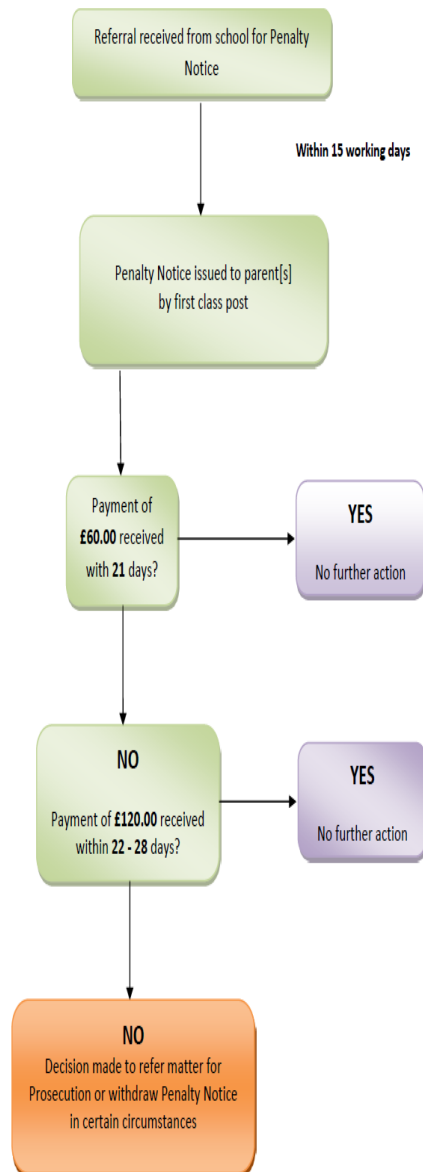




EDUCATION PENALTY NOTICES FOR TERM TIME LEAVE



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

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

The law for issuing warnings and Education Penalty Notices

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

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

The school

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

Education Welfare Service

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

A Formal Warning or Education Penalty Notice (EPN)

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

An Education Penalty Notice will be issued to each parent for each child taken out of school.

The EWS may also decide to issue a Formal Warning or Education Penalty Notice when a child has been referred with a school attendance of 85 per cent or less, with a significant amount of absence recorded as unauthorised, and where a pupil has unauthorised absence of 10 per cent or above over a 16 week period, as an alternative to prosecution.

Fines

Parents will receive a fine of £120 to be paid within 28 days. This is reduced to £60 if paid within 21 days. There is no right of appeal against the issuing of a penalty notice. The Education Welfare Service will only withdraw an Education Penalty Notice if it contains errors, should not have been issued, or has been issued to the wrong person.

The parent named in an Education Penalty Notice must ensure that the fine is paid.

Not paying a fine

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

Paying the fine

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

Prosecutions

If it appears that a further offence has been committed within a 12 month period, the EWS will consider the case for prosecution.

How can a parent avoid a Formal Warning, Education Penalty Notice or prosecution?

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

A parent **SHOULD NEVER** take their child out of school against the advice of the headteacher or without their permission. The headteacher's decision whether to grant term time leave is final.