

**Powys County Council**  
**Schools Service**  
**Code of Conduct for Fixed Penalty**  
**Notices**  
**Unauthorised Absence from School**  
**/ Alternative Education Provision**

<b>Policy History</b>			
<b>Policy Date</b>	<b>Summary of change</b>	<b>Contact</b>	<b>Review Date</b>
01.03.2015	None – initial version (ERW model)	Education Services	01.09.2022
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## 1.0 Legal Basis and Rationale

- 1.1 The Welsh Government (WG) Education (Penalty Notice) (Wales) Regulations 2013<sup>1</sup> states that Local Authorities (LAs) are required by law to adhere to Section 444 of the Education Act 1996<sup>2</sup> to include Fixed Penalty Notices as one of the interventions to promote better school attendance. This means that “due regard must be given to the guidance and there is an expectation that it will be followed unless there is good reason to depart from it”<sup>3</sup>.
- 1.2 Regular and punctual attendance of pupils at school and alternative provisions is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. In law, an offence occurs if a parent / carer fails to secure their child’s regular attendance at school / alternative provision and that absence is not authorised by the school.
- 1.3 Sections 444A<sup>4</sup> and 444B<sup>5</sup> of the Education Act 1996 provide that certain cases of unauthorised absence can be dealt with by way of a Fixed Penalty Notice. A Fixed Penalty Notice is a fine of up to £120 and may be issued to a parent / carer as a result of a child’s regular non-attendance at school / education provision.
- 1.4 The LA prime responsibility for developing the protocol within which all partners named in the Education (Penalty Notices) (Wales) Regulations 2013<sup>6</sup> will operate and each LA will deliver this responsibility. Headteachers, including their authorised deputy and assistant headteachers, as well as the police, are able to request a Fixed Penalty Notice in relation to the parent/carers of children who have unauthorised absence from school/alternative education provision. The issuing of Fixed Penalty Notices must comply with all the requirements of the Human Rights Act<sup>7</sup> and all Equal Opportunities legislation.
- 1.5 The LA will continue to investigate cases of irregular attendance from school/alternative education provision and follow appropriate casework and will instigate legal action if appropriate. However, Fixed Penalty Notices offer a means of swift intervention which all LAs may use to deal with issues of

<sup>1</sup> The Education (Penalty Notices) (Wales) Regulations 2013.

<https://www.legislation.gov.uk/wsi/2013/1983/contents/made> Accessed on 10 September 2023.

<sup>2</sup> Education Act 1996, Section 444. <https://www.legislation.gov.uk/ukpga/1996/56/section/444> Accessed on 10 September 2023.

<sup>3</sup> Guidance on penalty notices for regular non-attendance at school, Welsh Government guidance document number 116/2013, page 3. Welsh Government.

<https://www.gov.wales/sites/default/files/publications/2018-03/guidance-on-penalty-notices-for-regular-non-attendance-at-school.pdf> Accessed on 10 September 2023.

<sup>4</sup> Education Act 1996, Section 444A. <https://www.legislation.gov.uk/ukpga/1996/56/section/444A> Accessed on 10 September 2023.

<sup>5</sup> *ibid.*, Section 444B. <https://www.legislation.gov.uk/ukpga/1996/56/section/444B> Accessed on 10 September 2023.

<sup>6</sup> The Education (Penalty Notices) (Wales) Regulations 2013.

<https://www.legislation.gov.uk/wsi/2013/1983/contents/made> Accessed on 10 September 2023.

<sup>7</sup> Human rights Act 1998. <https://www.legislation.gov.uk/ukpga/1998/42/contents> Accessed on 10 September 2023.



regular non-attendance before they become entrenched. The issuing of Fixed Penalty Notices will be based on clear threshold criteria which will be applied consistently and equitably. All persons authorised to issue (and request the issuing) of a Fixed Penalty Notice must comply with the guidance set out in this code of conduct.

## 2.0 Inclusion and Equality issues

- 2.1 The LA is committed to the continual raising of achievement of all pupils. There is an expectation that all pupils, regardless of their individual circumstances or needs, are able to secure their entitlement to high quality teaching and learning. Regular attendance is therefore critical if all pupils are to be successful and benefit from the opportunities presented to them. Regular attendance and punctuality are essential to allow children to achieve their full potential during term time at school. Regular attendance also ensures that children are safe and lessens the opportunities to become involved in truanting and associated anti-social activities.
- 2.2 Parents/carers and pupils are supported at a school/alternative education provision level to overcome barriers to regular attendance and through a wide range of assessment and intervention strategies. Sanctions of any nature are for use only where parental cooperation in this process is either absent or deemed insufficient to resolve the presenting problem. This additional sanction is a means of enforcing attendance where there is a reasonable expectation that its use will secure an improvement.

## 3.0 Policy and Publicity

- 3.1 In order to ensure parents and carers are fully aware of the Fixed Penalty Notice legislation, it is expected that all schools, with the support of their governing body, clearly outline Fixed Penalty Notice information in their attendance policy and provide information to parents in writing at the beginning of each academic year (Appendix A).
- 3.2 Definition of parent Section 576 of the Education Act 1996<sup>8</sup> defines 'parent' as
  - all natural parents, whether they are married or not
  - any person who, although not a natural parent, has parental responsibility for a child or young person
  - any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).

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<sup>8</sup> Education Act 1996, Section 576. <https://www.legislation.gov.uk/ukpga/1996/56/section/576> Accessed on 10 September 2023.



## 4.0 Legal practicalities

- 4.1 A Fixed Penalty Notice is £60 if paid within 28 days of receipt of the notice.
- 4.2 This rises to £120 if paid after 28 days but within 42 days of receipt.
- 4.3 If the penalty is not paid in full by the end of the 42 days the local authority must either prosecute for the offence or withdraw the notice.
- 4.4 The prosecution proceedings will be for the offence of failing to secure the child's regular attendance at school and not for non-payment of the penalty 3 fine. The prosecution will be brought under Section 444(1) or 444(1A) of the Education Act 1996<sup>9</sup>.
- 4.5 Withdrawal of the notice can only take place in limited circumstances as set out in this code of conduct.

## 5.0 The Issue of a Fixed Penalty Notice

- 5.1 In order to avoid the issuing of duplicate Fixed Penalty Notices the management and processing arrangements will remain the sole responsibility of the LA. An authorised officer will have the discretion to decide whether to issue a Fixed Penalty Notice to one or more parents/carers of a child. The specific circumstances in each individual case will be the determining factor.
- 5.2 The LA will work in consultation and partnership with schools and local police officers to ensure that:
  - the child has to be registered as a pupil at the school at which the headteacher or his/her authorised deputy or assistant headteacher is making the request for the Fixed Penalty Notice;
  - a Fixed Penalty Notice can only be issued in cases of unauthorised absence; notices should only be issued for offences where the LA is able and willing to prosecute. The LA should be satisfied that there is sufficient evidence to show the parent / carer has committed an offence under section 444(1) or 444(1A) of the Education Act 1996<sup>10</sup>;
  - the issue of Fixed Penalty Notices will be restricted to the maximum of three notices per parent of a pupil in a rolling 12-month period;
  - Fixed Penalty Notices may be issued for more than one child in cases where there is more than one poorly attending pupil in a family;

<sup>9</sup> Education Act 1996, Section 444. <https://www.legislation.gov.uk/ukpga/1996/56/section/444> Accessed on 10 September 2023.

<sup>10</sup> *ibid.*



- there will be no restriction on the number of times a parent may receive a formal warning of a possible Fixed Penalty Notice;
- if the recipient of a Fixed Penalty Notice moves to another LA area in Wales then the Fixed Penalty Notice moves with them;
- Fixed Penalty Notices cannot be issued if legal proceedings against the parent/carer under section 444(1) or 444(1A) of the Education Act 1996<sup>11</sup> have commenced or are contemplated at the time of request<sup>12</sup>.

## 6.0 Circumstances for issuing a Fixed Penalty Notice

6.1 The key criteria should be as follows:

- when a pupil has a minimum of 10 sessions (five school days) that have been lost due to unauthorised absences during the current term and this brings the pupils' overall school attendance to below 90% in the school year to date (these absences do not have to be consecutive);
- unauthorised absences of at least 10 sessions (5 school days) due to holidays in term-time if the absences take the pupils' overall school attendance to below 90% in the school year to date (these absences do not have to be consecutive);
- persistent late arrival at school i.e. after the register has closed ('U' code as in the Codes Guidance Document 2010). Persistent for the purpose of this document means at least 10 sessions of late arrival within a term; these do not need to be consecutive but should bring the pupils' overall school attendance to under 90% in the school year to date.

6.2 It should be noted that Fixed Penalty Notices will only be issued by post and never as an instant action e.g. during a Truancy Sweep. This will enable officers to ensure that all evidential requirements are in place and will limit the health and safety risks to individuals.

## 7.0 School application for issuing a Fixed Penalty Notice

7.1 Where a school has identified that a period of unauthorised absence has occurred, a request to the LA for a Fixed Penalty Notice can be submitted.

<sup>11</sup> *ibid.*

<sup>12</sup> The Education (Penalty Notices) (Wales) Regulations 2013, Section 14.

<https://www.legislation.gov.uk/wsi/2013/1983/regulation/14/made> Accessed on 10 September 2023.



Each headteacher can, on an annual basis, authorise their nominated deputy or assistant headteacher to request Fixed Penalty Notices (Appendix B).

7.2 The school paperwork should comprise of:

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

7.3 A Fixed Penalty Notice will not be issued in respect of Children Looked After (CLA) who are subject to on-going LA intervention.

## **8.0 Parental request for holidays in term time (unauthorised by school)**

8.1 Where the Fixed Penalty Notice is requested from a school in response to a parental request for unauthorised absence (holiday related unauthorised absence), the formal warning letter and 15-day improvement period will not apply.

8.2 The LA will only consider issuing Fixed Penalty Notices requested by a school in response to a parental request for unauthorised absence where the school has provided the necessary paperwork. This paperwork should comprise of:

- a copy of the information sent to all parents during the current academic year which clearly states that parents may receive a Fixed Penalty Notice;
- a copy of the request for absence letter submitted by parent, together with a copy of the school's response declining the request;
- relevant pupil attendance or registration certificate;
- completed Fixed Penalty Notice request form (Appendix C).

## **9.0 Procedure for issuing a Fixed Penalty Notice**

9.1 The LA will respond to all requests to issue Fixed Penalty Notices within ten school days of receipt and where it is satisfied that all relevant information has been supplied and that the initiation of the Fixed Penalty Notice is appropriate (Appendix D).

9.2 The LA has the prime responsibility for developing the protocol within which all partners named in the Education (Penalty Notices (Wales) Regulations 2013<sup>13</sup> will operate and the LA will deliver this LA responsibility.

<sup>13</sup> The Education (Penalty Notices) (Wales) Regulations 2013.

<https://www.legislation.gov.uk/wsi/2013/1983/contents/made> Accessed on 10 September 2023.



- 9.3 Requests can be generated by a headteacher, their nominated deputies, the police and neighbouring local authorities.
- 9.4 The LA must ensure that issuing a Fixed Penalty Notice would not conflict with another legal intervention strategy contemplated or commenced under the Education Act 444(1) or 444(1A).
- 9.5 The procedure is as follows:
- LA receives a request for a Fixed Penalty Notice and relevant checks will be made (Appendix C).
  - LA sends a formal written warning to the parent/carer notifying them that they may receive a Fixed Penalty Notice. Absences that occur due to holidays in term-time will not receive a warning (Appendix E).
  - LA sets a period of 15 school days to allow the parent/carer to respond. During the fifteen days, parents/carers have the right to provide any evidence they may wish to present to the school, including medical evidence, to argue that the Fixed Penalty Notice should not be issued.
  - It will be for the headteacher/nominated person to determine whether the evidence is accepted and the register amended.
- 9.6 For example, if the absences are supported by medical evidence then the registers may have to be corrected using the appropriate code. In such cases the Fixed Penalty Notice may not be issued by the LA.
- 9.7 If evidence is not provided or the headteacher/nominated person does not accept the absences then a Fixed Penalty Notice can be issued by the LA by first class post (Appendix F).
- If the payment is made there will be no further action.
  - If payment is not made then the case will either be withdrawn or result in prosecution under Education Act 1996 section 444(1) or 444(1A).

## **10.0 Payment of a Fixed Penalty Notice**

- 10.1 Arrangements for payment will be detailed on the Fixed Penalty Notice.
- 10.2 Once paid, the parent/carer's liability for the period in question is discharged and they cannot then be subsequently prosecuted under other enforcement powers (section 444 of the Education Act 1996) for the same period covered by the notice.
- 10.3 The LA will retain the revenue from Fixed Penalty Notices to cover enforcement costs. However, any surplus must be surrendered to the Welsh Consolidated Fund.





10.4 There is no facility for payment by instalment.

### 11.0 Non-payment of a Fixed Penalty Notice

11.1 Non-payment of a Fixed Penalty Notice may result in a prosecution under Section 444(1) or 444(1A) of the Education Act 1996<sup>14</sup>.

### 12.0 Withdrawal of a Fixed Penalty Notice

12.1 There is no statutory right of appeal against issuing of a Fixed Penalty Notice, but where a parent/carers contests the issuing of a Fixed Penalty Notice they can submit any complaints to the LA and/or opt to face proceedings in the Magistrates' Court under section 444(1) or 444(1A) of the Education Act 1996<sup>15</sup> where all of the issues relating to their Fixed Penalty Notice can be fully debated.

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

- the Fixed Penalty Notice was issued to the wrong person;
- the Fixed Penalty Notice ought not to have been issued i.e. where it has been issued outside of the terms of this Code of Conduct or no offence has been committed;
- the circumstances of the case warrant its withdrawal;
- the Notice contains material errors.

12.3 Where a Fixed Penalty Notice has been withdrawn in accordance with the above, notification of the withdrawal will be given to the recipient of the Notice and any amount paid will be repaid to the person who paid it. No proceedings will continue or be instituted against the recipient of the Notice for the offence in connection with which the withdrawn Notice was issued, or for an offence under sections 444(1)/444(1A) of the Education Act 1996<sup>16</sup> for the offence arising out of the same circumstances.

### 13.0 Annual review and reporting

<sup>14</sup> Education Act 1996, Section 444. <https://www.legislation.gov.uk/ukpga/1996/56/section/444> Accessed on 10 September 2023.

<sup>15</sup> *ibid.*

<sup>16</sup> *ibid.*



- 13.1 The LA will evaluate the effectiveness of Fixed Penalty Notices every year and amend its general enforcement strategy as appropriate. This report will be made available to the Head of Education.

#### **14.0 How to get further information**

- 14.1 For further information on the operation of this Code of Conduct and Fixed Penalty Notices within Powys County Council please contact the Education Welfare Service at [educationwelfare@powys.gov.uk](mailto:educationwelfare@powys.gov.uk)



## Appendix A

### **TEMPLATE LETTER TO PARENTS/CARERS**

*Please ensure that this template letter content is issued on school headed paper.*

Dear parent/carer

#### **Fixed Penalty Notices**

This letter explains Fixed Penalty Notices for unauthorised absences from school.

The local authority and the school believe that any absence from school, for whatever reason, is detrimental to a child's long term life opportunities, so should be avoided if at all possible. Reducing absence from school is a key priority, both nationally and locally, because missing school damages a pupil's life chances.

A Fixed Penalty Notice is an alternative to prosecution for poor attendance, with the aim of seeking to secure an improvement in the pupil's attendance.

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

If a notice has been requested, the relevant parent(s)/carer(s) will receive a warning letter that gives them 15 days to provide evidence to the local authority that the unauthorised absences are not justified and that the register should be amended. If the unauthorised absences are due to taking a holiday in term time then a warning will not be issued. Please note that there is no limit to the number of formal warnings which can be issued.

If the school attendance does not improve, then the Fixed Penalty Notice will be issued. Payment of £60 will be due in the first instance which will rise to £120 if not paid promptly. If the penalty is not paid then the local authority will consider issuing prosecution proceedings against the parent(s)/carer(s) for the original offence, which is 'failure to ensure regular attendance at school of the registered pupil' under Section 444 (1) or (1A) of the Education Act 1996.

Please remember that if there are reasons why your child is missing school then you can seek support and guidance from us. Please do ask before the non-attendance becomes an issue.



## Appendix B

### HEADTEACHER'S AUTHORISATION FORM

**Powys County Council**

**Schools Service**

**To be completed at the start of each academic year**

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

\_\_\_\_\_ School, confirm that I will request  
Fixed Penalty Notices

And/or; hereby authorise:

\_\_\_\_\_, Deputy/Assistant Headteacher  
[delete as appropriate] at the abovementioned school, to request Fixed Penalty  
Notices.

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

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

Print Name: \_\_\_\_\_

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

School: \_\_\_\_\_



## Appendix C

### FIXED PENALTY NOTICE REQUEST FORM

#### THE EDUCATION (FIXED PENALTY NOTICE) (WALES) REGULATIONS 2013

I request that the Local Authority (Education Welfare Service\*) consider issuing a Fixed Penalty Notice to the person named below as parent(s)/day-to-day carer(s)<sup>17</sup> for the following pupil. This request is made in accordance with Powys County Council's Code of Conduct and using the following criteria:

- o The pupil's attendance for the academic year is below 90%, due to:
  - o At least 10 sessions (five school days) are lost due to unauthorised absences during the current term;
  - o Unauthorised absences of at least 10 sessions (5 school days) due to holidays in term-time (G code);
  - o At least 10 persistent late arrival at school i.e., after the register has closed (U code);
  - o A combination of the above (Absences do not need to be consecutive);
- o Parents/carers have failed to engage with the school/and or the EWS\* in attempts to improve attendance;
- o It is not likely that court prosecution will be initiated.

Period of the offence			
The period in which the offence was committed	From (date):		To (date):
Attendance Data			
Attendance at point of request:	%	Authorised absence:	%
		Unauthorised absence:	%
Pupil details			
Name of Pupil			
Date of Birth		Year Group	
Address			
Parent/Carer details			
Parent/Carer 1	Full Name		
	Address (if different from pupil's)		
Parent/Carer 2	Full Name		
	Address (if different from pupil's)		

<sup>17</sup> Definition of parent

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

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



Any other person with Parental Responsibility	Full Name	
	Address (if different from pupil's)	

Additional Information	
Briefly outline the actions the school has taken to resolve the attendance concern	
Please indicate if the family is known to other services (e.g., Children's Services, YOS, CAMHS)	
Are there any known circumstances to consider, e.g., ALN, parental mental health, bereavement, domestic violence, Young Carer responsibilities?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If YES please give full details	

### Attachments required

- Registration certificate (date from \_\_\_\_\_ to \_\_\_\_\_ )
- Parental request for absence due to holidays

### Headteacher (or authorised person) Declaration

- I certify that the governing body of this school has reviewed its attendance policy and agreed that requests be made to the Local Authority to issue Fixed Penalty Notices in accordance with the Code of Conduct for Fixed Penalty Notices for Unauthorised Absence from School/Alternative Education Provision;
- I confirm that such action would not conflict with other intervention strategies in place or other enforcement measures being processed;
- To the best of my knowledge there are no exceptional circumstances to consider in making this request.

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

Print Name: \_\_\_\_\_

Role/Title: \_\_\_\_\_

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



School: \_\_\_\_\_



## Appendix D

### LOCAL AUTHORITY CHECKLIST

#### **FIXED PENALTY NOTICE REQUEST- EDUCATION WELFARE OFFICER TO COMPLETE**

UNAUTHORISED ABSENCE CHECKLIST			
Date Fixed Penalty Notice Request received			
Pupil Name		School	
Named person requesting Fixed Penalty Notice			
Name of parent/carer 1			
Name of parent/carer 2			
Name of any other person with PR			

To satisfy the criteria:				
1. Has/have the person(s) named above previously received a Fixed Penalty Notice?	Parent/carer 1	YES <input type="checkbox"/> NO <input type="checkbox"/>	Date issued	
	Parent/carer 2	YES <input type="checkbox"/> NO <input type="checkbox"/>	Date issued	
	Any other person	YES <input type="checkbox"/> NO <input type="checkbox"/>	Date issued	
2. What was the pupil's attendance in the previous academic year (not including authorised absences)?				%
3. What is the pupil's attendance this academic year to date (not including authorised absences)?			Date	%
4. What interventions/offers of support have been actioned by the school to avoid this request (include an outline of parental engagement)?				
5. Is the case open to the Education Welfare Service?		YES <input type="checkbox"/> NO <input type="checkbox"/>	Name of EWO	
If YES, briefly outline case and actions to date:				
6. Has there been at least one of the	a. At least 10 sessions (five school days) lost due to unauthorised absences during the current term and this brings the pupil's overall school attendance to below 90% in the school year to date. (These absences do not have to be consecutive)			YES <input type="checkbox"/> NO <input type="checkbox"/>





following (a-d)?	b. Unauthorised absences of at least 10 sessions (5 school days) due to holidays in term-time if the absences take the pupil's school attendance to below 90% in the school year to date. (These absences do not have to be consecutive)		YES <input type="checkbox"/>	
	If YES to b., has a parental request for absence for holiday during term time been submitted by parent?		YES <input type="checkbox"/>	
	c. Persistent late arrival at school i.e. after the register has closed ('U' code as in the Codes Guidance Document 2010). Persistent for the purpose of this document means at least 10 sessions of late arrival within the current school year to date; these do not need to be consecutive and bring the pupil's school attendance to below 90% in the school year to date.		YES <input type="checkbox"/>	
	d. Where parents/carers have failed to engage with the school/and or the EWS* in attempts to improve attendance but where court sanctions have not yet been initiated.		YES <input type="checkbox"/>	
Legal action				
7. Has the parent/carer been prosecuted in the last 12 months?				
Parent/carer 1	YES <input type="checkbox"/>	Date	Outcome	
	NO <input type="checkbox"/>			
Parent/carer 2	YES <input type="checkbox"/>	Date	Outcome	
	NO <input type="checkbox"/>			
Any other person	YES <input type="checkbox"/>	Date	Outcome	
	NO <input type="checkbox"/>			
Has any unofficial warning been issued (i.e. prior to Warning Notice – Appendix E)?	Parent/carer 1	YES <input type="checkbox"/>	Date	
		NO <input type="checkbox"/>		
	Parent/carer 2	YES <input type="checkbox"/>	Date	
		NO <input type="checkbox"/>		
	Any other person	YES <input type="checkbox"/>	Date	
		NO <input type="checkbox"/>		
Has a Warning Notice been issued?	Parent/carer 1	YES <input type="checkbox"/>	Date	
		NO <input type="checkbox"/>		
	Parent/carer 2	YES <input type="checkbox"/>	Date	



		NO <input type="checkbox"/>		
	Any other person	YES <input type="checkbox"/> NO <input type="checkbox"/>	Date	

Education Welfare Service Fixed Penalty Notice Actions				
Has an appropriate referral been made?		YES <input type="checkbox"/> NO <input type="checkbox"/>	Date	
If NO, state reason why referral not accepted				
Date warning letter issued (not for term-time holidays)				
Review date (15 days after warning issued)				
Date Fixed Penalty Notice issued		Notice ref. number		
Date at 28 days		Date at end of Notice		
Was Notice paid?	YES <input type="checkbox"/>	If YES, close case		
	NO <input type="checkbox"/>	If NO, review with Senior EWO		
Any additional information relevant to case				
Pupil's attendance at the end of the academic year				%

## Appendix E

### WARNING NOTICE

#### **EDUCATION ACT 1996 (SECTION 444 (1) AND (1A)) THE EDUCATION (FIXED PENALTY NOTICES) (WALES) REGULATIONS 2013 WARNING NOTICE**

Dear Mr/Mrs/Ms

I am writing to advise you that a request has been made that you be issued with a Fixed Penalty Notice in accordance with the above regulation.

In accordance with the Powys County Council Code of Conduct, Fixed Penalty Notices are considered in the following circumstances:

- When a pupil has a minimum of 10 sessions (five school days) that have been lost due to unauthorised absence during the current term and this brings the pupil's overall attendance to below 90% in the school year to date. (These do not need to be consecutive absences.)
- Where unauthorised absence of at least 10 sessions (5 school days) due to holidays in term-time if the absences take the pupil's overall school attendance to below 90% in the school year to date. (These do not need to be consecutive absences.)



- Persistent late arrival at school i.e. after the registration has closed and marked as 'U' code as stated in the Welsh Government codes Guidance 2010. Persistent lateness for the purposes of this letter consists of at least 10 days late arrival within a term; these do not have to be consecutive but should bring the pupils' overall school attendance to under 90% in the current year to date.

You are hereby requested to provide any evidence necessary to explain the reason for the unauthorised absences to the school within 15 days. It will be for the headteacher to determine whether the evidence is accepted and the register amended. For example, if the absences are supported by medical evidence then the registers may be corrected using the appropriate code. In such cases the Fixed Penalty Notice will not be issued by the Local Authority.

If evidence is not provided, or the headteacher does not accept the evidence and change the register to remove the unauthorised absences, then a Fixed Penalty Notice will be issued by the Local Authority.

Any evidence you wish to submit must be received within **15 school days** of the date ([insert date]) of this letter and should be sent to [educationwelfare@powys.gov.uk](mailto:educationwelfare@powys.gov.uk)

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

Yours sincerely,

<NAME>

**Senior Education Welfare Officer**



## Appendix F

### FIXED PENALTY NOTICE LETTER

#### Powys County Council – Schools Service

#### FIXED PENALTY NOTICE

**EDUCATION ACT 1996 - SECTION 444 (1) / 444 (1A) [Delete as Appropriate]  
THE EDUCATION (FIXED PENALTY NOTICES) (WALES) REGULATIONS 2013  
Powys County Council, Local Code of Conduct, Education Fixed Penalty  
Notices**

#### Part 1

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

To:	Mr/Mrs/Ms	
of (address)		

You are the parent/carer of (pupil name)		
of (address)		
who is a registered pupil at (name of school)		
and is failing to attend that school regularly, in that:		

Between the first day of unauthorised absence (date)	
to the last day of unauthorised absence (date)	
your child failed to attend school which brought your child's attendance below 90% in the school year to date.	

This Notice gives you the opportunity to pay a penalty instead of being prosecuted for the offence stipulated above. Payment of £60 is to be made within 28 days of this notice. If you pay this penalty within the time limits set out below you will discharge your liability for the offence and no further action will be taken against you in connection with this offence.

Payment should be made within 28 days i.e. by (date):	
The penalty is doubled to £120 if paid after 28 days but within 42 days i.e. by (date):	

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



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

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

### Grounds for Withdrawal

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

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

This notice is issued by:		
Name		
Title		
Signature		Date of issue

PART 2 – Parent/carer response			
Please complete the following sections:			
Name			
Address			
EITHER: I attach payment for the sum of: OR: I confirm I have made payment online or by phone for the sum of:		£	
Signed		Date	

Contact details			
If you have any queries about this notice, please contact the Education Welfare Service.			
Email	<a href="mailto:educationwelfare@powys.gov.uk">educationwelfare@powys.gov.uk</a>	Telephone	01597 826422
Address	Education Welfare Service Schools Service Powys County Council County Hall Spa Road East Llandrindod LD1 5LG		

