

Report of the Cabinet Member for Education

Cabinet – 16 December 2014

THE INTRODUCTION OF THE EDUCATION (PENALTY NOTICE) (WALES) REGULATIONS 2013 AND THE USE OF FIXED PENALTY NOTICES FOR NON SCHOOL ATTENDANCE

Purpose:	To inform Members of the introduction of the Welsh Government's Education (Penalty Notices) (Wales) Regulations 2013 and the use of Fixed Penalty Notices (FPN's) for non attendance at school.
Policy Framework:	None
Reason for Decision:	To comply with the introduction of the Education (Penalty Notice) (Wales) regulations 2013 and the use of Fixed Penalty Notices for non-school attendance.
Consultation:	Legal, Finance and Access to Services.
Recommendation(s):	It is recommended that: - 1) Cabinet approve the Code of Conduct attached at Appendix A for the issuing of Fixed Penalty Notices in the City and County of Swansea and its implementation from 1 January 2015.
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1.0 Introduction

- 1.1 The Education (Penalty Notices) (Wales) Regulations 2013 (the Regulations) introduced fixed notice penalties for regular non-school attendance. Welsh Government guidance requires that Local Authorities must all draw up and implement their own Local Codes of Conduct to set out measures to ensure consistency in the issuing of penalty notices.
- 1.2 All Local Authorities in the ERW regional partnership have worked together to develop a draft Code of Conduct for the operation of penalty

notices for non-school attendance. This approach is encouraged in the Welsh Government's Guidance for regular non-attendance at school and will result in greater consistency. We acknowledge the collaboration with ERW colleagues is on a voluntary basis and that implementation of the Code is a Local Authority responsibility. The ERW draft Code of Conduct has formed the basis of the consultation which was undertaken between the 4th and 28th November 2014.

- 1.3 There was an expectation by Welsh Government that all local authorities would have the relevant Code of Conduct in place by September 2014. Welsh Government reiterated this expectation in a letter from the Minister for Education and Skills in October 2014. A draft Code of Conduct for this Authority to implement is attached at Appendix A.

2.0 Main details of the Code of Conduct for Penalty Notices

- 2.1 The Regulations enable the issuing of a penalty notice incurring a fine of £60 (rising to £120 if paid after 28 days, but within 42 days) consequent upon at least 10 sessions (five school days) of unauthorised absence during the current term. Persistent late arrivals at school i.e. after the register has closed (at least 10 sessions per half term) may also incur a Penalty Notice.
- 2.2 A Draft Local Code of Conduct has been produced, at Appendix A, and contains more detailed information including procedures and criteria for issuing penalty notices. The Welsh Government guidance is non-specific and it is, therefore, up to the Local Code of Conduct to specify the criteria.
- 2.3 The ERW agreed Code of Conduct specifies that the key criteria for issuing penalty notices should be as follows:
 - At least 10 sessions (five school days) are lost due to unauthorised absences during the current term and this brings the 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 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 and brings the overall school attendance to under 90% in the school year to date.

3.0 Consultation

- 3.1 A consultation took place as per the Regulations with governing bodies, Headteachers and the Chief Officer of the Police for the area between the 4th and 28th November 2014.
- 3.2 In total, 18 responses were received in the form of email questionnaires from headteachers, school governors, governing bodies and South Wales Police.
- 3.3 Of the 18 responses:
- 9 were from Headteachers/Acting Headteachers;
 - 8 were from governors/governing bodies;
 - 1 was from South Wales Police.
- 3.4 South Wales Police agree that the local authority should be responsible for issuing the Penalty Notices and if they have a problem with a pupil they will work with the school directly.
- 3.5 In general, comments were supporting the local authority's proposal to be the sole issuer of penalty notices, as outlined on page 10 of the draft Code of Conduct, but a couple of headteachers wanted this power to lie with them with the local authority playing a monitoring role.
- 3.6 Further issues/comments raised during the consultation were as follows:
- Couldn't the fine be linked to the school target as set by ERW?
 - A blanket proposal for all Wales to ensure consistency would work better.
 - There must be no room for interpretation or ambiguity, but clear definition/criteria for schools to follow
 - Circumstances for issuing a penalty notice will penalise families for taking children out early in the year more than families who take their children out late in the school year. Decisions should be taken based on a full "rolling year".
 - Introducing fines for lateness at school will result in lower attendance but might worsen relationships between schools and parents/carers
 - It would be more beneficial to strengthen the Education Welfare Officer (EWO) support available for schools and families, the fines will penalise those pupils and families that are already suffering during difficult economic times
 - Increased use of sanctions will "solve" the attendance problem, but leave the underlying issues unresolved.
 - Instead of 10 authorised days you could have 5 authorised days for holidays during term time.
 - Could lead to parents/carers not declaring holidays at all, which encourages deceit.
 - Transparency is needed around enforcement costs.

- Not a robust evidence criteria behind the idea of penalty notices.
- There must be a rigorous information sharing campaign outside of school to “launch” this change with very clear guidelines and expectations.

3.7 Points 3.4 to 3.6 are a summary of the responses received during the consultation. The full set of consultation responses received, and the local authority response, is available on the Council website.

4.0 Equality and Engagement Implications

- 4.1 An EIA screening form has been completed with the agreed outcome that a full EIA report was required. The full EIA report is attached in Appendix B. It is important to note that the EIA report contains further details and an action plan, which is still in development.
- 4.2 The proposal was found to be relevant to children/young people, adults, disability, pregnancy and maternity, race, religion, Welsh language, poverty/social exclusion and carers.
- 4.3 *Children/Young People* – Attendance at school is essential to improve children’s educational prospects and to avoid putting them at risk of criminal or anti-social behaviour. The penalty notices will act as a deterrent to unauthorised absence.
- 4.4 *Any other age group (18+)* – Under section 7 of the Education Act 1996 the parent/carer is responsible for ensuring that their child of compulsory school age receives efficient full-time education. Unauthorised absence can lead to a penalty notice that will impact financially on the family.
- 4.5 *Disability* – any absence due to medical reasons/disability will not be marked as unauthorised as long as the parents have made this clear to the school. Once the written warning of a penalty notice has been sent by the Local Authority, parents/carers have 15 school days to respond and provide any evidence, including medical evidence, to argue that the penalty notice should not be issued.
- 4.6 *Pregnancy/Maternity* – any absence due to pregnancy/maternity will be authorised when supported by medical evidence.
- 4.7 *Race* – according to national statistics (<http://wales.gov.uk/statistics-and-research/absenteeism-pupil-characteristics/?lang=en>) Gypsy and Traveller pupils have a higher rate of absenteeism than any other group. Whilst the possibility of a penalty notice might act as a deterrent, this group could have a higher number of notices issued.
- 4.8 *Religion* – Attendance codes allow for religious observance which would mean that this was an authorised absence.

- 4.9 *Welsh Language* – Penalty notices will be issued bilingually in all schools. Penalty notices will act as a deterrent to unauthorised absences in all our schools.
- 4.10 *Carers* – The local authority does not hold information on how many pupils are carers. It is possible that those with carer responsibilities might find it more difficult to provide evidence of authorised absence. Once identified, the EWOs will monitor the relevant pupils and will not pursue Penalty Notices unless we can ensure/prove that the parents are condoning unnecessary unauthorised absences.

5.0 Financial Implications

- 5.1 The introduction of this scheme if approved allows any potential fine income to be offset against costs incurred in bringing proceedings. Any fee income is likely to be marginal and incidental to the costs of proceedings and incidental to the policy intention of enforcing responsibility for ensuring appropriate school attendance but in the unlikely case of surplus income being generated this will have to be remitted back to Welsh Government. The use of penalty notices as a tool will be incorporated within the existing work and powers of the Education Welfare Officers.

6.0 Legal Implications

- 6.1 The Education (Penalty Notices) (Wales) Regulations 2013 (the regulations) sets out the detail for the operation of penalty notices which can be issued to parents/carers as an alternative to prosecution under s444 of the Education Act 1996, to ensure regular attendance of a pupil at school, where an absence has not been authorised.
- 6.2 Under s437 of the Education Act 1996 Local Authorities have a duty to ensure that a child for whom they are responsible is receiving a suitable education, either by regular attendance at school or otherwise.
- 6.3 Local Authorities are responsible for administering penalty notices and it is a requirement of the Regulations that each Local Authority is responsible for implementing a Code of Conduct after consultation with governing bodies, Headteachers and the Chief Officer of police for a police area which includes all or part of the area of the local authority. The Code of Conduct should ensure that the power to issue a fixed penalty notice is applied consistently.

Background Papers: The Education (Penalty Notices) (Wales) Regulations 2013. Welsh Government Guidance 116/2013 - Penalty Notices for regular non- attendance at school.

Appendices: Appendix A: Draft Code of Conduct for Penalty Notices.
Appendix B: Equality Impact Assessment



Code of Conduct for Penalty Notices

Irregular Attendance at School/ Alternative Education Provision

Legal Basis and Rationale

The Welsh Government (WG) Education (Penalty Notice)(Wales) Regulations 2013 states that Local Authorities (LAs) are required by law to adhere to the Education Act 1996 section 444 to include 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” (Guidance Doc 2013 p3).

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.

Sections 444A and 444B of the Education Act 1996 provide that certain cases of unauthorised absence can be dealt with by way of a penalty notice. A 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.

The LAs within ERW, the South West Consortium being, Powys, Ceredigion, Pembrokeshire, Swansea, Carmarthenshire and Neath Port Talbot have the prime responsibility for developing the protocol within which all partners named in the Education (Penalty Notices) (Wales) Regulations 2013 will operate and each LA will deliver this responsibility. Headteachers, including their authorised deputy and assistant head teachers and the police are able to request a penalty notice in relation to parent/carer of children who have unauthorised absence from school / alternative education provision. The issuing of penalty notices must comply with all the requirements of the Human Rights Act and all Equal Opportunities legislation.

The LAs within ERW 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, penalty notices offer a means of swift intervention which all ERW LAs may use to deal with issues of regular non attendance before they become entrenched. The issuing of penalty notices will be based on clear threshold criteria which will be applied consistently and equitably across ERW. All persons authorised to issue (and request the issuing) of a penalty notice must comply with the guidance set out in this code of conduct.

Inclusion and equality issues

The LAs within ERW are committed to the continual raising of achievement of all their pupils. There is an expectation that all its 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 our 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 truancing and associated anti-social activities.

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.

Policy and Publicity

In order to ensure parents and carers are fully aware of the penalty notice legislation, it is expected that all schools, with the support of their governing body, clearly outline penalty notice information in their attendance policy and provide information to parents in writing at the beginning of each academic year (Appendix 1).

The definition of parent/carer as set out in section 576 of the Education Act 1996 is the person with whom the child lives irrespective of what their relationship is with the child ("Parents" and "Parental Responsibility", Welsh Government, 2007).

Legal practicalities

- A penalty notice is £60 if paid within 28 days of receipt of the notice;
- this rises to £120 if paid after 28 days but within 42 days of receipt;
- 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.

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 fine. The prosecution will be brought under section 444 of the Education Act 1996.

Withdrawal of the notice can only take place in limited circumstances as set out in this code of conduct.

The Issue of a penalty notice

In order to avoid the issuing of duplicate penalty notices the management and processing arrangements in ERW will remain the sole responsibility of each LA. An authorised officer will have the discretion to decide whether to issue a penalty notice to one or more parents / carers of a child. The specific circumstances in each individual case will be the determining factor.

Each 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 head teacher is making the request for the penalty notice;
- a 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)/(1A) of the Education Act 1996;
- the use of penalty notices will be restricted to the maximum of three notices per parent of a pupil in a rolling 12 month period;
- penalty notices may be issued for more than one child in cases where there is more than one poorly attending pupil in a family;
- there will be no restriction on the number of times a parent may receive a formal warning of a possible penalty notice;
- if the recipient of a penalty notice moves to another LA area in Wales then the penalty notice moves with them;
- penalty notices cannot be issued if legal proceedings against the parent/carers under section 444 of the Education Act 1996 have commenced or are contemplated at the time of request (Regulations section 14 (b)).

Circumstances for issuing a penalty notice

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 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 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 overall school attendance to under 90% in the school year to date;

It should be noted that 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.

School application for issuing a penalty notice

Where a school has identified that a period of unauthorised absence has occurred, a request to the LA for a penalty notice can be submitted. Each headteacher can, on an annual basis, authorise their nominated deputy or assistant Head Teacher to request for penalty notices (Appendix 2).

The school paperwork should comprise of:

- confirmation that information was sent to all parents at the start of the academic year which clearly states that parents may receive a penalty notice;
- if referring to a holiday in term-time, then a copy of the ERW holiday request form;
- a copy of the pupil's registration document;
- completion of the penalty notice request form (Appendix 3).

A penalty notice will not be issued in respect of Looked After Children (LAC) who are subject to on-going LA intervention.

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

Where the 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.

The LA will only consider issuing 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 penalty notice;
- a copy of the ERW holiday request form submitted by parent, together with a copy of the school's response declining the request;
- relevant pupil attendance or registration certificate;
- completed penalty notice request form (Appendix 3).

Procedure for issuing a penalty notice

The LA will respond to all requests to issue 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 penalty notice is appropriate (Appendix 4). Each LA within ERW has the prime responsibility for developing the protocol within which all partners named in the Education (Penalty Notices (Wales) Regulations 2013 will operate and each LA will deliver this LA responsibility. Requests can be generated by a headteacher, their nominated deputies, the police and neighbouring local authorities. The LA must ensure that issuing a penalty notice would not conflict with another legal intervention strategy contemplated or commenced under the Education Act 444(1) or 444(1A).

The procedure is as follows:

- LA receive a request for a penalty notice and relevant checks will be made (Appendix 3);
- LA to send a formal written warning to the parent/carer notifying them that they may receive a penalty notice. Absences that occur due to holidays in term-time will not receive a warning (Appendix 5).
- LA set a period of 15 school days to allow the parent/carer to respond. During the fifteen days, parents/carers would have the right to provide any evidence they may wish to present to the school, including medical evidence, to argue that the penalty notice should not be issued.
- It will be for the head-teacher/nominated person 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 have to be corrected using the appropriate code. In such cases the penalty notice may not be issued by the Local Authority.

- If evidence is not provided or the head-teacher/nominated person does not accept the absences then a penalty notice can be issued by the LA by first class post (Appendix 6);

- 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.

Payment of a penalty notice

- Arrangements for payment will be detailed on the penalty notice.
- 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.
- The LA will retain the revenue from penalty notices to cover enforcement costs. However, any surplus must be surrendered to the Welsh Consolidated Fund.
- There is no facility for payment by instalment

Non-Payment of a penalty notice

Non-payment of a penalty notice may result in a prosecution under Section 444 of the Education Act 1996.

Withdrawal of a penalty notice

There is no statutory right of appeal against issuing of a penalty notice, but where a parent contests the issuing of a penalty notice they can submit any complaints to the LA and/or opt to face proceedings in the Magistrates' Court under section 444 of the Education Act 1996 where all of the issues relating to their penalty notice can be fully debated.

Once issued, a penalty notice can only be withdrawn if the LA is satisfied that:

- the penalty notice was issued to the wrong person;
- the 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.

Where a 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 for the offence arising out of the same circumstances.

Annual review and reporting

The LA will evaluate the effectiveness of penalty notices every year and amend its general enforcement strategy as appropriate. This report will be made available to the head of service.

How to get further information

Further information on the operation of this Code of Conduct and Penalty notices within the City and County of Swansea is available from the Education Department.

Appendices

- Appendix 1: School letter
- Appendix 2: Headteachers authorisation form.
- Appendix 3: Penalty notice request form
- Appendix 4: LA checklist
- Appendix 5: Warning notice.
- Appendix 6: Penalty notice letter

References

The Children Act 1989 - the definition of “parent”;
“Parents” and “Parental Responsibility” (Welsh Government 2007) The Education Act 1996 – section 444;
The Education (Penalty notices) (Wales) Regulations 2013;
United Nations Convention on the Right of the Child (the right to an education Article 28).

Appendix 1

Penalty Notices

This letter alerts you to the introduction of penalty notices for unauthorised absences from school from January 2014.

The local authority 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 attainment levels, disrupts school routines and can leave a pupil vulnerable to anti-social behaviour and youth crime.

A penalty notice is an alternative to prosecution with the aim of seeking to secure an improvement in the pupil's attendance.

A 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 to accept, or not accept this, and ensure that the register is marked appropriately.

If a notice has been requested, the parent/carer 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 school 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 evidence is not provided or evidence not accepted by the school then the 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 parent(s) for the original offence, which is 'failure to ensure regular attendance at school of the registered pupil' under Section 444 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 staff at your child's school. Please do ask before the non-attendance becomes an issue.

Appendix 2



Education Department

To be completed at the start of each academic year.

I, _____, Head teacher of
_____ School, hereby authorise:-

Deputy/ Assistant Head teacher [delete as appropriate] at the above mentioned school to request Penalty Notices.

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

Signed: _____

Name Printed: _____

Date: _____



**PENALTY NOTICE REQUEST
THE EDUCATION (PENALTY NOTICE) (WALES) REGULATIONS 2013**

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

- 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 overall pupil 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 overall pupil 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 and brings the overall pupil attendance to under 90% in the school year to date.

The period in which the offence was committed: _____ to _____

Attendance at point of request: _____ % (not including authorised absences).

Pupil Details

Name of Pupil _____ DOB _____ Year _____

Address _____

Parent/Carer1 Full name _____

Address if different from above: _____

Parent/Carer 2 Full name _____

Address if different from above: _____

(A "parent", in relation to a child or young person, includes any person who is not a parent of the child but who has parental responsibility for him or her, or who has day to day care of the child).

Briefly outline the actions 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 or Team Around the Family (TAF) etc.

Are there any known circumstances to consider e.g. SEN, parental mental health, bereavement, domestic violence, young carer responsibilities?

Yes No

If yes, please give full details: _____

Attachments required

- Registration certificate
- Parental request for unauthorised absence due to holidays

Head Teacher Declaration

- I certify that the governing body of this school has reviewed it's attendance policy and agreed that requests be made to the Local Authority to issue Penalty Notices in accordance with the Local Authority Code of Conduct;
- 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 _____ Date _____

_____ School



**PENALTY NOTICE REQUEST
EWS UNAUTHORISED ABSENCE CHECKLIST**

Date Penalty Notice Request received: _____

Pupil Name _____

School _____ Named person requesting PN _____

Name of the person with

Day to day care (1) _____

Day to Day Carer (2) _____

To satisfy the criteria:

1. Has the person named above previously received a Penalty Notice?

Day to day carer (1) Yes No Date issued: _____

Day to day carer (2) Yes No Date issued: _____

2. What is the pupil's attendance in the 12 months prior to the last unauthorised absence : _____% (not including authorised absences)

3. What interventions/offers of support been actioned by school to avoid this request (include an outline of parental engagement):

4. Is the case open to the Education Welfare Service:

Yes Name of EWO: _____ No

If "yes" briefly outline of case and actions to date:

5. Has there been:

- 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 overall pupil 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 overall pupil attendance to below 90% in the school year to date. (These absences do not have to be consecutive)
 - Has an ERW parental request for unauthorised absence for holiday form been submitted by parent Yes No

- 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 and brings the overall pupil attendance to under 90% in the school year to date.

Legal Action:

10. Has this parent/carer been prosecuted in the last 12 months Date:

Outcome: _____

Has a pre-warning been issued YES Date..... NO

Has an Official Warning been issued: YES Date..... NO

EWS PN Actions:

Has an appropriate referral been made:

YES Date: _____

NO Date and reason why not accepted. _____

Date warning letter issued (not for term-time holidays): _____

Review date (15 days after warning issued): _____

Date Notice issued: _____ **NOTICE REF NO:** _____

Date at 28 days: _____

Date at end of Notice: _____

Was notice paid: YES Close case.
NO See PEWO/SEWO regarding prosecution options.

Any additional information relevant to this case;

Pupils attendance at the end of the academic year:



**EDUCATION ACT 1996 (SECTION 444 (1) AND (1A))
THE EDUCATION (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 Penalty Notice in accordance with the above regulation.

In accordance with ERW Consortium's Code of Conduct, 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 overall pupil 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 overall pupil 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 WG codes Guidance 2010. Persistent lateness for the purposes of this document consists of at least 10 days late arrival within a term; these do not have to be consecutive but should bring the overall pupil 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 head-teacher/nominated person 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 penalty notice will not be issued by the Local Authority.

If evidence is not provided, or the head-teacher/nominated person does not accept the evidence and change the register to remove the unauthorised absences, then a penalty notice will be issued by the Local Authority.

Any evidence you wish to submit must be received within 15 days of the date of this letter and should be sent to your child/rens school.

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

Yours sincerely,

<NAME>

Principal Education Welfare Officer

PN <number>



PENALTY NOTICE

**EDUCATION ACT 1996 - SECTION 444
THE EDUCATION (PENALTY NOTICES) (WALES) REGULATIONS 2013
City & County of Swansea, Local Code of Conduct, for Penalty Notices for
Irregular School Attendance**

Part 1

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

Title: _____

Forenames: _____

Name of Child: _____

Of (address); _____

Postcode: _____

You are the parent/carer of _____ of
_____ (address) who is a registered pupil at (name of
School / Alternative Education Provision) _____
and is failing to attend school regularly in that:-

Between the 1st day of unauthorised absence (date) _____ to the last day of
absence (date) _____ the pupil failed to attend regularly at the school

which brought your child's overall pupil attendance to below 90% due to unauthorised absences

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 as set out in this Notice.

- Payment should be made within 28 days i.e. by XXXX date
- If paid after 28 days but within 42 days i.e. by XXXX date the penalty is doubled to £120.

Payment should be made to City & County of Swansea. Payment can be made by Telephone by credit or debit card. Please call cashiers desk on 01792 635809.

Cheques or postal orders can be made payable to the City & County of Swansea and sent to Civic Centre, Oystermouth Road, Swansea. SA1 3SN along with part 2 of this notice or with the FPN number clearly printed on the back of the cheque.

Alternatively payment can be made in person at the Civic Centre Cash desk, the Civic Centre Contact Centre or at any local housing office, except Gorseinon. It is essential to bring your fixed penalty notice with you when making payment.

If payment is not received by <date specified> (42 days from the date of receipt), you may be prosecuted for the offence and therefore be subject to a fine of up to £1000 under section 444(1) and £2,500 under section 444(1A) or up to three months in prison.

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

Withdrawal

This Notice may only be withdrawn by the Local Authority if the Education Welfare Service are satisfied that:-

1. The Penalty Notice was issued to the wrong person;
2. The Penalty Notice ought not to have been issued, i.e. where it had been issued outside the terms of this Code of Conduct (or no offence has been committed); or the circumstances of the case warrant its withdrawal.
3. If you believe that the notice was wrongly issued you must contact XXXXXXXXXXXX as soon as possible to ask for it to be withdrawn, stating why you believe the notice to have been incorrectly issued. The City & County of Swansea will review and decide whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable for prosecution for the offence.

This notice is issued by [Name and official particulars].

Signed: _____

Designation: _____
Date of issue _____

Part 2 – PN <number>

If posting a cheque or postal order, please complete the following and return this notice with your payment to City & County of Swansea:
Civic Centre cash desk, Oystermouth Road, Swansea. SA1 3SN.

Name: _____
Address _____

I attach payment in the sum of £<sum of>

Signed _____ Date _____

Contact details

If you have any queries about this notice please contact:

Education Welfare Service
(Address here)
XXXXX

Equality Impact Assessment (EIA) Report

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

Please refer to the ‘Equality Impact Assessment Guidance’ while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).

Where do you work?
Service Area: Education Inclusion
Directorate: People

(a) This EIA is being completed for a...

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(b) Please name and describe below...

Code of Conduct for Penalty Notices

The Education (Penalty Notice) (Wales) Regulations 2013 and the use of Fixed Penalty Notices for non school attendance came into force from 2nd September 2013. Local Authorities are required to consult on and have a code of conduct in place by the end of the 2013/14 academic year. Administration systems must be in place for them to operate from September 2014.

Schools will be expected to update appropriate attendance policies for the 2014/15 academic year. The ERW consortium has developed a joint code of conduct to provide clear cross border practices and a consistent approach. This draft has been submitted and approved by Welsh Government.

(c) It was initially screened for relevance to Equality and Diversity on 10/11/2014

(d) It was found to be relevant to...

Children/young people (0-18).....	<input checked="" type="checkbox"/>	Religion or (non-)belief.....	<input checked="" type="checkbox"/>
Any other age group (18+)	<input checked="" type="checkbox"/>	Sex.....	<input checked="" type="checkbox"/>
Disability.....	<input checked="" type="checkbox"/>	Sexual orientation	<input type="checkbox"/>
Gender reassignment.....	<input type="checkbox"/>	Welsh language	<input checked="" type="checkbox"/>
Marriage & civil partnership.....	<input type="checkbox"/>	Poverty/social exclusion.....	<input checked="" type="checkbox"/>
Pregnancy and maternity	<input checked="" type="checkbox"/>	Carers (inc. young carers)	<input checked="" type="checkbox"/>

Race.....

Community cohesion

**(e) Lead Officer
Service**

Name: Phil Monaghan

Job title: Principal Educational Psychologist

Date: 01 12 14

(f) Approved by Head of

Name: Robin Brown

Date: 01 12 14

Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

What are the aims?

The Welsh Government (WG) Education (Penalty Notice)(Wales) Regulations 2013 states that Local Authorities (LAs) are required by law to adhere to the Education Act 1996 section 444 to include 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” (Guidance Doc 2013 p3).

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.

Sections 444A and 444B of the Education Act 1996 provide that certain cases of unauthorised absence can be dealt with by way of a penalty notice. A 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.

The LAs within ERW, the South West and Mid Wales Consortium being, Powys, Ceredigion, Pembrokeshire, Swansea, Carmarthenshire and Neath Port Talbot have the prime responsibility for developing the protocol within which all partners named in the Education (Penalty Notices) (Wales) Regulations 2013 will operate and each LA will deliver this responsibility. Headteachers, including their authorised deputy and assistant head teachers and the police are able to request a penalty notice in relation to parent/carers of children who have unauthorised absence from school / alternative education provision. The issuing of penalty notices must comply with all the requirements of the Human Rights Act and all Equal Opportunities legislation.

The LAs within ERW 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, penalty notices offer a means of swift intervention which all ERW LAs may use to deal with issues of regular non attendance before they become entrenched. The issuing of penalty notices will be based on clear threshold criteria which will be applied consistently and equitably across ERW. All persons authorised to issue (and request the issuing) of a penalty notice must comply with the guidance set out in this code of conduct.

Who has responsibility?

Welsh Government
ERW – Regional Consortium
Local Authorities
Cabinet
Chief Education Officer
Head of Education Inclusion
Senior Education Psychologist
Education Welfare Officer
Headteachers
South Wales Police

Who are the stakeholders?

Pupils
Parents/Guardians
Headteachers
Teachers
School Staff
Governing Bodies
Police

Section 2 - Information about Service Users(See guidance):

Please tick what information you know about your service users and provide details/ evidence of how this information is collected.

- | | | | |
|-----------------------------------|-------------------------------------|----------------------------------|-------------------------------------|
| Children/young people (0-18)..... | <input checked="" type="checkbox"/> | Carers (inc. young carers) | <input checked="" type="checkbox"/> |
| Any other age group (18+) | <input type="checkbox"/> | Race | <input checked="" type="checkbox"/> |
| Disability..... | <input checked="" type="checkbox"/> | Religion or (non-)belief..... | <input checked="" type="checkbox"/> |
| Gender reassignment..... | <input type="checkbox"/> | Sex..... | <input checked="" type="checkbox"/> |
| Marriage & civil partnership..... | <input type="checkbox"/> | Sexual orientation | <input type="checkbox"/> |
| Pregnancy and maternity | <input checked="" type="checkbox"/> | Welsh language | <input checked="" type="checkbox"/> |

What information do you know about your service users and how is this information collected?

See below

Free School Meals

Number claiming FSM Y1-Y11 Only			Total Y1-Y11 on Roll			Percentage claiming FSM Y1-Y11 Only			Three Year Averages		
2012	2013	2014	2012	2013	2014	2012	2013	2014	2010-12	2011-13	2012-14
5716	5696	5497	27344	27486	27612	20.9%	20.7%	19.9%	20.6%	21.0%	20.5%

Special Educational Needs

Total on roll			School Action			School Action Plus			Statemented			Percentage with SEN		
2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
34969	35101	35313	4920	4552	4978	2290	2407	2357	1434	1380	1410	24.7%	23.8%	24.8%

EAL Stage of English Acquisition Summary

	Stages						EAL Total	%A-D	%A-E
	Non-EAL	A	B	C	D	E			
Totals	31854	660	823	766	530	513	3292	7.9%	9.4%

Ethnic Background

<i>Ethnic background</i>	Total
<i>Asian</i>	3.5%
<i>Black</i>	0.7%
<i>Chinese</i>	0.2%
<i>Mixed</i>	2.9%
<i>Other</i>	2.1%
<i>White other</i>	2.6%
White British	88.1%
Not White British*	11.9%
<i>*excluding unknowns</i>	
<i>Unknown</i>	0.4%

Welsh Index of Multiple Deprivation

Percentage of total pupils on roll living in areas classed in WIMD as being in the most deprived 30% of all areas

Source: PLASC each January and WIMD 2008/2011

School	Using WIMD 2011		
	2011-2012	2012-2013	2013-2014
Birchgrove Comp	43.6	42.2	42.3
Birchgrove Primary	35.8	36.6	36.3
Bishop Gore	44.1	45.8	46.2
Bishop Vaughan	52.9	53.7	54.6
Bishopston Comp	3.9	3.9	4.4
Bishopston Primary	2.3	3.7	4.5
Blaenymaes	96.3	92.1	94.6
Brynhyfryd Infants	50.8	52.7	51.0
Brynhyfryd Junior	47.6	51.2	50.0
Brynmill	13.6	14.2	14.3
Burlais	29.8	30.5	31.4
Cadle	72.9	73.2	71.4
Casllwchwr	1.4	3.1	2.8
Cefn Hengoed	74.8	75.1	75.2
Christchurch	61.7	64.8	60.9
Cila	2.1	0.7	1.4
Clase	87.4	86.3	87.7
Clwyd	91.6	93.6	92.4
Clydach	44.6	39.9	38.6
Craigcefnparc	6.0	6.5	4.8
Craigfelen	85.3	88.4	82.1
Crug Glas	34.8	35.4	38.3
Crwys	2.2	2.2	1.1
Cwmglas	69.6	68.1	68.7
Cwmrhydyceirw	30.2	29.9	29.4
Danygraig	66.7	66.7	65.9
Dunvant Primary	2.8	2.6	1.9
Dylan Thomas	78.8	78.3	79.2
Gendros	46.2	45.6	49.2
Glais	7.8	7.1	7.5
Glyncollen	6.7	6.4	7.2
Gors Primary	72.0	67.2	71.1
Gorseinon	14.1	12.6	12.3
Gowerton	22.6	22.9	23.2
Gowerton Primary	6.4	6.8	8.1
Grange	9.3	9.6	15.3
Gwyrosydd Primary	70.2	70.7	70.7
Hafod	94.6	92.1	93.2
Hendrefoilan	3.1	3.9	2.9
Knelston	0.0	0.0	0.0
Llangyfelach	12.2	9.8	12.8
Llanrhidian	0.8	0.9	0.8
Mayals	21.2	24.1	25.2
Morryston Comp	42.6	42.9	43.1

Morrison Primary	82.5	80.8	74.8
Newton	0.4	0.4	0.0
Olchfa	12.3	12.0	12.0
Oystermouth	1.3	2.5	2.0
Parkland	22.6	23.5	24.5
Pen Y Fro	2.4	2.6	2.5
Penclawdd	0.6	1.2	1.1
Pengelli	3.5	5.0	1.3
Penllergaer	32.5	32.4	32.8
Pennard	0.0	0.0	0.0
Pentrechwyth	98.3	100.0	100.0
Pentrehafod	59.7	59.2	58.0
Pentre'r Graig	54.7	52.1	52.3
Penybryn	42.1	43.9	49.6
Penyrheol Comp	12.9	12.7	13.6
Penyrheol Primary	31.8	35.1	35.8
Plasmarl	99.2	96.3	95.7
Pontarddulais Comp	16.8	15.9	15.3
Pontarddulais Primary	28.0	27.2	30.1
Pontlliw	1.0	1.5	2.5
Pontybrenin	7.7	8.0	7.0
Portmead	97.6	96.7	94.5
Sea View	96.1	97.9	97.8
Sketty	6.7	5.5	4.3
St David's	16.4	17.4	17.0
St Helen's	43.6	46.0	47.5
St Illtyd's	76.9	77.0	74.5
St Joseph's Clydach	17.3	18.7	17.3
St Joseph's Greenhill	50.4	52.1	50.7
St Thomas	80.8	82.4	83.5
Talcopa	26.8	28.8	33.8
Terrace Road	47.6	44.5	41.4
Townhill	96.4	96.6	96.4
Trallwn	74.3	72.7	69.1
Tre Uchaf	6.0	5.4	5.0
Waun Wen	90.1	89.9	92.7
Wauarllwydd	42.1	44.6	41.0
Whitestone	8.9	10.2	7.5
Y Cwm		80.0	81.6
YG Bryn Tawe	35.3	36.4	32.7
YG Gwyr	14.5	14.3	15.3
YGG Bryniago	10.0	10.6	13.8
YGG Bryn-Y-Mor	18.8	21.8	20.4
YGG Felindre	27.0	24.1	17.0
YGG Gellionnen	34.5	30.8	32.6
YGG Llwynderw	6.9	7.5	6.9
YGG Lonlas	26.2	24.1	24.4
YGG Pontybrenin	14.3	14.7	14.5
YGG Tan-y-Lan	74.2	70.0	65.5
YGG Tirdeunaw	60.4	59.9	61.6
YGG Y Login Fach	37.1	35.5	33.7
Ynystawe	13.4	14.4	14.7

Any Actions Required?

Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Children/young people (0-18)	➔ <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+)	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh language	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thinking about your answers above, please explain in detail why this is the case?

Children/Young People – Attendance at school is essential to improve children’s educational prospects and to avoid putting them at risk of criminal or anti-social behaviour. The penalty notices will act as a deterrent to unauthorised absence.

Any other age group (18+) – Under section 7 of the Education Act 1996 the parent/carer is responsible for ensuring that their child of compulsory school age receives efficient full-time education. Unauthorised absence can lead to a penalty notice that will impact financially on the family. However, attendance at school is essential to improve children’s educational prospects and to avoid putting them at risk of criminal or anti-social behaviour

Disability – any absence due to medical reasons/disability will not be marked as unauthorised as long as the parents have made this clear to the school. Once the written warning of a penalty notice has been sent by the Local Authority, parents/carers have 15 school days to respond and provide any evidence, including medical evidence, to argue that the penalty notice should not be issued.

Pregnancy/Maternity – any absence due to pregnancy/maternity will be authorised when supported by medical evidence.

Race – according to national statistics (<http://wales.gov.uk/statistics-and-research/absenteeism-pupil-characteristics/?lang=en>) Gypsy and Traveller pupils have a higher rate of absenteeism than any other group. Whilst the possibility of a penalty notice might act as a deterrent, this group could have a higher number of notices issued. The Education Welfare Service works closely with the Traveller Education Service and training on the Penalty Notices will be arranged.

Religion – Attendance codes allow for religious observance which would mean that this was an authorised absence.

Sex – Penalty notices will act as a deterrent to unauthorised absences for all pupils.

Sexual orientation – No data held but penalty notices will act as a deterrent to unauthorised absences for all pupils

Welsh Language – Penalty notices will be issued bilingually in all schools. Penalty notices will act as a deterrent to unauthorised absences in all our schools.

Carers – The local authority does not hold information on how many pupils are carers. It is possible that those with carer responsibilities might find it more difficult to provide evidence of authorised absence. Once identified, the EWOs will monitor the relevant pupils and will not pursue Penalty Notices unless we can ensure/prove that the parents are condoning unnecessary unauthorised absences.

What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view? Please provide details below.

The Welsh Government consulted on Penalty Notices and the finding of their consultation can be found here:

<http://wales.gov.uk/consultations/education/nonattendancepenalty/?lang=en>

Welsh Government guidance required that Local Authorities must all draw up their own Local Codes of Conduct and establish procedures ready for implementation in September 2014 (due to circumstances beyond our control there has been a delay).

A Draft Local Code of Conduct has been produced and has been consulted upon with Headteachers and Governing bodies between 4th November and 28th November 2014.

This consultation is intended to ensure that the Draft Code of Conduct is as robust as possible and that the criteria suggested for the issuing of Penalty Notices will be both reasonable, acceptable and for all schools to operate these criteria consistently.

The policy will be communicated to parents via letter and leaflets. In addition and FAQ section will be created on the Council’s website.

Any actions required (to mitigate adverse impact or to address identified gaps in knowledge).

- Consider how young carers can be identified and supported. Link with Social Care

Planning Officer – Carers

- Once identified, the EWOs will monitor the relevant pupils and will not pursue Penalty Notices unless we can ensure/prove that the parents are condoning unnecessary unauthorised absences
- Report the findings of the consultation to the Council's Cabinet
- Communications plan to ensure parents are clear on the criteria before implementation
- Monitor the implementation of the new code to ensure that parents are clear on the criteria
- Provide training to the Traveller Education Service on Penalty Notices

Section 4 - Other Impacts:

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

Foster good relations between different groups	Advance equality of opportunity between different groups
Elimination of discrimination, harassment and victimisation	Reduction of social exclusion and poverty

(Please see guidance for definitions on the above)

Please explain any possible impact on each of the above.

Advance equality of opportunity between different groups

Elimination of discrimination, harassment and victimisation

Reduction of social exclusion and poverty

When a child attends school on a regular basis, they take an important step towards reaching their full potential, and are given the greatest opportunity to learn new things and develop their skills. Children who miss school can frequently fall behind with their work and do less well in exams.

The more time a child spends around other children, whether in the classroom or as part of a school team or club, the more chance they have of making friends and feeling included, boosting social skills, confidence and self-esteem.

Attendance in schools needs to remain a priority to ensure that children and young people are given the chance to achieve their potential. As well as helping young people achieve their potential, active follow-up of non-attenders is a key element in their protection and helping them to avoid involvement in criminal activity. Pupils not attending school on a regular basis are far more likely to commit crime.

There is a possibility that the penalty notices could have an adverse effect on those living in poverty. Consideration needs to be given to how families who can't pay will be dealt with/supported.

What work have you already done to improve any of the above?

The local authority has encouraged Headteachers not to authorise holidays during term time. This has led to improved attendance and improved performance across the majority of our schools over the last academic year.

Is the initiative likely to impact on Community Cohesion (see the guidance for more information)?

Improving pupil attendance and performance will lead to improved community cohesion. Young people will be better placed and equipped to play a key role in their communities.

How will the initiative meet the needs of Welsh speakers and learners?

All penalty notices will be issued bilingually. Penalty notices will act as a deterrent to unauthorised absences for all pupils in all our schools

Actions (to mitigate adverse impact or to address identified gaps in knowledge).

- **Monitor the impact of Penalty Notices on those living in poverty**

Section 5 - United Nations Convention on the Rights of the Child (UNCRC):

In this section, we need to consider whether the initiative has any direct or indirect impact on children. Many initiatives have an indirect impact on children and you will need to consider whether the impact is positive or negative in relation to both children's rights and their best interests

Click here (*add hyperlink*) to read the UNCRC guidance before completing this section.

Will the initiative have any impact (direct or indirect) on children and young people? If not, please briefly explain your answer and proceed to Section 6.

The initiative will have a direct impact on children and young people.

Is the initiative designed / planned in the best interests of children and young people? Please explain your answer.

The initiative is designed in the best interest of children as stated in guiding principal Article 3. *Best interests of the child (Article 3): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.*

The initiative is planned to improve pupils' attendance at schools thus giving them the best opportunity of achieving to their full potential. The proposal relates to the following articles:

Article 3 - All organisations concerned with children should work towards what is best for each child.

Article 18 - Both parents share responsibility for bringing up their children. We should help parents by providing services to support them.

Article 28 - Children have a right to an education. Discipline in schools should respect children's human dignity.

Article 29 - Education should develop each child's personality and talents to the full.

Article 30 - Children have a right to learn and use the language and customs of their families.

Actions (to mitigate adverse impact or to address identified gaps in knowledge).

Section 6 - Monitoring arrangements:

Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:

Monitoring arrangements: The local authority will evaluate the effectiveness of penalty notices every year and amend its general enforcement strategy as appropriate.

The Welsh Government will monitor data collated by local authorities regarding the number of penalty notices issued.

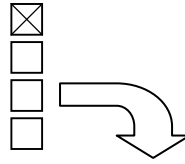
Attendance data will also be monitored.

Actions: Collect data on the issuing and impact of penalty notices

Section 7 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...
- Outcome 2: Adjust the initiative...
- Outcome 3: Justify the initiative...
- Outcome 4: Stop and remove the initiative...



For outcome 3, detail the justification for proceeding here:

Section 8 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Forward this EIA report and action plan to the Access to Services Team for feedback and approval – accesstoservices@swansea.gov.uk
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
EWOs will monitor identified Carers and will not pursue Penalty Notices unless we can ensure/prove that the parents are condoning unnecessary unauthorised absences	Senior Education Welfare Officer	Ongoing	Acceptable levels/zero instances of carers receiving Penalty Notices	
Report the findings of the consultation to the Council's Cabinet	Principal Educational Psychologist	End of 2014	Cabinet will have approved the code of conduct and parents will be informed.	
Communications plan to ensure parents are clear on the criteria before implementation	Stakeholder and Communications Manager	January 2015	Communications plan implemented and feedback received	
Monitor the implementation of the new code to ensure that parents are clear on the criteria	Stakeholder and Communications Manager	Ongoing	FAQs published on the website and low level/zero complaints from parents	
Provide training to the Traveller Education Service on Penalty Notices	Senior Education Welfare Officer	February 2015	Staff trained and an understanding of Penalty Notices	

Collect data on the issuing and impact of penalty notices	Information Officer	Annually	Reported to the Welsh Government	
Monitor the impact of Penalty Notices on those living in poverty	Senior Education Welfare Officer/ Information Officer	Ongoing	Information collected and analysis of all/any individuals not able to pay their penalty notices	

*** Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).**