

PENALTY NOTICES

Tackling Poor School Attendance

The Anti-social Behaviour Act 2003 and the Education Act 1996

Information for Parents and Carers

Introduction

The law gives powers to the Local Authority and other designated bodies to issue penalty notices where a parent/carer is considered able but unwilling to ensure their child's school attendance. Reducing absences 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.

What is a penalty notice?

Parents/carers commit an offence if a child fails to attend school regularly and those absences are classed as unauthorised. Depending on the 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 unless the fine is unpaid after 28 days. Full payment of the penalty means that parents/carers can avoid being prosecuted and convicted.

What is the cost?

Penalty notices are issued at £120 however, if paid within 21 days of being issued the cost is £60.

How are they issued?

Penalty notices will always be issued by post to your home and are issued to each parent/carer individually in respect of each child.

When are they issued?

Lancashire County Council considers that regular attendance at school is of such importance that penalty notices may be used in a range of situations where unauthorised absence occurs, such as:

- ✓ unauthorised absence
- ✓ truancy (including pupils found during truancy sweeps);
- ✓ parentally condoned absence without good reason;
- ✓ persistent late** arrival at school;
- ✓ unauthorised leave in term time
- ✓ delayed return from authorised leave;

In every case a pupil must have had a minimum of 5 school days unauthorised absence in a term or 10 school days unauthorised absence over 2 consecutive terms before a penalty notice is considered.

* The expression "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 care of the child.

** persistent lateness refers to pupils who arrive after the school register has closed

Is a warning given?

In cases of unauthorised absence and persistent lateness**, you will receive a written warning of the possibility of a Notice being issued. This will tell you the extent of your child's absences and give you 15 school days in which to bring about an improvement. In that time, your child should have no unauthorised absences from school.

In cases of unauthorised leave, warnings will be issued where sufficient notice of the intended absence has been given. This means that in some cases, penalty notices may be issued without a warning.

Is there an appeal process?

There is no statutory right of appeal once a penalty notice has been issued. However on receipt of a warning or penalty notice, you can make representations 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. No reminders will be sent.

Can I be prosecuted if I pay the penalty but my child is still absent from school?

Not for the period stated in the penalty notice, since payment of the penalty discharges your liability for that period. However, it could be the case that a prosecution might be considered for further periods of poor attendance not covered by the notice, depending on the circumstances. If this is an issue, it is vital that you work closely with your child's school.

What happens if I do not pay?

You have up to 28 days from receipt of the notice to pay the penalty in full, after which the Authority is required in most instances to commence proceedings in the local magistrates' court for the original offence of failing to ensure your child attends school regularly.

If proven, this can attract a range of sentences including fines up to £2,500 and/or up to three months imprisonment. Other disposals such as Parenting Orders or Community Sentences can be imposed depending upon the circumstances. Costs may also be imposed.

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

Yes, Lancashire County Council 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 Lancashire County Council at the earliest opportunity if you have any worries at all about securing your child's school attendance.

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