



City of London
Penalty Notice
Local Code of Conduct v3

REVISION HISTORY			
Version	Revision Date	Status	Summary of Changes
0.1	04/07/2013	Draft	Islington Council documentation
0.2	01/11/2013	Draft	Changes to legislation January 2013
1	02/11/2016	Final	
1.1	15/06/2022	Draft	General Review of Policy in line with changes to The Aldgate School's Attendance Policy
2.1	20/07/2022	Final	Signed off at CSMT 26/07/2022
2.2	19/08/2024	Draft	Changes to legislation and implementation of Working Together to Improve School Attendance Statutory Guidance
3	21/08/2024	Final	Signed off at CSMT 21/08/2024

DISTRIBUTION		
Name	Title	Date of Issue
Alex Allan	Head Teacher, The Aldgate School	10.09.2024
Family Information Service		10.09.2024

Approved by: CSMT, 21st August 2024

Review date: August 2027 (or in line with changes to DfE guidance)

Review responsibility: Head of Service, Education and Early Years

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1. General and Background

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 the City of London. The code sets out the arrangements for administering penalty notices in the City of London and must be adhered to by anyone issuing a penalty notice for school absence in this area. 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' 2024 statutory guidance. It provides further national guidance on the operation of penalty notice schemes for school absence in England.

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. The case of *Isle of Wight Council (Appellant) v Platt (Respondent)* [2017] UKSC 28 which was heard in the Supreme Court in 2017 clarified the definition of "regular attendance" and found that "regular" means in accordance with school rules.

The issuing of all penalty notices will be based on clear threshold criteria which will need to be applied consistently and equitably across the City of London's one maintained primary school, The Aldgate School.

Any person authorised to issue a notice in the City of London must comply with the guidance set out in this code of conduct.

All references to 'school' in this Guidance refer to 'The Aldgate School'.

2. Consultation

This code has been drawn up in consultation with The Aldgate School and the City of London Police.

3. Legal basis

Penalty notices may be issued to a parent as an alternative to prosecution for irregular school attendance under s. 444.1 or s.444(1)A of the Education Act 1996. They can only be issued in relation to pupils of compulsory school age in maintained, academy or free schools which within the City of London geographic area only applies to The Aldgate School.

The Education (Pupil Registration) (England) Regulations 2006 and The Education (Penalty Notices) (England) (Amendment) Regulations 2024 set out how penalty notices for school absence must be used.

4. Rationale

Research published by the Department for Education in May 2022 found pupils with higher attainment at KS2 and KS4 had lower levels of absence over the key stage compared to those with lower attainment.

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.

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' statutory guidance 2024, 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.

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. a term time holiday) 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.

5. Support for Families

The City of London Corporation is committed to ensuring that families have access to support services when they need them. For all children attending The Aldgate School, the School Attendance Support Team will ensure that where services are required outside the remit of the school, signposting of services will take place to the local authority where the child lives.

For families resident in the City of London, the City of London Corporation's Early Help Service works with children, young people, and families to provide extra support where there are indicators of emerging difficulties or additional needs.

The Early Help 'Team Around the Family' model encourages joint working between all the people supporting you at the same time through regular meetings. The Early Help Service is a consent-based service and would not mean that you are under 'Children's Social Care', they are a tier-two targeted service who could offer you additional support, separate to Children's Social Care.

More information can be found: [Early Help service - City of London Family Information Service](#)

The City of London Corporation also has an arrangement whereby parents can obtain advice and support from the Tower Hamlets Special Educational Needs Information, Advice and Support Service [Tower Hamlets SEND Information, Advice and Support Service](#) 30 Greatorex Street, London, E1 5NP telephone 020 7364 6489 Parents Advice Centre (IAS Tower Hamlets). There is a dedicated Family Partnership and Development Officer at the service who supports City families.

6. Who May Issue a Penalty Notice?

The power to issue Penalty notices is conferred on the Local Authority, schools and the police. By local agreement between schools, the police and the City of London, the Education and Early Years' Service (EEYS), or an agency or organisation commissioned by the EEYS are the only agencies administering penalty notices in

respect of school-related issues. The Aldgate School and the police can request that a penalty notice is issued.

Following legislation changes from 2nd September 2013, the City of London may issue penalty notices in respect of unauthorised absence. The Aldgate School must comply with this Code of Conduct and must give notice to the Local Authority.

For the purpose of this Code of Practice in which the Local Authority issues all penalty notices, the power to request a penalty notice is made by the Headteacher. This may be delegated to the Deputy Headteacher in the Headteacher's absence. The authority to request a penalty notice cannot be delegated to other school staff.

The City of London will make a decision as to whether proportionate support has been provided, and whether that support has worked or not. Where there is dispute, it will be the judgement of the City of London Corporation as to whether sufficient support has been provided before issuing a penalty notice.

7. Meaning of Parent

S.576 of The Education Act 1996 defines 'parent' in relation to a child or young person as a person who:

- (a) who is not a parent of his/hers but who has parental responsibility for him/her, or
- (b) who has care of him/her.

Throughout this document, all references to 'parent' mean each and every parent coming within this definition, whether acting jointly or separately, and should not be taken to mean that provisions only apply to 'parent' in the singular.

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).

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

When the national threshold has been met: The school becomes aware that the national threshold has been met, they must consider whether a penalty notice can and should be issued or not. 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 pupil is absent without leave for the purpose of a holiday),
- (b) code N (the circumstances of the pupil's absence have not yet been established),

¹ A school week means any week (Monday to Friday) during 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 the Summer Term and a further 8 within the Autumn Term).

- (c) code O (none of the other rows of Table 3 in regulation 10(3) of the School Attendance (Pupil Registration) (England) Regulations 2024 applies), and
- (d) code U (the pupil attended after the taking of the register ended but before the end of the session, where no other code applies)

If in an individual case, the authorised officer believes a penalty notice would be appropriate before the threshold is met, a penalty notice may still be issued. This may be issued in cases where parent is deliberately avoiding the national threshold by taking several term time holidays below threshold, or for repeated absence for birthdays or other family events.

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 two penalty notices per child, per parent can be issued within a rolling three-year period. If the national threshold is met for a third time (or subsequent times) within three years, the City of London will move forward to prosecute parent under the Education Act 1996 Section 444(1) or Section 444.1.A.

For the purpose of the escalation process, penalty notices including those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) and where the parent has been issued a penalty notice(s) in another borough will be considered. Penalty notices that have been withdrawn will not form part of the escalation process.

When pupils move into the City of London, the City of London School Attendance Support Team may contact previous home Local Authorities to check if any penalty notices have been issued to the parent. Similarly, if pupils move out of the City of London, the new home local authority may request information about penalty notices that have been issued within the past three years. Queries relating to penalty notices can be submitted using the following email address crossborder.penaltynotice@cityoflondon.gov.uk

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

The following considerations will be made on a case-by-case basis before issuing (or requesting that another authorised officer issues) a penalty notice to ensure consistency of approach:

- A penalty notice is the best available tool to improve attendance and change parental behaviour for this particular family and there are no other legal interventions that are more appropriate
- Issuing a penalty notice in this case is appropriate after considering any obligations under the Equality Act 2010
- It is 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, consideration on a case-by-case basis as to whether sufficient support has already been provided. Sufficient support will usually include:

- Discussion with pupil and parent, listening and understanding barriers to attendance, agreeing as to how all partners can work together to resolve them.
- Where absence is a symptom of a wider issue, a referral to Early Help or implementation of a plan to enable the family to access support.
- Implementation of an Attendance Contract or Education Supervision Order if persistence absence continues or voluntary support is not being engaged with.

In cases of chronic poor school attendance and non co-operation by parents, the EEYS may decide to issue proceedings in the Magistrates' Court under Section 444 of the Education Act 1996, and dispense with the issue of a Penalty Notice. The decision will be made by the Head of Education and Early Years Service after consideration of the case.

Penalty notices should not be issued relating to a child looked after or previously looked after. Where there are concerns over attendance of a looked after child (LAC), a review should be held with the Virtual School² who are responsible for their educational achievement.

10. Notice to Improve

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 the parent 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 a parent's behaviour (e.g. because the parent has already received one for a similar offence).

In cases where a notice to improve is requested, a referral to issue a notice to improve must be made by the school Headteacher or Deputy Headteacher in the Headteachers absence to the City of London Attendance Support Team within 20 school days of the last unauthorised absence for the period a notice to improve is applied for. The notice to improve will be issued by an authorising officer as illustrated in Section 5 of the Code of Conduct. Attendance will be monitored for a period of four school weeks by the school from the date of the notice to improve being issued. It is expected that there are no further unauthorised absences within

² The Virtual School is a statutory service which fulfils the Local Authority's statutory duties in ensuring that children and young people in care, previously in care and those with a social worker receive the best possible educational provision and outcomes. The Children and Families Act 2014 requires councils in England to appoint a Virtual School Head Teacher (VSHT) to discharge the local authority's duty to promote the educational achievement of its children in care.

this timeframe. In some circumstances, this monitoring period may be extended, and this will be stipulated in the notice to improve.

In circumstances where attendance has not improved and there is further unauthorised absence, a penalty notice may be issued to the parent. Prior to a penalty notice being issued, the authorising officer will refer and consider Section 8 of the code of conduct.

11. Suspension and Permanent Exclusion

Section 103 of the Education and Inspections Act 2006 places a duty on the parent in relation to an excluded pupil. A parent has a duty to ensure that his or her child is not present in a public place during school hours ³without reasonable justification during the first five school days of each and every suspension or permanent exclusion.

The days of exclusion when this duty applies are known as 'specified days of exclusion' and will be detailed in a notice given to the parent under section 104 of the 2006 Act. The parent is responsible for the child during the specified days upon receipt of the notice.

Sections 100 and 101 of the Education and Inspections Act 2006 place a duty on the school or Local Authority to make provision for the excluded child's full-time education from the sixth day of a suspension or permanent exclusion in a school year. Once provision is made, the parent's duty to ensure that their child is not in a public place becomes a duty to ensure the child attends the provision i.e. the duty under Sections 444(1) and 444(1A) of the Education Act 1996.

Section 105 of the Education and Inspections Act 2006 allows for a penalty notice to be issued to a parent committing an offence under section 103 (failing to ensure their child is not in a public place on the days specified on the notice given to them). The notice allows the parent to pay a penalty as a way of discharging any liability for the offence. The parent must be notified by the school at the time of the exclusion of their duty and the days to which it relates.

12. Who will receive a Penalty Notice?

A Penalty Notice will be issued to each parent of each child who has met the threshold for a penalty notice to be issued.

Penalty notices will only be issued by post and not as "on the spot" action; this will satisfy that all evidential requirements are in place.

13. Payment of Fines

The amount of the penalty notice is dependent on whether a parent is issued with their first or second penalty notice within a three-year period. For parents issued with their first penalty notice within a three-year period, the following applies:

³ school hours" means any time during a school session of the school or during a break between sessions of that school on the same day.

- a. £80 per parent, per child where the amount is paid within 21 days of receipt of the Penalty Notice *or*
- b. £160 per parent, per child where the lesser fine of £80 has not been paid within 21 days, but where the higher amount is paid within 28 days of receipt.

For parents issued with their second penalty notice within a three-year period, a fine of £160 will be issued to the same parent. There is no early payment discount for a second notice issued to the same parent in respect of the same child within any given three-year period.

Penalty notices must be paid in full; the City of London does not accept part payments or payments in instalments. Payment can only be made online by using a credit or debit card via the City of London's website, www.cityoflondon.gov.uk/fpn. Instructions of how to pay the penalty notice are also provided at the time of the penalty notice being issued.

Payment of the notice discharges the parent's liability for the period in question and they cannot be subsequently prosecuted under other enforcement powers for the period covered by the notice.

Revenue generated from the fines is used to cover enforcement. If the revenue is greater than enforcement costs, that sum is held by City of London Education and Early Years Service. Schools do not receive any revenue from Penalty Notices.

Schools must not accept payment of penalty notices. The payment must be paid directly to the Local Authority.

The EEYS maintains a record of Penalty Notices issued within the City of London's finance system. Pupil case files will include a record of the issuing of a penalty notice.

14. Unpaid Penalty Notices

If the Penalty Notice is not paid in full before the expiry of the period for paying, the Local Authority will instigate a criminal prosecution for failing to ensure the regular attendance of a child at school under the Education Act 1996 Section 444(1) or 444.1.A ("The Education Act") if the case meets the evidential and public interest tests for a prosecution. If a parent is found guilty by the Court of the offence, possible outcomes could vary between an absolute or conditional discharge, to a maximum fine of £2,500.

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

For the more serious offence under s4441A of the Education Act, a custodial sentence can be imposed.

15. Withdrawal of a Penalty Notice

Once issued, a penalty notice may only be withdrawn by the Local Authority in the following circumstances:

- a) proof has been established that the penalty notice has been issued to the wrong person.
- b) the notice ought not to have been issued i.e. where it has been issued outside the terms of this code of conduct or no offence has been committed.
- c) in the instance of exclusion reasonable justification was evidenced by the parent.

The Local Authority will refund any payments made in respect of a wrongly-issued Penalty Notice.

Parents with a credible claim not to have received a Penalty Notice will be resent the original Notice, allowing time to pay the initial, lower amount. Generally however, a notice issued by first-class post is deemed to have been received within two business days.

16. Declining to issue a Penalty Notice or Penalty Notice Reference Number

The EEYS expects to agree to the requests from the school but may decline to issue Penalty Notices or Penalty Notice numbers enabling schools to issue, if:

- 1) this Code of Conduct has not been adhered to;
- 2) if there is a need to explore a case further; or
- 3) in the case of significant delay in making the request. This provision is in place to deal with instances where the school makes decisions in good faith but may lack pertinent information when making the request, including accurate record keeping.

17. Representation

There is no statutory right of appeal against the issuing of a penalty notice. The Local Authority will examine any evidence provided that would show that a mistake had been made. Parents will be required to provide documentary evidence to support an argument and must deal directly with the Local Authority as the matter will not be the responsibility of the school.

18. Good Practice for Schools

Before a Penalty Notice is requested from the Local Authority, the Headteacher should ensure that:

- 1. Parents are aware of the school's policy on leave of absence and attendance and the EEYS is sent a copy of the notification;
- 2. Each request for leave of absence is considered on its merits;
- 3. Due regard is paid to religious issues and family situations requiring special consideration;
- 4. Parents are informed of the reasons for refusal of leave in term time;
- 5. School registers have the appropriate registration absence code as an extract from the register is required in the event of court action;
- 6. Exclusion or suspension correspondence reminds parents of their duty to supervise their excluded or suspended child during the first five days of exclusion or suspension.

The following sets out the process to be followed if Local Authority intervention is required:

1. Where the school decides to take further action, notification will be sent to the Local Authority (Appendix 1) for *notice of the school's intention to issue a Penalty Notice made within 20 school days of the child's return to school following unauthorised term time leave* and (Appendix 2) for *notice of the school's intention to issue a penalty notice for poor school attendance*)
3. Referrals submitted to the Local Authority for consideration have a timeframe of 10 school days from date of referral receipt as to whether or not the City of London will decide to issue a penalty notice. A decision will be made within this period.
4. Penalty Notices for poor school attendance should be issued not more than three months after the last unauthorised absence;
5. Once the Local Authority has received a notification and agrees that action should be taken then a:
 - a. Notice to Improve (Appendix 3) will be issued to parents
 - b. Penalty Notice (Appendix 4) will be issued to parents
 - c. Penalty Notice reminder (Appendix 5) will be issued to parents if payment has not been received within 21 days of letter being sent
 - d. Second Penalty Notice (Appendix 6) will be issued to parent when one penalty notice has previously been issued by the City of London or any other Local Authority to the same parent in respect of the same child within any given three-year period.
 - e. Appendix 7 sets out the relevant legislation

19. Review

This code of conduct will be reviewed every three years or in line with changes to government policy, however may be amended prior to this date upon review of previous year's operation.

Appendix 1 – Notice to Local Authority of Intention to Issue a Penalty Notice or Notice to Improve for Unauthorised Term Time Leave

Under Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006

To: Education and Early Years Service

We have complied with the Local Authority Penalty Notice Code of Conduct. We attach a signed Certificate of Attendance and refusal letter to parent (when consent for leave was requested by the parent prior to absence). The pupil has returned to school in the last twenty school days and we have coded the absence 'G'.

School	The Aldgate School
Type of request	Notice to Improve <input type="checkbox"/>
	Penalty Notice <input type="checkbox"/>
Full Name of Child	
Date of Birth of Child	
Child's start date at school	
Current School Year	
Is the child a looked after or previously looked after child?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Full Names of Parents/Carers to be issued	
Home Address	
Overall attendance % for academic year	
Actual absence dates for unauthorised holidays (this should not be more than 10 school days after the pupil has returned to school)	
Siblings names and attendance details	

Signed
Headteacher or Deputy Headteacher

Date.....

Office Use: Education and Early Years' Service

Information for PN	
Attendance Certificate for unauthorised term time leave: Signed by Headteacher or Deputy Headteacher	
Outcome	Notice to Improve <input type="checkbox"/>
	Penalty Notice <input type="checkbox"/>
	Withdrawn <input type="checkbox"/> (further details)

Appendix 2 - Notice to Local Authority of Intention to Issue a Penalty Notice or Notice to Improve for Unauthorised absence at school

Under Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006

To: Education and Early Years Service

We have complied with the Local Authority Penalty Notice Code of Conduct. We attach a signed Certificate of Attendance. The absences related to this referral are within the last 10 school weeks.

School	The Aldgate School
Type of request	Notice to Improve <input type="checkbox"/> Penalty Notice <input type="checkbox"/>
Full Name of Child	
Date of Birth of Child	
Child's start date at school	
Current School Year	
Is the child a looked after or previously looked after child?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Full Names of Parents/Carers to be issued	
Home Address	
Reason for issuing Penalty Notice	Poor school attendance (10 or more sessions of unauthorised absence, unauthorised lateness or a combination of both in a 10-week period)
Overall attendance % for academic year	
Period of attendance/absence to be referred to in Penalty Notice (within last 10 weeks)	
Siblings names and attendance details	

Signed
Headteacher or Deputy Headteacher

Date.....

Office Use: Education and Early Years' Service

Information for PN	
Attendance Certificate for unauthorised absence period: Signed by Headteacher or Deputy Headteacher	
Outcome	Notice to Improve <input type="checkbox"/> Penalty Notice <input type="checkbox"/> Withdrawn <input type="checkbox"/> (further details)

Appendix 3 – Notice to Improve (example)

Department of Community and Children's Services

Judith Finlay, Executive Director - Community and Children's Services



Address

Telephone: 020 7332 1002

Email: Attendance@cityoflondon.gov.uk

Date:

Name of Child and DOB:

School:

Notice to Improve: Failure to Secure Regular School Attendance, S444 Education Act 1996

The School Attendance Support Team has received a referral from The Aldgate School regarding [insert child's name] unauthorised absence between [insert date range]. [insert child's name] absence is [insert child's absence rate for the academic year so far] this academic year.

OR

The School Attendance Support Team has received a referral from The Aldgate School regarding [insert child's name] unauthorised term time leave between [insert date range]. [insert child's name] absence is [insert child's absence rate for the academic year so far] this academic year.

A child with school absence of 10% or more is considered as persistently absent. It is therefore imperative that further absences are avoided to ensure that [insert child's name] can take advantage of the educational opportunities available to ensure that they succeed at school and reach their full potential.

It is the duty of parents and carers to ensure that their children enrolled at school, attend school regularly and arrive on time. The purpose of this letter is to warn you about the action we may take if your child does not attend school regularly and punctually and there is no improvement in your child's attendance.

If there are further unauthorised absences, you may be served with a Penalty Notice. If your child's attendance does not improve following the issue of a Penalty Notice. You may also be invited to a Pre Court Assessment Meeting with school and Local Authority staff to agree on a plan to improve your child's attendance at school. The Chair, who will be someone from the Local Authority, will consider your child's attendance, listen to the information from the school and your reasons for the absences then make a decision about whether to refer the matter to the Magistrates Court. Where appropriate a prosecution or other legal action may be brought without inviting you to a Pre-Court Assessment Meeting.

'Information for Parents/Carers about Legal Action' is attached to this warning letter outlining the law around regular school attendance and the and what could happen should attendance remain unacceptable.

Please be aware that a copy of this letter may be relied upon in any legal proceedings brought.

Yours Sincerely

[Insert Name and job title]
cc, Headteacher, The Aldgate School

Information for Parents/Carers about Legal Action

In law an offence occurs if a parent fails to secure their child's attendance at school and that absence is not authorised by the school. There are now a number of sanctions and courses of action available to enable the Local Authority to address the non-attendance:

Penalty Notices

A Penalty Notice is an alternative to prosecution, which does not require an appearance in Court whilst still securing an improvement in a pupil's attendance. Payment of a Penalty Notice enables parents to discharge potential liability for conviction.

A Penalty Notice may be issued if a pupil has had 10 or more unauthorised absence sessions in any given period of 10 consecutive school weeks. The Local Authority is also satisfied that there is evidence that an offence has been committed under s444(1) of the Education Act 1996.

The penalty notice carries a fine of £80 if paid within 21 days of receipt of the notice, rising to £160 if paid after 21 days but within 28 days of receipt. Where a second penalty notice has been issued, the penalty notice carries a fine of £160. There is no early payment discount.

For further information on penalty notices, please refer to the 'Working Together to Improve School Attendance' which came into effect August 2024.

If the penalty notice is not paid in full by the end of 28 days, the Local Authority must prosecute for the offence of non-attendance or withdraw the notice.

There is no statutory right of appeal once the notice has been issued. Withdrawal of the notice only occurs in very limited circumstances when it has been served to the wrong person or in error. The notice must still be paid even if your child returns to school.

If you pay the Penalty Notice fine and your child continues to have unsatisfactory attendance, prosecution may then be considered for the period not covered by the notice.

Pre Court Assessment Meeting

The City of London's School Attendance Support Service holds a Pre Court Assessment Meeting when a pupil's attendance is not satisfactory. The meeting is held for everyone involved to discuss the concerns and agree on a plan which will enable your child to receive their education. It is arranged by the Education Welfare Manager and will be attended by school staff and anyone else who is able to contribute to the discussion. Those present will also discuss and be advised on what will happen if the attendance does not improve. The primary purpose of this meeting is to offer guidance and support to resolve your child's barrier/s to regular attendance.

The Chair of the meeting, who will be someone from the Local Authority, will explain the two types of court action that are possible. A recommendation will usually be made at the planning meeting about which kind of action will be taken, should support not be responded to which results in an improvement in attendance.

If you have been served with a Penalty Notice and your child's attendance continues to be unsatisfactory, a Court Assessment Meeting will still go ahead to try to resolve the difficulties. Court action will take place either in the Family Proceedings Court or Magistrates Court if the

Penalty Notice is not paid within the time limits or there are other reasons to bring a prosecution. A Pre Court Assessment Meeting will not take place to deal with an unpaid Penalty Notice.

Court Proceedings

Family Proceedings Court

In the Court Assessment Meeting we will initially consider applying to the Family Proceedings Court for an Education Supervision Order (ESO). An ESO makes the Local Authority responsible for advising, supporting and 'giving directions' to the supervised child and his/her parent to ensure the child receives efficient full-time education suitable to his age, ability and aptitude and any special educational needs he or she may have. These directions must be defined by the Local Authority and should aim to be helpful in bringing about an improvement in the child's attendance. (e.g. the Local Authority could direct a parent/child to attend meetings at the school over the period of the ESO, require the parent/child to keep the Local Authority informed of their address, or require the parent to attend parenting classes.)

If a parent persistently fails to comply with directions given by the supervisor, usually the Education Welfare Manager, they may be guilty of a criminal offence.

If a child persistently fails to comply, the supervisor is obliged to refer the matter to Children's Social Care services, which have a duty to look into it under the Children Act.

Magistrates Court

Alternatively, or in addition to an ESO, the Local Authority could bring criminal proceedings against a parent under s444(1) Education Act 1996 where it appears that a parent is failing in their duty to ensure the regular school attendance of their child.

There is also a more serious offence with increased penalties for parents failing to send their child to school (s444(1A) Education Act 1996). Under this section if a registered pupil does not attend school regularly, parents could be subject to a maximum fine of £2,500 and/or imprisoned for up to three months. The higher penalty applies to parents who know their child is failing to attend regularly at school but still take no reasonable action to ensure their child attends.

As a matter of good practice, in interviews with parents, The City of London Corporation will act in accordance with the Codes of Practice set out in the Police and Criminal Evidence Act 2000 (PACE) ensuring that the parent understands the basis for the interview, their needs are taken into account, their rights are explained and the interviews are conducted fairly.

Sources of support that are available to you:

The Education Welfare Manager for the City of London Corporation will be able to answer any questions you have about court action.

If you would like this document in large print or Braille, audiotape or in another language, please contact us on the following email address: attendance@cityoflondon.gov.uk

The City of London's Early Help Service works with children, young people, and families to provide extra support where there are indicators of emerging difficulties or additional needs.

The Early Help 'Team Around the Family' model encourages joint working between all the people supporting you at the same time through regular meetings. The Early Help Service is a consent-based service and would not mean that you are under 'Children's Social Care', they are a tier-two targeted service who could offer you additional support, separate to Children's Social Care services.

More information can be found: [Early Help service - City of London Family Information Service](#)

The City of London Corporation also has an arrangement whereby parents can obtain advice and support from the Tower Hamlets Special Educational Needs Information, Advice and Support Service [The Tower Hamlets Special Educational Needs Information, Advice and Support Service](#), 30 Greatorex Street, London, E1 5NP telephone 020 7364 6489 Parents Advice Centre (IAS Tower Hamlets). There is a dedicated Family Partnership and Development Officer at the service who supports City families.

Appendix 4 – Penalty Notice (example)

Department of Community and Children's Services
Judith Finlay, Executive Director - Community and Children's Services



Address

Telephone: 020 7332 1002

Email: Attendance@cityoflondon.gov.uk

Date:

Name of Child and DOB:

School:

Penalty Notice Number:

Penalty Notice: Failure to Secure Regular School Attendance, S444 Education Act 1996

The School Attendance Support Team have received a referral from The Aldgate School regarding [insert child's name] unauthorised absence between [insert date range].

The Local Authority is now issuing a Penalty Notice for [insert child's name] non attendance, following lack of improvement after supportive measures have been put in place.

OR

The School Attendance Support Team have received a referral from The Aldgate School regarding [insert child's name] unauthorised term time leave between [insert date range].

The Local Authority is now issuing a Penalty Notice for [insert child's name] unauthorised term time leave.

Payment of £80 should be made with 21 days. If paid after 21 days but within 28 days the penalty is doubled to £160 per parent.

Payment should be made via The City of London website: www.cityoflondon.gov.uk/FPN

Late or part payments will not be accepted. If payment is not received by [insert date], you may be prosecuted for the offence. There is no statutory right of appeal.

Should you have any queries regarding the matter of this Penalty Notice please contact the Attendance support Team via the contact details provided at the top of the page.

Yours Sincerely

[Insert Name and job title]
cc, Headteacher, The Aldgate School

S.444A EDUCATION ACT 1996

Please read the notes overleaf carefully

If a child of compulsory school age who is a registered pupil at school fails to attend regularly at the school, his/her parent is guilty of an offence under s.444(1) Education Act 1996.

To: *[insert parent's name]*

Of: *[insert parent's address]*

You are a parent of *[insert child's name]* of *[insert address]* called in this notice "the pupil" who is a registered pupil at The Aldgate School.

Between *[insert date range]* the pupil failed to attend regularly at The Aldgate School - due to Non Attendance *[add context]*.

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £80/£160 in accordance with the timeframe overleaf. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days. If paid after 21 days but within 28 days, the penalty is doubled to £160. Payment by credit/debit card should be made online at: www.cityoflondon.gov.uk/FPN

Late or part payments will not be accepted. **If payment is not received by *[insert date]*, you may be prosecuted for the offence and could be subject to a maximum fine of £2,500.**

This notice is issued by Judith Finlay, Executive Director for Community and Children's Services, City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ

Date of issue: ***[insert date]***

Information for Parents/Carers about Legal Action

Contact Details

If you have any queries about this notice, please contact the School Attendance Support Team via email Attendance@cityoflondon.gov.uk. Alternatively, you may write to, Community and Children's Services, City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ.

Amount of penalty

The amount of the penalty is as follows:

Within 21 days £80

Within 28 Days £160

Code of conduct

This notice is issued in accordance with a local code of conduct drawn up by the City of London. Any questions or correspondence about the code should be addressed to School Attendance Support Service, via email Attendance@cityoflondon.gov.uk. Alternatively, you may write to, Community and Children's Services, City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ.

Withdrawal

This notice may be withdrawn by the City of London Corporation if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local code of conduct. If you believe that the notice was wrongly issued you must contact School Attendance Support to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The Corporation will consider your request and will contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

Payment

Payment should be made within 21 days. If paid after 21 days but within 28 days, the penalty is doubled to £160. Payment by credit/debit card should be made online at: www.cityoflondon.gov.uk/FPN

Prosecution

If you do not pay the penalty notice, and it is not withdrawn, you will be prosecuted for the offence of failing to ensure 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. You will be able to defend yourself and you would be advised to seek legal representation. In some circumstances you may be entitled to legal assistance.

Sources of support that could be available to you:

The Education Welfare Manager for the City of London Corporation will be able to answer any questions you have about court action.

If you would like this document in large print or Braille, audiotape or in another language, please us on the following email address: attendance@cityoflondon.gov.uk

The City of London Corporation's Early Help Service works with children, young people, and families to provide extra support where there are indicators of emerging difficulties or additional needs.

The Early Help 'Team Around the Family' model encourages joint working between all the people supporting you at the same time through regular meetings. The Early Help Service is a consent-based service and would not mean that you are under 'Children's Social Care', they are a tier-two targeted service who could offer you additional support, separate to Children's Social Care.

More information can be found: [Early Help service - City of London Family Information Service](#)

The City of London Corporation also has an arrangement whereby parents can obtain advice and support from the Tower Hamlets Special Educational Needs Information, Advice and Support Service [The Tower Hamlets Special Educational Needs Information, Advice and Support Service](#), 30 Greatorex Street, London, E1 5NP telephone 020 7364 6489 Parents Advice Centre (IAS Tower Hamlets). There is a dedicated Family Partnership and Development Officer at the service who supports City families.

Appendix 5 – Penalty Notice Reminder (example)

Department of Community and Children's Services

Judith Finlay, Executive Director - Community and Children's Services



Address

Telephone: 020 7332 1002

Email: Attendance@cityoflondon.gov.uk

Date:

Date

Name of Child and DOB:

School:

Penalty Notice Number:

Penalty Notice Reminder: Failure to Secure Regular School Attendance, S444 Education Act 1996

Despite the penalty notice being issue to you on *[insert date]*, we have not received payment from you. In the letter, you were informed that if payment was not received within 21 days this would increase to £160.

You now have 7 days to make a payment of £160. Failure to make this payment by *[insert date]*, will result in the prosecution for the original offence of failing to ensure your child's attendance and could be subject to a range of fines or other disposals in the Magistrates' Court.

There is no statutory right of appeal. The notice must still be paid even if your child returns to school.

Please be aware that a copy of this letter may be relied upon in any legal proceedings brought.

Yours Sincerely

[Insert Name and job title]

cc, Headteacher, The Aldgate School

Information for Parents/Carers about Legal Action

Contact Details

If you have any queries about this notice, please contact the School Attendance Support Team via email Attendance@cityoflondon.gov.uk. Alternatively, you may write to, Community and Children's Services, City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ.

Amount of penalty

The amount of the penalty is as follows:

Within 7 days £160

Code of conduct

This notice is issued in accordance with a local code of conduct drawn up by the City of London. Any questions or correspondence about the code should be addressed to School Attendance Support Service, via email Attendance@cityoflondon.gov.uk. Alternatively, you may write to, Community and Children's Services, City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ.

Withdrawal

This notice may be withdrawn by the City of London Corporation if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local code of conduct. If you believe that the notice was wrongly issued you must contact School Attendance Support to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The Corporation will consider your request and will contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

Payment

Payment should be made within 7 days. Payment by credit/debit card should be made online at: www.cityoflondon.gov.uk/FPN

Prosecution

If you do not pay the penalty notice, and it is not withdrawn, you will be prosecuted for the offence of failing to ensure 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. You will be able to defend yourself and you would be advised to seek legal representation. In some circumstances you may be entitled to legal assistance.

Sources of support that could be available to you:

The Education Welfare Manager for the City of London Corporation will be able to answer any questions you have about court action.

If you would like this document in large print or Braille, audiotope or in another language, please us on the following email address: Attendance@cityoflondon.gov.uk

The City of London Corporation's Early Help Service works with children, young people, and families to provide extra support where there are indicators of emerging difficulties or additional needs.

The Early Help 'Team Around the Family' model encourages joint working between all the people supporting you at the same time through regular meetings. The Early Help Service is a consent-based service and would not mean that you are under 'Children's Social Care', they are a tier-two targeted service who could offer you additional support, separate to Children's Social Care.

More information can be found: [Early Help service - City of London Family Information Service](#)

The City of London Corporation also has an arrangement whereby parents can obtain advice and support from the Tower Hamlets Special Educational Needs Information, Advice and Support Service [The Tower Hamlets Special Educational Needs Information, Advice and Support Service](#), 30 Greatorex Street, London, E1 5NP telephone 020 7364 6489 Parents Advice Centre (IAS Tower Hamlets). There is a dedicated Family Partnership and Development Officer at the service who supports City families.

Appendix 6 – Second Penalty Notice (example)

Department of Community and Children's Services
Judith Finlay, Executive Director - Community and Children's Services



Address

Telephone: 020 7332 1002

Email: Attendance@cityoflondon.gov.uk

Date:

Name of Child and DOB:

School:

Penalty Notice Number:

Penalty Notice: Failure to Secure Regular School Attendance, S444 Education Act 1996

Despite being issued with a penalty notice on [insert date range], the School Attendance Support Team has received another referral from The Aldgate School regarding [insert child's name] unauthorised absence between [insert date range].

OR

Despite being issued with a penalty on [insert date range], the School Attendance Support Team have received another referral from The Aldgate School regarding [insert child's name] unauthorised term time leave between [insert date range].

The Local Authority is now issuing a Penalty Notice for [insert child's name] Non Attendance.

Payment of £160 should be made within 21 days. There is no early payment discount.

Payment should be made via The City of London website: www.cityoflondon.gov.uk/FPN

Late or part payments will not be accepted. If payment is not received by [insert date], you may be prosecuted for the offence.

Should you have any queries regarding the matter of this Penalty Notice please contact the Attendance support Team via the contact details provided at the top of the page.

Yours Sincerely

[Insert Name and job title]

cc, Headteacher, The Aldgate School

S.444A EDUCATION ACT 1996

Please read the notes overleaf carefully

If a child of compulsory school age who is a registered pupil at school fails to attend regularly at the school, his parent is guilty of an offence under s.444(1) Education Act 1996.

To: *[insert parent's name]*

Of: *[insert parent's address]*

You are a parent of *[insert child's name]* of *[insert address]* called in this notice "the pupil") who is a registered pupil at The Aldgate School.

Between *[insert date range]* the pupil failed to attend regularly at The Aldgate School - due to Non Attendance *[add context]*.

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £160. If you pay this penalty within the time limit set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days. Payment by credit/debit card should be made online at: www.cityoflondon.gov.uk/FPN

Late or part payments will not be accepted, and no reminders will be sent. **If payment is not received by *[insert date]*, you may be prosecuted for the offence and could be subject to a maximum fine of £2,500.**

This notice is issued by Judith Finlay, Executive Director for Community and Children's Services, City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ

Date of issue: ***[insert date]***

Information for Parents/Carers about Legal Action

Contact Details

If you have any queries about this notice, please contact the School Attendance Support Team via email Attendance@cityoflondon.gov.uk. Alternatively, you may write to, Community and Children's Services, City of London Corporation, PO Box 270 Guildhall, London EC2P 2EJ.

Amount of penalty

The amount of the penalty is as follows:

Within 21 days £160

Code of conduct

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Withdrawal

This notice may be withdrawn by the City of London Corporation if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local code of conduct. If you believe that the notice was wrongly issued you must contact School Attendance Support to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The Corporation will consider your request and will contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

Payment

Payment should be made within 21 days. Payment by credit/debit card should be made online at: www.cityoflondon.gov.uk/FPN

Prosecution

If you do not pay the penalty notice, and it is not withdrawn, you will be prosecuted for the offence of failing to ensure 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. You will be able to defend yourself and you would be advised to seek legal representation. In some circumstances you may be entitled to legal assistance.

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Appendix 7 – Relevant legislation

1. Section 23 Anti-Social Behaviour Act 2003 empowered authorised officers of a Local Authority, Headteachers (and Deputy and Assistant Headteachers authorised by the Head) and Police Officers (including Community Support Officers) to issue penalty notices in cases of unauthorised absence from school, or alternative provision.
2. The Education (Penalty notices) (England) (Amendment) Regulations 2004 came into force on 19th August 2004
3. The Education (Penalty notices) (England) Regulations 2004 require the Local Authority, in consultation with the above, to develop a code of conduct for the issuing of penalty notices. Any person issuing a penalty notice must do so within the terms of this code of conduct (“the Code of Conduct”).
4. The Education (Penalty notices) (England) (Amendment) Regulations 2005 extends the issuing of penalty notices to alternative provision.
5. The Education (Penalty notices) (England) (Amendment) Regulations 2012 confirms the increase in the amount of penalty where the offences are alleged to have been wholly or partly committed after 1st September 2012.
6. The Education (Penalty notices) (England) (Amendment) Regulations 2024 confirm that the penalty of £80 must be paid within 21 days or after that period increase to £160 to be paid within 28 days and £160 without any early payment discount for a second notice issued to the same parent in respect of the same child within any given three-year period
7. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 remove all reference to family holiday and extended leave as well as the statutory threshold of ten school days. Amendments make it clear that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days a child can be away from school if the leave is granted.
8. The education provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition of a “parent” as set out in Section 576 of the Education Act 1996. This Act defines “parent” as; all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent, has care of a child. Having “care” of a child is not defined in the statute or case law, but it is assumed that anybody who effectively assumes responsibility for the child during the prosecution period is the “Parent” for the purposes of the Education Act, whether they have Parental responsibility or not.
9. Section 105 Education & Inspections Act 2006; gives authorisation to issue a penalty notice when a child has been excluded.
10. This Code of Conduct complies with the requirements set out in Sections 14-16 of The Education (Penalty notices) (England) Regulations 2007.
11. The issuing of penalty notices must have regard to and conform to all requirements of the Human Rights Act, Equality Act 2010 and the General Data Protection Regulations.