

Individual Decision

Title of Report:	West Berkshire Council Code of Conduct		
Report to be considered by:	Cllr. Graham Pask	on:	28 November 2005
Forward Plan Ref:	ID1012		

Purpose of Report:

To provide information about the West Berkshire Code of Conduct.

Recommended Action:

To agree the contents of the West Berkshire Code of Conduct.

Reason for decision to be taken:

The Code of Conduct is the guidance, which must be followed, in order for Penalty Notices to be issued. This could lead to parents being fined for their child's unauthorised absence from school.

List of other options considered:

No other options have been considered. The Statutory Instruments 2004 No.181 Education, England, The Education (Penalty Notices) (England) Regulations 2004, state that 'each local authority shall draw up a code of conduct'.

Key background documentation:

- Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices. DfES/0234/2004 PPMRP/D16/5372
- Statutory Instruments 2004 No.181 Education, England, The Education (Penalty Notices) (England) Regulations 2004

Portfolio Member:	Councillor Graham Pask
Tel. No.:	01635 864023
E-mail Address:	gpask@westberks.gov.uk

Contact Officer Details

Name:	Karen Pottinger
Job Title:	Principal Education Welfare Officer
Tel. No.:	01635 519785
E-mail Address:	kpottinger@westberks.gov.uk

Supporting Information

1. Background

- 1.1 The Anti-social Behaviour Act 2003 Act sections 19, 20 & 23, came into operation from 27th February 2004 and contains specific provisions relating to attendance in the shape of Penalty Notices, Parenting Contracts and Parenting Orders for truancy.
- 1.2 The code of conduct is the local protocol in relation to issuing Penalty Notices in West Berkshire. Separate information will be provided in relation to Parenting Contracts and Parenting Orders.
- 1.3 The Act places specific responsibility on each education authority to draw up a protocol which will be known as the 'Code of Conduct'.
- 1.4 Penalty Notices are an additional sanction for use as an early deterrent to help improve attendance.
- 1.5 Penalty Notices do not replace the use of existing powers under the 1996 Education Act. Existing powers are either through prosecution of parents in the Magistrate's Court under section 444 (1) and 444 (1A) of the Education Act 1996, or the case can be put before the Family Proceedings Court for consideration of an Education Supervision Order.
- 1.6 The Education (Penalty Notices) (England) Regulations 2004 has fixed certain criteria and these are not open to local agreement.
- 1.7 The amount of the penalty and time limits for payment are fixed at-
 - £50 where the amount is paid within 28 days of receipt of the notice.
 - £100 where the amount is paid within 42 days of receipt of the notice.
- 1.8 If the penalty is not paid in full before the expiry of the period for paying the local authority shall prosecute parents for failure to ensure regular attendance at school in the Magistrate's Court.
- 1.9 The prosecution is not for the non-payment of the penalty; it is for failure to ensure regular attendance at school.
- 1.10 Payment of the penalty means that a prosecution under section, 444 (1) or 444 (1A) of the 1996 Education Act cannot take place for the period of the notice. This means that parents cannot be penalised twice for the same offence.
- 1.11 The West Berkshire Code of Conduct sets the level upon which a Penalty Notice can be issued at 20 unauthorised sessions in a 10 school-week period. This is equivalent to 80% or less school attendance. When the reason for absence has been given as holiday during term time, a Penalty Notice can be issued when there are 10 or more unauthorised sessions in a 10 school-week period. (5 school days)
- 1.12 Unauthorised absence is considered as truancy.
- 1.13 Penalty Notices can only be issued once a check has been made that it will not be in conflict with other intervention strategies in place or other sanctions already being processed.
- 1.14 If there is an objection from a service or agency then alternative work is expected to take place to help improve school attendance and a penalty notice should not be issued.

Appendices

- West Berkshire Code of Conduct
- Statutory Instruments 2004 No.181 Education, England, The Education (Penalty Notices) (England) Regulations 2004

Implications

Parents of West Berkshire pupils may be subject to Fixed Penalty Fines in relation to school truancy.

Policy: New policy entitled 'Code of Conduct'

Financial:	None
Personnel:	There are no plans to employ staff to specifically carry out these new duties. The Education Welfare Service will re-prioritise its work in order to manage this system.
Legal:	In doing this we are meeting the requirement of the Statutory Instruments 2004 No.181 Education, England, The Education (Penalty Notices) (England) Regulations 2004
Environmental:	None
Equalities:	The purpose of the Code of Conduct is to ensure that these new powers are applied consistently and fairly across the area of West Berkshire.
Partnering:	Schools may issue Penalty Notices if they wish to (as long as they follow the Code of Conduct) they may also ask the Education Welfare Service to issue a Penalty Notice.
Property:	N/A
Risk Management:	N/A
Community Safety:	N/A

Consultation Responses

Members:

Leader of Council:	Cllr Graham Jones
Select Committee Chairmen:	Cllr Sally Hannon
P&L Committee Chairman	N/A
Ward Members:	N/A
Opposition Spokesperson:	Cllr Sally Hannon
Advisory Members:	N/A

Local Stakeholders:	Maureen Sims, Deputy Headteacher St Bartholomews School Governor at St Bartholomews School Education Management Advisory Board (EMAB), which includes Secondary School, Primary School and Special School Headteacher representation All West Berkshire Headteachers
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Officers Consulted:

Carolyn Waterhouse- Manager Family Resource Team
Caroline Simmonds- Service Development Manager, Social Inclusion
Leigh Hogan- Solicitor, Legal Services
Ros Haynes- School & Governor Support Officer
Davy Pearson- YOT Manager
Diana King- Service Manager, Children & Families
Richard Hubbard-Corporate Director Children& Young People
Ian Pearson- Head of Education
Andrew Couldrick-Head of Childrens Services
David Appleton-Head of Culture & Youth
Education Welfare Service

Trade Union:

NAHT, NUT, NASUWT, ATL, Unison, GMB,SHA