

**ESSEX CODE OF CONDUCT
PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS
EXCLUDED FROM SCHOOL
ANTI SOCIAL BEHAVIOUR ACT 2003 SECTION 23**

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the local authority area and that suitable arrangements are in place for the administration of the scheme.

The Government requires Local Authorities to issue a code of conduct
The Essex code has been agreed following consultation with:

- Essex Local Authority – Missing Education & Child Employment Service
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police Service

in accordance with the Education (Penalty Notices) Regulation 2007, (Anti Social Behaviour Act 2003) section 23 subsection (1) and Sections 103 to 105 of the Education and Inspections Act 2006; Education (Pupil Registration) (England) (Amendment) Regulations 2013

Anyone issuing a penalty notice to a parent* of a child of statutory school age on roll at an Essex school, must do so within the terms of this code.

Legislation

The Anti Social Behaviour Act 2003 inserts into the Education Act 1996 Section 444A and Section 444B enabling authorised personnel to issue penalty notices as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

Section 444(1) of the Education Act 1996 provides that if a child of compulsory school age 'fails to attend regularly' at the school where he is a registered pupil, his parent is guilty of an offence. On the 6th April 2017, in the case of *Isle of Wight Council v Platt* the Supreme Court judgement ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school'

Section 103 of the Education and Inspections Act 2006 places a duty on parents to ensure that their child is not present during school hours in a public place during the first 5 days of exclusions. Section 105 of the Act enables a penalty notice to be issued under Section 103.

Authorisation to issue penalty notices

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Missing Education & Child Employment Service, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Headteachers (and deputy headteachers and assistant headteachers authorised by the head teacher) and police, and persons accredited by the police are all able to issue the notices under the Act, although there is no requirement for them to do so. In Essex it has been