 'period of unauthorised absence' outlined in the penalty notice and therefore the parent cannot be subsequently prosecuted for that period.
- e) Payment after the 28-day deadline explained above may be accepted in exceptional circumstances and the higher amount of £160 is payable.
- f) The referrer will be informed when payment of the penalty notice is received.
- g) Revenue from penalty notices is retained by the Council and ring fenced for the administration of the penalty notice system and attendance support.

11. Non-payment of Education Penalty Notices

If at the end of 28 days of receipt of the Education Penalty Notice payment in full is not received, the Local Authority shall normally prosecute the recipient for the offence of failure to ensure regular school attendance under **s444 Education Act 1996**. Proceedings cannot be issued before the expiry of the 28-day period.

- a) The offence detailed in the penalty notice must be capable of proof in the Magistrates' Court so that, in the event of non-payment, the parent can be prosecuted. Non-payment of penalty notices within the prescribed timescales may result in the

initiation of a criminal investigation and possible prosecution under Section 444(1) of the Education Act 1996, for the offence detailed in the penalty notice.

b) The parent will be advised by letter, that due to the failure to pay the penalty notice within the given timescales, that the matter is being considered for referral to Magistrates Court under Section 444(1) of the Education Act 1996.

c) The referrer will be advised of the non-payment of the penalty notice at the due date, together with the letter to the parent, advising that the matter is being considered for referral to Magistrates Court.

d) The referrer will be advised that a witness statement will be expected from them, for presentation in Magistrates Court.

12. Policy and publicity

All school attendance policies should include information on the use of Education Penalty Notices. Information will be provided to schools by the BSAS, which could be adapted by schools to meet their own needs in informing parents about Education Penalty Notices.

The Local Authority will include information on the use of Education Penalty Notices and other attendance enforcement sanctions in promotional/public information material (such as the Local Authority website, attendance information leaflets).

13. Arrangements for coordination

- The BSAS will monitor the use of Penalty Notices. This will help ensure consistent and equitable delivery and allow cohesion with other enforcement sanctions.
- The BSAS will provide annual feedback to Head teachers, the Police and authorised officers and neighbouring local education authorities, where appropriate, on the use of Penalty Notices and resulting outcomes.
- Where it appears to the BSAS that the Code of Conduct requires amendment, the BSAS will consult head teachers, the police, and any other person or body it deems appropriate, regarding the proposed changes.

14. Reporting and review

- The BSAS within the Inclusion Service will monitor and review Education Penalty Notices at regular intervals.
- The Local Authority shall keep records of Education Penalty Notices which include:
 - the number of requests for a formal warnings
 - the number of requests to issue an Education Penalty Notice
 - the number of Education Penalty Notices issued
 - the number of Education Penalty Notices paid, when and how much
 - the number of requests for withdrawals
 - the number of notices withdrawn and the grounds of the withdrawal
 - the outcome of those cases taken to court.

15. REPRESENTATION

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

16. ANNUAL REVIEW This code of conduct will be reviewed on an annual basis and may be amended in line with current practice and procedures.

«Addressee»
«Contact_Add1»
«Contact_Add2»
«Contact_Add3»
«Contact_Postcode»

**LONDON BOROUGH OF BRENT
EDUCATION PENALTY NOTICE
S.444A Education Act 1996**
(Please read the notes attached carefully).

If a child of compulsory* school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence under s.444 of the Education Act 1996.

PUPIL NAME: «Child_Forename1» «Child_Surname»

EPN REFERENCE NUMBER: FS

You are the parent of «Child_Forename1» «Child_Surname» who is a registered pupil at «School». **As the parent named in this notice you are expected to pay a financial penalty. If two parents receive an Education Penalty Notice each, then both parents must make payments.**

«Child_Forename1» «Child_Surname» was absent between[date] and[date] during which period the school was open for [days]. During this period, he/she was present for days and absent [days], of which number of days were authorised absences.

This Notice gives you the opportunity to pay a financial penalty as an alternative to a prosecution contrary to Section 444 Education Act 1996. The amount of the penalty is £160.00. However, if you pay within 21 days from the date of this notice, payment will be £80.00, and you will discharge any liability from Prosecution.

If paid between 22 and 28 days of the date of this Notice, the full amount of £160.00 is payable. Late or part payments will not be accepted, and no reminders will be sent.

This Notice is sent by first class post on the date of issue and is deemed to be received by you on the second working day, following the date of issue, and posting.

If your payment has not been cleared by the London Borough of Brent Central Account and/or is not received by another other means (e.g., cheque) by the dates shown below, this Notice will be withdrawn and you may be prosecuted, contrary to Section 444 Education Act for the offence and could be subject to a fine of up to £1,000.00

Date	Maximum Days	Amount Payable
DD/MM/YYYY	21	£80.00
DD/MM/YYYY	28	£160.00

This notice is issued by «SEN_Administrator» of Brent School Attendance Service

Date of issue:

LONDON BOROUGH OF BRENT GUIDANCE NOTES

CODE OF CONDUCT

This Notice is issued in accordance with a Local Code of Conduct drawn up by London Borough of Brent's Children and Young People. Any questions or correspondence about this Notice or the Code should be addressed to The Team Leader, the School Attendance Service, London Borough of Brent, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ or email ews@brent.gov.uk. For further information on the Local Code of Conduct, please go to www.brent.gov.uk

AMOUNT OF PENALTY

The amount of the penalty is as follows:

First Offence

When Paid	Penalty
Within 21 days	£80
Within 28 days	£160

Second Offence

When Paid	Penalty
Within 28 days	£160

No discount for paying within 21 calendar days.

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.'

RIGHT OF APPEAL

There is no right of appeal against this notice.

WITHDRAWAL OF A PENALTY NOTICE

London Borough of Brent will withdraw this notice if it is shown that it should not have been issued to you.

PROSECUTION

If you do not pay the penalty, and the Notice is not withdrawn, you will be prosecuted for the offence of failing to secure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing,

*Compulsory school age is defined as **beginning from** the start of the term commencing on or after the child's fifth birthday. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.

**Schools are required to take an attendance register twice a day, at the start of the morning session and once during the afternoon session. The register shows whether the pupil is either present, engaged in an approved education activity off-site, or absent. The register must show whether any absence was authorised or unauthorised.

Authorised absence is where the school has either given approval in advance for a pupil of compulsory school age to be away or has accepted an explanation offered afterwards as satisfactory justification for absence. All other absences must be treated as unauthorised.

Please note that only schools, not parents, authorise absence. Schools must adhere to the Department for Education guidelines in authorising absence.

HOW TO PAY YOUR EDUCATION PENALTY NOTICE

Please pay your fine on time and follow the payment instructions below to ensure your payment is applied to the correct invoice easily and quickly and is received within the correct time scale.

Log onto www.brent.gov.uk/pay click on Education Penalty Notice box and enter your EPN reference number, contact details and debit/credit card information.

If you do not have access to the web, please call the Education Penalty Notice team to make a card payment on 020 8937 3980 during our opening hours Monday to Friday 10:00am- 12:30pm.

For any queries relating to the Education Penalty Notice you have received please email epn.referrals@brent.gov.uk



Inclusion Service

ANNEX 2

«Addressee»
«Contact_Add1»
«Contact_Add2»
«Contact_Add3»
«Contact_Postcode»

**LONDON BOROUGH OF BRENT
EDUCATION PENALTY NOTICE
S.444A Education Act 1996**
(Please read the notes attached carefully).

If a child of compulsory* school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence under s.444 of the Education Act 1996.

PUPIL NAME: «Child_Forename1» «Child_Surname»

EPN REFERENCE NUMBER: FS

You are the parent of «Child_Forename1» «Child_Surname» who is a registered pupil at «School». **As the parent named in this notice you are expected to pay a financial penalty. If two parents receive an Education Penalty Notice each, then both parents must make payments.**

«Child_Forename1» «Child_Surname» was absent between[date] and[date] during which period the school was open for [days]. During this period, he/she was present for days and absent [days], of which number of days were authorised absences.

This Notice gives you the opportunity to pay a financial penalty as an alternative to a prosecution contrary to Section 444 Education Act 1996. This Notice is issued as this is your second offence, the second penalty notice issued to the same parent for the same child within a rolling 3-year period being charged at a higher rate of £160 with no option for this second offence to be discharged at the lower rate of £80. Late or part payments will not be accepted, and no reminders will be sent.

This Notice is sent by first class post on the date of issue and is deemed to be received by you on the second working day, following the date of issue, and posting.

If your payment has not been cleared by the London Borough of Brent Central Account and/or is not received by another other means (e.g., cheque) by the dates shown below, this Notice will be withdrawn and you may be prosecuted, contrary to Section 444 Education Act for the offence and could be subject to a fine of up to £2,500.00.

Date	Maximum Days	Amount Payable
DD/MM/YYYY	28	£160.00

This notice is issued by «SEN_Administrator» of Brent School Attendance Service

Date of issue:

LONDON BOROUGH OF BRENT GUIDANCE NOTES

CODE OF CONDUCT

This Notice is issued in accordance with a Local Code of Conduct drawn up by London Borough of Brent's Children and Young People. Any questions or correspondence about this Notice or the Code should be addressed to The Team Leader, the School Attendance Service, London Borough of Brent, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ or email ews@brent.gov.uk. For further information on the Local Code of Conduct, please go to www.brent.gov.uk

AMOUNT OF PENALTY

The amount of the penalty is as follows:

First Offence

When Paid	Penalty
Within 21 days	£80
Within 28 days	£160

Second Offence

When Paid	Penalty
Within 28 days	£160

No discount for paying within 21 calendar days.

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.'

RIGHT OF APPEAL

There is no right of appeal against this notice.

WITHDRAWAL OF A PENALTY NOTICE

London Borough of Brent will withdraw this notice if it is shown that it should not have been issued to you.

PROSECUTION

If you do not pay the penalty, and the Notice is not withdrawn, you will be prosecuted for the offence of failing to secure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing,

*Compulsory school age is defined as **beginning from** the start of the term commencing on or after the child's fifth birthday. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen.

**Schools are required to take an attendance register twice a day, at the start of the morning session and once during the afternoon session. The register shows whether the pupil is either present, engaged in an approved education activity off-site, or absent. The register must show whether any absence was authorised or unauthorised.

Authorised absence is where the school has either given approval in advance for a pupil of compulsory school age to be away or has accepted an explanation offered afterwards as satisfactory justification for absence. All other absences must be treated as unauthorised.

Please note that only schools, not parents, authorise absence. Schools must adhere to the Department for Education guidelines in authorising absence.

HOW TO PAY YOUR EDUCATION PENALTY NOTICE

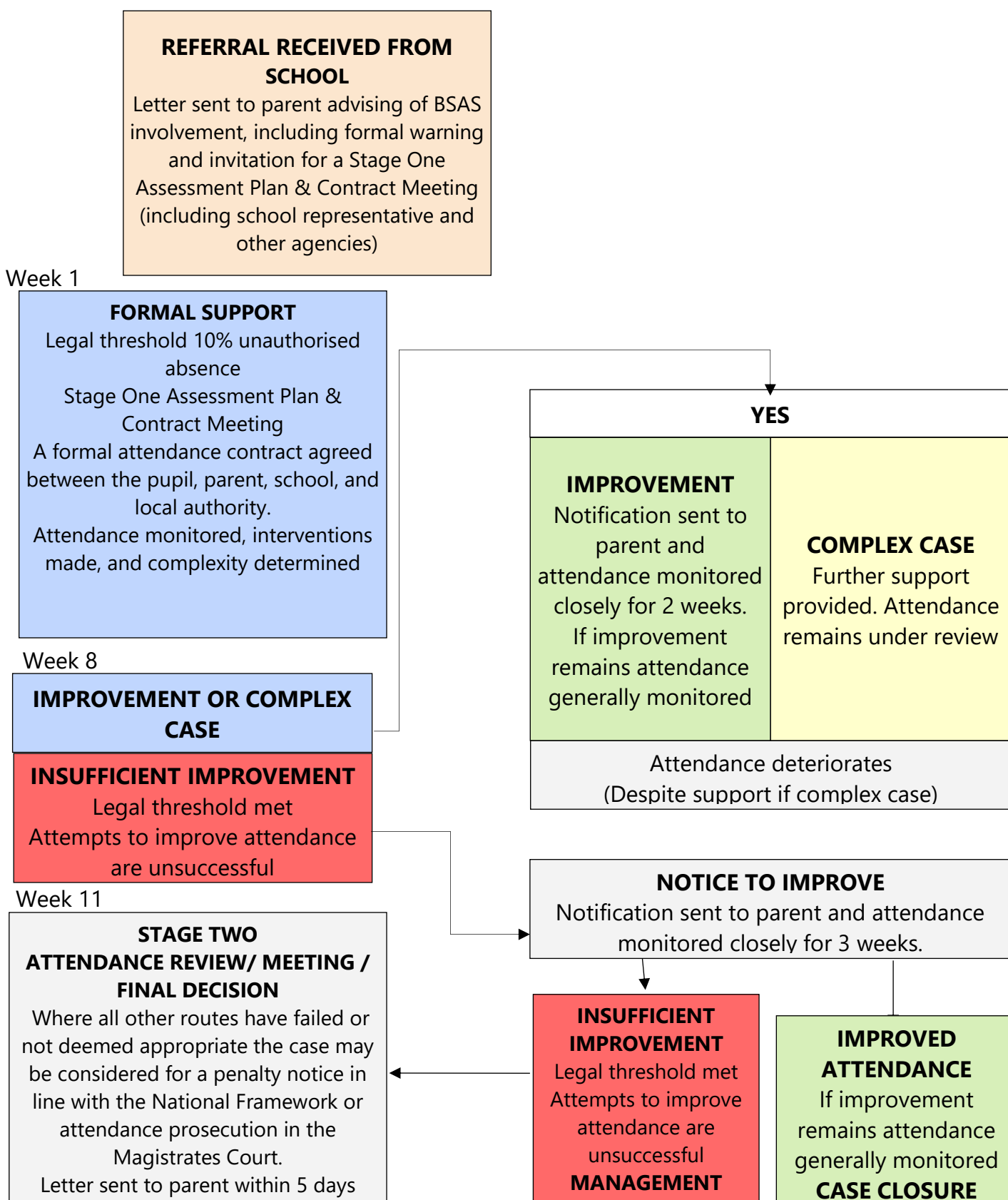
Please pay your fine on time and follow the payment instructions below to ensure your payment is applied to the correct invoice easily and quickly and is received within the correct time scale.

Log onto www.brent.gov.uk/pay click on Education Penalty Notice box and enter your EPN reference number, contact details and debit/credit card information.

If you do not have access to the web, please call the Education Penalty Notice team to make a card payment on 020 8937 3980 during our opening hours Monday to Friday 10:00am- 12:30pm.

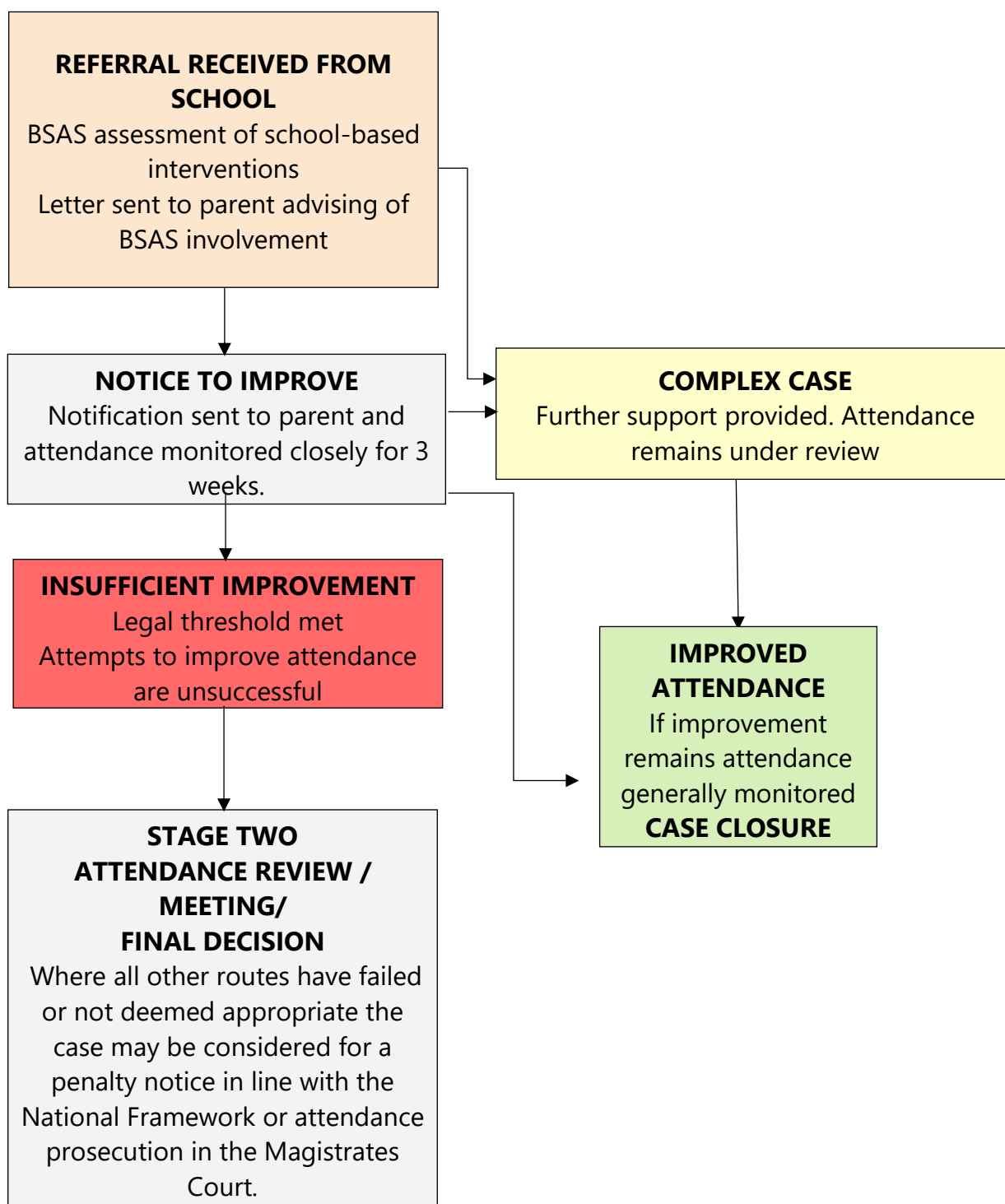
For any queries relating to the Education Penalty Notice you have received please email epn.referrals@brent.gov.uk

School Attendance Service Casework Flowchart

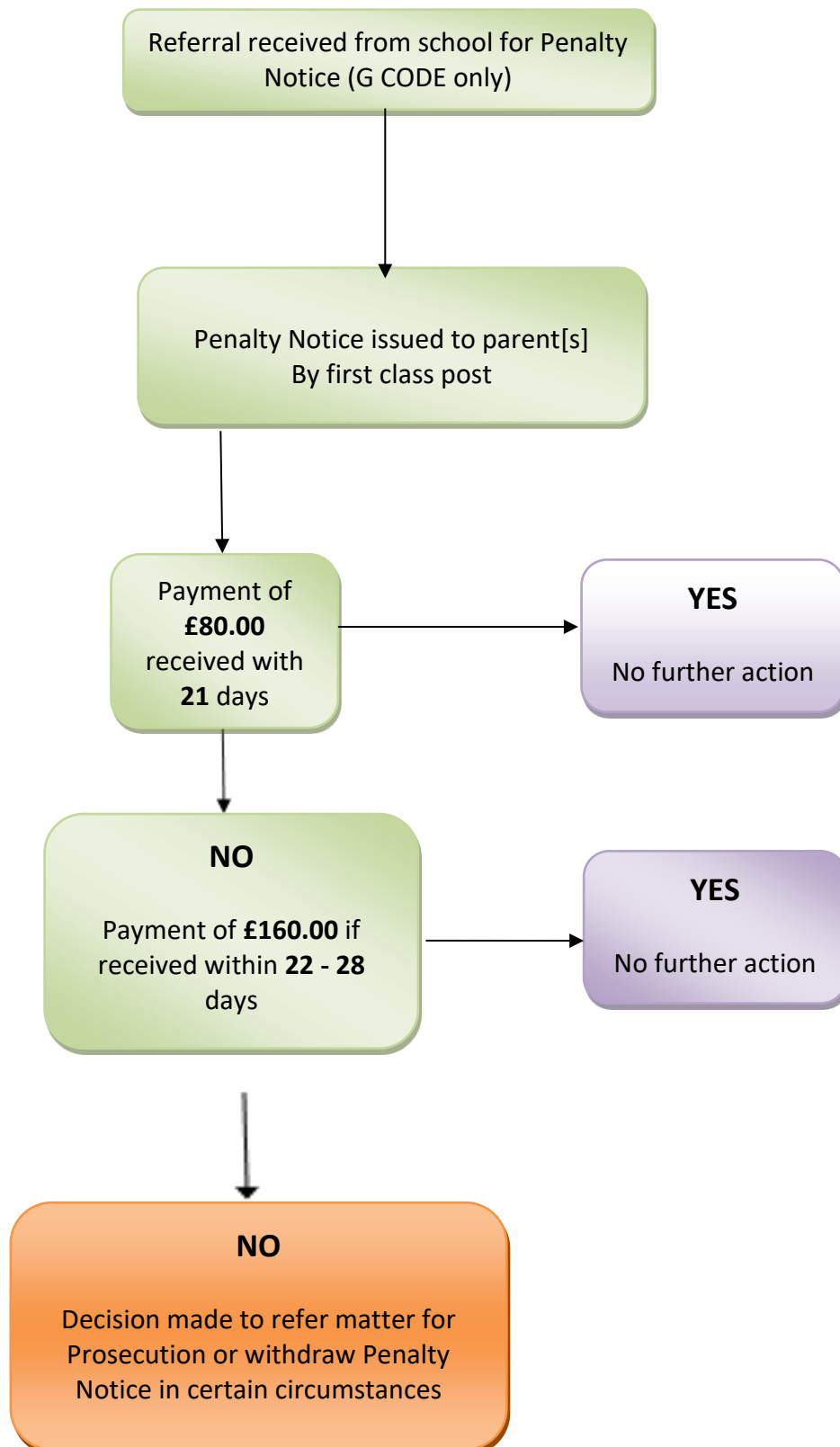


School Attendance Service Casework Flowchart- Core Schools

Week 10



EDUCATION PENALTY NOTICES FOR TERM TIME LEAVE



EDUCATION PENALTY NOTICES FOR PERSISTENT UNAUTHORISED ABSENCE

