

Date: 12 January 2005
Our Ref: PSS/YME/CB
Your Ref:
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Dear Colleague

Re: Penalty Notices to address unauthorised absence from school

Section 323 of the Anti-Social Behaviour Act 2003 gives powers to the Local Authority and other agencies to issue Penalty Notices where a parent/carer is considered capable but unwilling to secure the regular attendance of a child at school.

The powers came into force in February 2004.

Every Local Authority area has to have a Code of Conduct setting out the conditions under which Penalty Notices can be issued. In Brighton & Hove it is suggested that Penalty Notices will be issued by the Education Welfare Service. Enclosed with this letter you will find a copy of the draft Penalty Notice Code of Conduct. This has been approved for consultation by the Senior Management Team of the Council and will go to Committee for approval, following consultation with all stakeholders.

The Code sets out the rationale for the use of Penalty Notices. The impact of non-attendance at school severely affects achievement in all phases of education, and can be related to offending behaviour as well as child welfare and protection issues. The Government sees the use of Penalty Notices as an additional and early intervention strategy and an alternative to full court action.

You will note that all parents/carers will be warned before a Penalty Notice is issued and given 15 school days in which no further unauthorised absence can be recorded for the child in question. The Code sets out in detail the criteria for issue and the amount of the fines.

The use of Penalty Notices sits alongside a whole range of strategies that the Local Authority is using to combat truancy. The traditional route to court will continue to be used and the introduction and piloting of 'attendance panels' in some secondary

schools will be part of the overall strategy to maintain and improve attendance levels across Brighton & Hove schools.

The launch of the use of Penalty Notices will be coupled with information on the Education Welfare Service/attendance and notices being issued to every parent. Operation of the Code of Conduct should commence at the beginning of the Summer Term 2005.

I attach a consultation form which should be returned to:

Clare Baker
SEN Team
PO Box 2503
Kings House
Grand Avenue
Hove BN3 2SU
Tel: 01273 293480
Fax: 01273 293547
Email: clare.baker@brighton-hove.gov.uk

If you have not already been sent a copy of this consultation electronically and would like one, please contact Clare Baker (as above) who will forward you the appropriate documentation.

The final date for receipt of consultation forms is: **Friday 25 February 2005.**

I look forward to receiving your comments.

Yours faithfully

Yvonne Ely
Head of Pupil Support Services