

Local Code of Conduct

Local Code of Conduct for the issuing of Penalty Notices for school absence and excluded pupils found in a public place during the school day in accordance with:

The Education (Penalty Notices) (England) Regulations 2007, as amended by the Education (Penalty Notices) (England) (Amendment) Regulations 2024

September 2024

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What has changed in this version – summary of changes

New National Framework elements	Elements for local discretion
National threshold (improving consistency in the use of penalty notices across England) – 10 sessions of unauthorised absence in a rolling 10-school week period.	Notice to Improve warning letter replaces the previously agreed Penalty Notice warning letter. The Notice to Improve warning letter will be issued by schools.
Where the Penalty Notice national threshold is met (prioritising the support first approach) – in each individual case, the school must consider if a Penalty Notice is appropriate, or support should be provided, or a Notice to Improve issued, or other legal interventions.	South Gloucestershire Council will provide its schools with a Notice to Improve warning letter template for use that contains the recommended content outlined in the National Framework. Should schools wish to develop their own letter, guidance will be provided on the elements which must be included.
National fine amounts increase for school absence penalty notices (improving the deterrent effect of a penalty notice) – First fine, £80 if paid within 21 days rising to £160 if paid between 22-28 days. The fine amount for penalty notices for excluded pupils found in a public place during the school day has <u>not</u> changed, remaining at £60 if paid within 21 days rising to £120 if paid between 22-28 days.	South Gloucestershire Council will undertake cross-border checks on behalf of its schools for cases where a pupil has moved school or local authority area within the three rolling year period. This is to ascertain whether a Penalty Notice (or notices) have already been issued to determine if national fine amount escalation limit or cap has been reached.
National fine amount escalation for school absence penalty notices (improving the deterrent effect of a penalty notice) - For a second Penalty Notice issued within a 3-year rolling period to the same parent in respect of the same child, the Penalty Notice is £160.00 if paid within 28 days. There is no option for this second penalty notice to be reduced to the lower rate of £80. The fine escalation does <u>not</u> apply to penalty notices for excluded pupils found in a public place during the school day.	
National fine cap for school absence penalty notices	

(improving the deterrent effect of a penalty notice) - A maximum of two fines for the same parent and same child in a rolling three years. After which, alternative action should be taken instead, such as prosecution. A penalty notice issued for an excluded pupil found in a public place during the school day, does not 'count' towards the national fine cap for school absence penalty notices.	
Cross-border checks (improving the deterrent effect of a penalty notice) – cases where a pupil has moved school or local authority area within the three rolling year period will be subject to local authority cross-border checks to see if a Penalty Notice (or notices) have been issued in the previous 3 years.	

South Gloucestershire Council Local code of conduct

Penalty Notices for school absence and excluded pupils found in a public place during the school day

1. Rationale

- 1.0 The Education (Penalty Notices)(England) Regulations 2007 as amended by the Education (Penalty Notices)(England)(Amendment) Regulation 2024 provide for the operation of the Penalty Notice scheme under S444A of the Education Act 1996 and Section 105 of the Education and Inspections Act 2006. The Regulations require each local authority to draw up a Code of Conduct which sets out measures to ensure consistency in the issuing of Penalty Notices.
- 1.1 The purpose of this local code of conduct is to ensure that penalty notices for school absence and excluded pupils found in a public place during the school day, are issued in a manner that is fair and consistent across South Gloucestershire Council.
- 1.2 The Code sets out the arrangements for administering penalty notices in South Gloucestershire Council and must be adhered to by anyone issuing a penalty notice for school absence or excluded pupils found in a public place, in this area.

- 1.3 The code complies with relevant regulations and the Department for Education's national framework for penalty notices as set out in the ['Working together to improve school attendance'](#) guidance.
- 1.4 Research published by the Department for Education in May 2022 found pupils with higher attainment in Key Stage 2 and Key Stage 4 had lower levels of absence over the key stage, compared to those with lower attainment.
 - Pupils who did not achieve the expected standard in reading, writing and maths in 2019 had an overall absence rate of 4.7% over the key stage, compared with 3.5% among pupils who achieved the higher standard.
 - Pupils who did not achieve grade 9 to 4 in English and Maths GCSE in 2018 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and Maths.
- 1.5 For the most vulnerable pupils, regular attendance is also an important protective factor and often the best opportunity for needs to be identified and support provided.
- 1.6 Where difficulties arise with school attendance, professionals should take a 'support first' approach in line with the DfE's 'Working together to improve school attendance' guidance, only resorting to legal enforcement when necessary. The aim is that the need for legal enforcement is reduced by taking a supportive approach to tackle the barriers to attendance and intervening early before absence becomes entrenched.
- 1.7 The national framework for penalty notices is based on the principles that penalty notices should only be used in cases where:
 - support is not appropriate (e.g. in the case of a holiday in term time) or where support has been provided and not engaged with or not worked, and
 - they are the most appropriate tool to change parental behaviour and improve attendance for that particular family.

2. Consultation

- 2.0 This code has been drawn up in consultation with the headteachers and governing bodies of state-funded schools and the local police force.

3. Legal basis

- 3.0 Penalty notices are an alternative to prosecution. They give parents the opportunity to discharge their liability for an offence under section 444 of the Education Act 1996, or section 103 of the Education and Inspections Act 2006, by paying a penalty. They can only be issued in relation to pupils of compulsory school age in maintained schools, pupil referral units, academy schools, AP academies, and certain off-site places (alternative provision) as set out in section 444A(1)(b). Parents of pupils at independent schools cannot be issued with a penalty notice but can be prosecuted under section 444(1) or (1a).
- 3.1 The Education (Penalty Notices)(England) Regulations 2007 (and subsequent amendments) set out how penalty notices for school absence must be used.

- 3.2 A penalty notice can only be issued by an authorised officer: that is, a headteacher or a deputy or assistant head authorised by them, an authorised local authority officer or a police constable. In South Gloucestershire it has been agreed that all fixed penalties will be issued by the local authority.
- 3.3 The national framework for penalty notices is published in statutory guidance 'Working together to improve school attendance'. It provides further national guidance on the operation of penalty notice schemes for school absence in England.
- 3.4 A parent includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent or parents with day-to-day responsibility for the pupil's attendance or the parent or parents who have allowed the absence (regardless of which parent has applied for a leave of absence). Parents who live at the same address will be equally responsible for their child/ren's attendance. Where parents are separated and do not live at the same address, the authorised person from the school will establish how much involvement each parent has in caring for the child/ren. If one parent has little involvement, the authorised person will decide whether it is in the public or family's interest to issue a penalty notice to both parents. Parents could include, but are not limited to, step-parents, grandparents, other family members/relatives or guardians etc.
- 3.5 All parents can commit an offence under section 444 of the Education Act 1996 and therefore all parents liable for the offence may be issued a penalty notice in line with regulation 13 of the Education (Penalty Notices)(England) Regulations 2007. Usually, in deciding which parents to issue a penalty notice to, the school and local authority should include all parents involved in failing to secure the pupil's regular attendance e.g who they were living with on the dates of the offences or which parents went on the unauthorised holiday.

4. When may a penalty notice for absence be appropriate?

- 4.0 When the national threshold has been met: when a school becomes aware that the national threshold has been met, they must consider whether to recommend to the local authority that a penalty notice can and should be issued. The national threshold has been met when a pupil has been recorded as absent for 10 sessions (usually equivalent to 5 school days) within 10 school weeks¹, with one of, or a combination of the following codes:
- a) Code G (the pupils is absent without leave for the purpose of a holiday);
 - b) Code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies);
 - c) Code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies).
- 4.1 When a pupil of compulsory school age is in a public place during school hours without reasonable justification during the first 5 days of a suspension or

¹ A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or school years (e.g. 2 sessions of unauthorised absence in Term 6 and a further 8 within Term 1).

permanent exclusion, under section 105 of the Education and Inspections Act 2006.

- 4.2 If, in an individual case, an authorised officer in a school believes that a penalty notice would be appropriate, they retain the right to request that the Local Authority issue one before the threshold is met. This may apply, for example, where a parent is deliberately avoiding the national threshold by taking several term time holidays below the national threshold, or where there are repeated absences for other events which have not been authorised by the school (including, but not limited to, birthdays or family events). This will be in exceptional circumstances only. The school should set out their rationale for their request to the Local Authority for consideration, in the penalty notice request form. The issuing of penalty notices in these circumstances can only be authorised by the Senior Education Officer (attendance), or someone of higher rank within the Education, Learning and Skills Division.
- 4.3 If repeated penalty notices are being issued and they are not working to change behaviour, they are unlikely to be the most appropriate tool. The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third (or subsequent) times within 3 years, another tool should be used. This may include prosecution of one of the other attendance legal interventions available to the Local Authority.

5. Circumstances when a penalty notice may be issued

Irregular school attendance

- 5.0 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 section 444 of the Education Act 1996.
- 5.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the opportunities available to them.
- 5.2 Where a pupil's attendance meets the criteria for a penalty notice, the expectation is that schools will make a penalty notice request to the local authority, unless there are reasonable grounds for not doing so.
- 5.3 A penalty notice should be used as a sanction where there is a reasonable expectation that its use will secure an improvement or change in the pattern of absence.
- 5.4 There will be circumstances where it is considered that a penalty notice is not appropriate. This may be due to a variety of reasons, including, but not limited to:
- a) repeated offences indicating that Penalty Notices are not bringing about a change in behaviour, for example, repeated unauthorised term time leave;
 - b) the high level of unauthorised absence, including extended unauthorised term time leave cases; and
 - c) the complex or long-standing nature of the particular case. In such cases, the Local Authority may decide not to issue a penalty

notice, but instead consider instigating a prosecution under Section 444(1) or 444(1A) of the Education Act 1996.

- 5.5 Where a school has concerns about the attendance of a pupil, there is an expectation that the school will have made the parent(s) aware of the concerns about their child's attendance and the parent(s) have had the opportunity to address this. Parents should be aware that if they do not make use of support offered and improve their child's attendance to an acceptable level, this may result in a penalty notice. The school will need to show that they have warned the parent(s) that they are at risk of receiving a penalty notice or other legal sanction. This should at least be evidenced via the sending of a Notice to Improve.
- 5.6 Penalty Notices should not normally be requested where poor attendance is symptomatic of complex family circumstances; in these circumstances the school should take a holistic support first approach to the issue and involve other agencies as necessary. The exception to this is where parents fail to engage with support offered by the school and/or other agencies. The school will need to show that they have warned the parent(s) that they are at risk of receiving a Penalty Notice or other legal sanction by the sending of a Notice to Improve.
- 5.7 Where a parent or carer chooses to take their child out of school for a period of leave which has not been authorised by school e.g. taking a holiday in term time, evidence of an individual warning (Notice to Improve) is not a requirement. Instead, the school should ensure that it has made the parent(s) aware:
- that term time leave of absence is not an automatic right and only permitted in exceptional circumstances.
 - generally, a need or desire for a leave of absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.
 - of the school's expectations around parents making and the school granting leave of absence requests; and
 - that unauthorised term time leave may result in a penalty notice.
- Evidence that the parent has been warned could include, but is not limited to, articles in school newsletters, information on the school's website, home-school agreement, school attendance policy, or written evidence of the refusal in the form of a letter, or a section completed by the school on request for leave in term time form.

Irregular attendance at an alternative educational provision arranged by the Local Authority

- 5.8 The Education (Penalty Notices)(England) Regulations 2007, as amended by the Education (Penalty Notices)(England)(Amendment) Regulations 2024 allows for the Local Authority to issue a penalty notice if it has arranged alternative provision, as set out in section 444A(1)(b) and the child is not attending.
- 5.9 If a child of compulsory school age who is not a registered pupil at any school and the Local Authority has made arrangements under section 19 for the provision of education otherwise than at a school or at his home, and has given notice in writing of the arrangements to the child's parent(s), fails to attend regularly at the alternative provision, his parent is guilty of an offence under section 444ZA of the Education Act 1996.

- 5.10 Where an alternative educational provision has concerns about a pupil's attendance and believes that the threshold has been met for a penalty notice, the expectation is that the provider will contact the Attendance, Exclusions and Licensing Team to make them aware of the concerns. Information may also be received from other Local Authority Officers (for example those involved in arranging and monitoring provision under section 19).
- 5.11 On receipt of a concern, the Senior Education Officer (attendance) will investigate whether support is appropriate and, where it is appropriate, whether sufficient support has already been provided and whether a penalty notice is the best available tool for improve attendance and change parental behaviour for the family or whether another legal intervention would be more appropriate.
- 5.12 There will be circumstances where it is considered that a penalty notice is not appropriate. This may be due to a variety of reasons, including, but not limited to:
- d) repeated offences indicating that Penalty Notices are not bringing about a change in behaviour, for example, repeated unauthorised term time leave;
 - e) the high level of unauthorised absence, including extended unauthorised term time leave cases; and
 - f) the complex or long-standing nature of the particular case. In such cases, the Local Authority may decide not to issue a penalty notice, but instead consider instigating a prosecution under Section 444ZA of the Education Act 1996.
- 5.13 Where an alternative provider has concerns about the attendance of a pupil, there is an expectation that the provider will have made the parent(s) aware of the concerns about their child's attendance and the parent(s) have had the opportunity to address this. Parents should be aware that if they do not make use of support offered and improve their child's attendance to an acceptable level, this may result in a penalty notice. In the case of a child who is failing to attend the alternative provision arranged by the Local Authority, the Notice to Improve will be issued by the Senior Education Officer (attendance).

Where an excluded pupil is found in a public place during school hours during the first 5 school days of a suspension or permanent exclusion

- 5.14 Where a pupil is excluded (suspended or permanently excluded), the parent has a duty to ensure that their child is not present in a public place during school hours, without reasonable justification, during the first five days of each and every suspension or permanent exclusion. Where the exclusion is for five days or less, the duty applies to any of the days to which the exclusion relates (section 103 Education and Inspections Act 2006). A school may be deemed to be a public place for the purposes of this legislation.
- 5.15 The school must have followed the Department for Education's statutory guidance for exclusions, which includes warning parents of this provision and the days to which it applies.
- 5.16 The fine amount for penalty notices for excluded pupils found in a public place during the school day has not changed, remaining at £60 if paid within 21 days, rising to £120 if paid between 22-28 days.

- 5.17 If a pupil receives several suspensions and the parent allows the pupil to be in a public place more than twice, the parent may be prosecuted for any third and subsequent occasion that occurs within any 12-month period.
- 5.18 If an excluded pupil is found in a public place during school hours, the witness must be willing to provide a witness statement and, if required to do so, be willing to testify in court.

6. Key considerations prior to the issue of a Penalty Notice for school absence

- 6.0 The following considerations will be made before issuing (or requesting that another authorised officer issues) a penalty notice to ensure consistency of approach:
- In cases where support is not appropriate (for example, for holidays in term time), consider on a case-by-case basis:
 - Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
 - Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010?
 - (For local authorities only) Is it in the public interest to issue a penalty notice in this case given the local authority would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment?
 - In cases where support is appropriate, consider on a case-by-case basis:
 - Has sufficient support already been provided? Sufficient support will include, but not be limited to telephone calls, an attendance overview letter, a supportive meeting, an Attendance Plan and review(s), targeted interventions for the child (e.g. a buddy, mentor, safe space, toilet pass, travel support/adjustments, an Individual Health Care Plan if appropriate), consideration of an Early Help Assessment and Plan and an Attendance Contract and review.
 - Is a penalty notice the best available tool to improve attendance and change parental behaviour for this particular family or would one of the other legal interventions be more appropriate?
 - Is issuing a penalty notice in this case appropriate after considering any obligations under the Equality Act 2010?
 - (For local authorities only) Is it in the public interest to issue a penalty notice in this case given the local authority would be accepting responsibility for any resulting prosecution for the original offence in cases of non-payment?

If the answer to the above questions is 'yes', then a penalty notice (or a Notice to Improve in cases where support is appropriate) will usually be issued.

7. Notices to Improve

- 7.0 A Notice to Improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a Notice to Improve should usually be sent to give parents a final chance to engage in support. An

authorised officer can choose not to use one in any case, including cases where support is appropriate, but they do not expect a Notice to Improve would have any impact on the parent's behaviour (for example because the parent has already received one for a similar offence).

7.1 Before issuing a Notice to Improve, a school representative must have established which parent(s) the Notice to Improve will be issued to. This should usually be the parent or parents who have allowed the absence. Parents who live at the same address will be equally responsible for their child/ren's attendance and will each receive a Notice to Improve for each child, to ensure that they are fully aware of their legal obligations. Where parents are separated and do not live at the same address, the authorised person from the school will establish how much involvement each parent has in caring for the child/ren. If one parent has little involvement, the authorised person will decide whether it is in the public or family's interest to issue a fine to both parents. The school representative will ensure that the addresses for each parent are correct, to the best of their knowledge.

7.2 A Notice to Improve will be sent by email or by post by the school to the parent, using the agreed Notice to Improve letter template or the school's own version (as per the Local Authority guidance on the issuing of Notices to Improve), signed by a school representative. To ensure that each parent is aware of their legal obligations, each parent will be sent a Notice to Improve individually for each child that they are responsible for.

7.3 The Notice to Improve must include.

- I. The pupil's attendance record and details of the offence;
- II. The benefits of regular attendance and parents' duty under section 7 of the Education Act 1996;
- III. A summary of the support, or opportunities for support, provided so far, which will include:
 - Telephone calls home
 - An Attendance Overview Letter
 - A supporting meeting to discuss the child's attendance
 - An Attendance Plan and review
 - Targeted interventions that have been offered by the school
 - Consideration of an Early Help Assessment and Plan and referrals to other agencies
 - An Attendance Contract and review
- IV. Opportunities for further support and the option to access previously provided support that was not engaged with if appropriate;
- V. Risk of penalty notice being issued or prosecution being considered if improvement is not secured within the improvement period;
- VI. The length of the improvement period which will be 6 school weeks;
- VII. What sufficient improvement looks like so that a penalty notice is not issued. This might be no further unauthorised absences within the improvement period, or a sufficient amount of improvement tailored to the family;
- VIII. The grounds on which a penalty notice may be issued before the end of the improvement period.

8. Maximum number of penalty notices

- 8.0 If repeated penalty notices for school absence are being issued and they are not working to change behaviour, they are unlikely to be the most appropriate tool. The national framework sets out that a maximum number of 2 penalty notices per child, per parent can be issued within a rolling 3-year period. If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be used. This might include prosecution or one of the other attendance legal interventions available to the local authority.
- 8.1 For the purpose of the escalation process, 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.
- 8.2 A penalty notice issued for a pupil found in a public place during the first 5 days of a suspension or permanent exclusion, does not count towards the escalation process or national limit.
- 8.3 Once 3 years has lapsed since the first penalty notice was issued to the parent, a further penalty notice can be issued if appropriate. In most cases this will not be the most effective tool for changing what may have become an entrenched pattern of behaviour.

9. How authorised officers will work together

- 9.0 Authorised officers should work together to ensure that penalty notices are used when likely to be effective and change behaviour.
- 9.1 An authorised officer is a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. Any authorised officer can request a penalty notice. In South Gloucestershire, only a local authority officer will issue penalty notices.
- 9.2 Where the school or police request that the local authority issues a penalty notice, they must provide to the local authority:
- A fully complete penalty notice request form.
 - An attendance certificate (showing the period of absence), signed by the Headteacher.
 - A copy of the Notice to Improve letter that the school sent to the parent, warning that a request may be made to the local authority to issue a penalty notice, unless support was not appropriate in the circumstances, for example where the absence was due to a holiday in term time.
 - Supporting documentation, such as, but not limited to, other attendance warning letters, meeting notes, attendance action plans, leave of absence request form, leave of absence letter etc.
- 9.3 Penalty notice requests should be sent to attendance.penaltynotice@southglos.gov.uk or uploaded to SOFIE (Exclusion and Attendance group).
- 9.4 The authorised local authority officer issuing the penalty notice will make a decision as to whether proportionate support has been provided, and whether that support has worked or not. If this is unclear, the authorised local authority officer will contact the authorised officer in the school, by email, to request further clarification or information, as appropriate. The Local Authority's decision as to whether sufficient support has been provided before issuing a penalty notice is the final decision.

9.5 Penalty notices are issued by South Gloucestershire Council using appropriate systems, to prevent the issuing of duplicate notices.

9.6 A coordinated approach will be taken to ensure that a penalty notice will not be issued in cases where a prosecution is contemplated or has been commenced by the local authority.

10. Payment of penalty notices

10.0 The arrangements for payment are detailed on the penalty notice.

10.1 The penalty for the first penalty notice for school absence issued to a parent in respect of a particular pupil is charged at £160 if paid within 28 days of issue. This will be reduced to £80 if paid within 21 days.

10.2 A second penalty notice issued to the same parent in respect of the same pupil (for school absence) within a 3-year rolling period is charged at a flat rate of £160 if paid within 28 days. There is no reduction in the charge if paid within 21 days.

10.3 The fine amount for penalty notices for excluded pupils found in a public place during the school day has not changed, remaining at £60 if paid within 21 days rising to £120 if paid between 22-28 days.

10.4 The penalty amount and related timescales may change in line with legislation changes. **Payment cannot be made in instalments.**

10.5 Payment of a penalty notice discharges the parent from liability for the period of the offence to which the penalty notice relates.

10.6 The local authority will inform the school about whether penalty notices are paid, withdrawn or prosecuted following non-payment. The notification will usually be electronic in the form of an email.

11. Non-payment of penalty notices

11.0 Non-payment of a penalty notice within the prescribed time period may result in prosecution by the local authority for the offence to which the penalty notice relates.

12. Cross border situations

12.0 Where pupils move between local authority areas, South Gloucestershire Council can be contacted on crossborder.penaltynotice@southglos.gov.uk to find out whether penalty notices for school absence have been issued previously.

12.1 Where it is believed that a pupil has moved school or local authority area within the rolling 3-year period, South Gloucestershire Council will make reasonable enquiries with the other local authority to ascertain whether any previous penalty notices have been issued.

- 12.2 Where pupils attend schools in South Gloucestershire Council but live in a neighbouring local authority, South Gloucestershire Council will issue the penalty notice in line with the South Gloucestershire Council Code of Conduct.

13. Withdrawal of penalty notices

- 13.0 There is no statutory right to appeal the issuing of a penalty notice in relation to education matters.
- 13.1 The circumstances where a penalty notice will be withdrawn are detailed on the penalty notice.
- 13.2 Where a penalty notice is withdrawn, no proceedings under S444 of the Education Act 1996 shall be instigated against the recipient in respect of the period covered by the original penalty notice.

Definitions

- ‘Schools’ means all Department for Education registered educational providers situated within the South Gloucestershire Council, for pupils of statutory school age, not including independent schools.
- In April 2017 The Supreme Court gave its judgment on the meaning of what is meant by ‘attend regularly’ at school for the purposes of section 444 of the Education Act 1996. The Supreme Court decided that “regularly” meant “in accordance with the rules prescribed by the school”.²
- For the purposes of education law, section 576 of the Education Act 1996 defines a ‘parent’ as:
 - all natural (biological) parents, whether they are married or not;
 - any person who, although not a natural parent, has parental responsibility for a child or young person (this could be a step-parent, guardian or other relative);
 - any person who, although not a natural parent, has care of a child or young person.

In relation to legal intervention, schools and local authorities should decide which parent(s) to involve in attendance legal intervention, but this should usually be the parent or parents who have allowed the absence.³

- A person has care of a child or young person if they are the person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child.
- 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 only apply to ‘parent’ in the singular.
- ‘10-week period’ means 10 school weeks. A school week means any week (Monday to Sunday) in which there is at least one school session. The 10 school-week period when the national threshold applies may span different terms or academic years (e.g. 2 sessions of unauthorised absence in Term 6 and a further 8 within Term 1).
- Compulsory school age is a child between 5 to 16 years old. A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31st December. A child continues to be of compulsory school age until the last Friday of June in the school year that they turn sixteen.

² [Isle of Wight Council v Platt \[2017\] UKSC 28](#)

³ [Working Together to Improve School Attendance para.139](#)

Further information

- DfE Statutory School Attendance Guidance: “Working Together to Improve School Attendance” <https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>
- The Education (Penalty Notices) (England) (Amendment) Regulations 2024: [SI 2024/210 - The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2024](#) - These Regulations amend the [Education \(Penalty Notices\) \(England\) Regulations 2007 \(S.I. 2007/1867\)](#)
- Section 23 Anti-Social Behaviour Act 2003: <https://www.legislation.gov.uk/ukpga/2003/38/section/23>