

Fixed Penalty Notices to Address Poor Attendance at School

Advice to Parents and Carers

The Anti-Social Behaviour Act 2003 /
The Education (Penalty Notices)(England) Regulations 2004

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What is the Anti-Social Behaviour Act 2003?

Section 23 of the Act gives powers to the Local Education Authority and other designated bodies to issue Penalty Notices where a parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance.

Why is school attendance important?

Reducing absence from school is a key priority nationally and locally because missing school damages a pupil's attainment levels, disrupts school routines and the learning of others and can leave a pupil vulnerable to anti-social behaviour and youth crime. Above all, missing school seriously affects children's longer-term life opportunities.

What is a Penalty Notice?

Under existing legislation, parents/carers commit an offence if a child fails to attend regularly and the absences are classed as unauthorised (those for which the school cannot or has not given permission). Depending on circumstances such cases may result in prosecution under Section 444 of the Education Act 1996. 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.

How are they issued?

By post to your home.

When are they used?

Penalty Notices may be used in a range of situations where unauthorised absence occurs:

- As part of the "fast track" system to improve attendance.
- Overt truancy (including pupils found during truancy sweeps).
- Inappropriate parentally condoned absence.
- Holidays taken in term time.
- Persistent late arrival at school (after the Register has closed).

In every case a pupil will have had a minimum of 10 school sessions (i.e. 5 school

days) lost to unauthorised absence during the previous 12 school weeks before a Penalty Notice is issued.

The Authority never takes such action lightly and would rather work with parents/ carers to improve attendance without having to resort to enforcement actions. Attendance is of such importance, however, that the Authority will use the powers if this is the only way of securing a child's schooling.

What are the costs?

The payment is £60 if paid within 21 days of issue, rising to £120 after this if paid within 28 days.

Is there an appeal process?

There is no statutory right of appeal once a notice has been issued, but on receipt of a warning you can make representation should you wish.

How do I pay?

Details of payment arrangements will be included on the Penalty Notice. You need to be aware that payment in part or by instalment is not an option with Penalty Notices.

What happens if I do not pay?

You have up to 28 days from receipt to pay the Penalty Notice in full, after which the Authority is required under the Act to commence proceedings in the Magistrates Court for the original offence of poor attendance by your child.

If proven, this can attract a range of fines up to £2,500 and/or a range of other measures such as Parenting Orders or Community Sentences depending upon circumstances.

Can I be prosecuted if I pay the Penalty Notice but my child is still missing school?

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. However it may be the case that a prosecution might be considered for further periods of poor attendance not covered by the Notice, depending upon the circumstances. If this is an issue, it is vital that you work closely with your child’s school and support agencies such as the Education Welfare Service.

Can I get help if my child is not attending regularly?

Yes, the Education Authority and your child’s school will give you advice and support if you need help to secure an improvement in your child’s attendance.

It is very important that you speak with the school or with the Education Welfare Service at the earliest opportunity if you have any worries at all about securing your child’s attendance.

Useful contacts:

Wakefield Education Welfare Service

First Floor, Block C

Normanton Town Hall

High Street

Normanton WF6 2DZ

Tel: 01924 307451

Fax: 01924 307452

Email: EWS@wakefield.gov.uk