

# FIXED PENALTY NOTICES FOR TRUANCY – ADVICE TO PARENTS AND CARERS

## 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 failing to ensure their child's regular attendance at school.

The powers came into force on the 27<sup>th</sup> February 2004.

## Why has it been introduced?

Reducing unnecessary absence from school is a key priority nationally and locally and absence from school often affects 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 to secure an improvement in a pupil's attendance.

Payment of a Penalty Notice enables parents to discharge potential liability for conviction.

## What are the costs?

Payment within 28 days of receipt of a Notice is £50 and £100 if paid after this but within 42 days.

## How are they issued?

By post to your home or handed to you in person by the Education Welfare Service.

## When are they used?

The issue of a penalty notice may be considered in cases where a pupil is absent from school and the absence is unauthorised. These circumstances may include:

- the pupil concerned must have lost at least ten sessions (five school days) to unauthorised absence during the current term;
- cases of overt truancy (including pupils caught on truancy sweeps);
- cases of parentally condoned absence, where this can be demonstrated. This may include instances of parents stopped on truancy sweeps whilst accompanied

by their children;

- instances where parents take children out of school for holidays in term time, without the Headteacher's approval;
- instances of excessive delayed return from holidays, without prior school agreement.

Sanctions are used only as a means of enforcing attendance, where there is a reasonable expectation that their use will secure an improvement, and to emphasise the importance of parental responsibility.

## Is a warning given?

Yes, you will receive a written warning of the possibility of a Notice being issued, which will tell you the extent of your child's absences and give you 15 school days in which to effect an improvement. In that time your child must have no unauthorised absences from school.

There is no limit to the number of times formal warning of possible Penalty Notice issue may be made in any particular case.

## 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 42 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 offence of poor attendance by your child.

If proven, this can attract a range of fines up to a maximum of £2,500 and/or a range of disposals including Parenting Orders or Conditional Discharge 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 will 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?**

It is very important that you consult and work with your child's school and the Education Welfare Service about any problems affecting your child's regular school attendance.

#### **Contact:**

**The Education Welfare Service  
Isaac Newton Centre  
108A Lancaster Road  
London  
W11 1QS**

**Telephone: 020 7598 4886  
Fax: 020 7598 4895**

### **The Royal Borough of Kensington and Chelsea Education Welfare Service**

**Penalty Notices to Address Poor  
Attendance at School  
Issued Under the  
Anti-social Behaviour Act 2003 and  
Education Act 1996**

Advice to Parents and  
Carers



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA