

Factsheet

Penalty notices to address poor attendance at school



The Anti-Social Behaviour Act 2003 Advice for Parents / Carers

Parental Responsibility

Parents have a **legal duty** to ensure that their child receives full time education. You must ensure that your child attends school regularly and on time.

You will be **committing an offence** if your child fails to attend their place of education regularly and punctually, and if your child's school has not given authorisation for the absences or late arrival. **You can be prosecuted for this offence.**

The High Court has confirmed that schools, not parents authorise absence from school. The final decision lies with the Head Teacher.

A parent is:

- Any natural parent, whether married or not
- Any parent who has parental responsibility for a child / young person
- Any person who has care of a child / young person i.e. lives with and looks after the child

The Anti-Social Behaviour Act

The Act gives powers to Local Authorities and other designated bodies to **issue penalty notices** to parents or carers for their child's irregular attendance at school.

Penalty Notices were introduced under the Act because reducing absence from school is extremely important.

Missing school can:

- Damage children's achievements.
- Disrupt the school's routines.
- Affect other children's learning.
- Leave children at risk of anti-social behaviour, youth crime and child sexual exploitation.

Above all, missing school can seriously affect children's life chances and opportunities.

A Penalty Notice is an **alternative to prosecution**. Receiving a notice means you have to pay a fixed amount of money for your child's non-attendance at school, and avoids court action as long as it is paid in full.

Fixed Penalty Notice Triggers

If your child has accrued **7 days or more** of unauthorised absence in a minimum 12 rolling school week period, you could receive:

- **A warning** - requiring you to ensure no further unauthorised absences occur in a 15 school day monitoring period, otherwise you would receive a fine.
- **A fixed penalty notice** - the warning period does not apply to notices issued due to leave of absence in term time taken without permission, or other parentally condoned absence.

Leave of absence in term time

The law states Head Teachers should not grant any leave of absence in term time **unless there are exceptional circumstances**. If you take a leave of absence without the school's permission, and this absence amounts to 7 days or more, you could receive a penalty notice.

The Local Authority never takes enforcement action lightly, we would much rather work with parents/carers to improve attendance. However, the Authority will use these powers to ensure that your child attends school regularly. Should you require advice and support about attendance issues contact either your school / academy.

Fixed Penalty Notices

A Penalty Notice is sent by first class post to your home and can be issued where attendance is irregular and where unauthorised absences occur due to:

- Leave of absence in term time
- Persistent late arrival after the register has closed
- To assist Year 11 pupils to engage in education
- Overt truancy (including pupils found during truancy sweeps)
- Inappropriate, parentally condoned absence.

A fine applies to **each parent** for **each child** who fails to attend school regularly. Where two parents / carers are issued with a penalty notices for a child, **both fines must be paid**.

Payment within 21 days is £60.

Payment doubles to £120 if paid after 21 days but within 28 days.

If the penalty notice is not paid **in full** by the end of the 28 day payment period, the Local Authority will bring a prosecution against you for failing to ensure your child's regular attendance at school during the period. As the notices are 'fixed,' the legislation does not allow part payments to be made, or payment by instalments.

Other Information

There is no right of appeal once a fixed penalty notice has been issued. We can only withdraw a notice where:

- It should not have been issued
- It has been issued to the wrong person
- If it appears to the Local Authority that it contains material errors

If you believe that one of the above circumstances applies, you should contact the Local Authority immediately with evidence to support your view, or if you wish to make general representations.

Should you require further advice and support about attendance issues contact either your school / academy.

Please ask us if you would like this document summarised in another language or format.

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