



## **The Education (Penalty Notices) (England) (Amendment) Regulations 2013**

### **Advice to Parents and Carers**

#### **1. *What is a Penalty Notice for poor school attendance?***

The Regulations gives powers to the Local Education Authority and other designated bodies to issue Penalty Notices where a parent/carer is considered capable of but is unwilling to secure an improvement in their child's school attendance. The powers came into force on the 27<sup>th</sup> February 2004 and were last amended in 2013.

#### **2. *Why are they used?***

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 a child's longer term life opportunities.

#### **3. *How do they work ?***

You commit an offence if your child has unauthorised absences from school . Depending on circumstances this 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. Penalty Notices are issued by post to your home.

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

#### **4. *What are the costs?***

Payment within 21 days of receipt of a Notice is currently £60 and £120 if paid after this but before 28 days. Note that Penalty Notices are issued per parent, per child and each Notice must be paid separately.

#### **5. *When are they used?***

Penalty Notices may be used in a range of situations where unauthorised absence occurs, including overt truancy (e. pupils found during truancy sweeps), Inappropriate parentally-condoned absence, unauthorised holidays in term time or excessive delayed return from an extended holiday without prior school permission, persistent late arrival at school (after the Register has closed).

A pupil will have lost at least 10 school sessions (ie 5 school days) to unauthorised absence during any one term before a Penalty Notice is considered. Everyone wants to work with parents/carers to improve attendance without having to resort to any enforcement. Attendance is so important however that schools and the Authority will use the powers if this is the only way of securing a child's schooling.

### **6. Is a Warning Given?**

If your child has unauthorised absences you may receive a warning of the possibility of a Notice being issued and given 20 school days in which to effect an improvement. In that time your child must have **NO** unauthorised absences or a Penalty Notice can be issued. **Please note however that in cases where a pupil has been off because of an unagreed holiday or other leave of absence in term time, a Penalty Notice can be issued at once without prior warning if the pupil has lost 5 or more school days.**

### **7. Is there an appeal process?**

There is no statutory right of appeal once a notice has been issued.

### **8. How do I pay?**

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

### **9. What happens if I do not pay?**

If you have not paid in full 28 days from receipt the Authority is required to commence proceedings in the Magistrates court for the original offence of poor attendance. If proven, this can attract a range of fines up to £1,000 and/or a range of disposals such as Parenting Orders or Community Sentences depending upon circumstances.

### **10. 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 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 to secure an improvement.

### **11. Can I get help if my child is not attending regularly?**

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

### **Useful contacts:**

### **Pupil Attendance and Education Welfare Service**

Toxteth Annexe Conference Centre  
Aigburth Road  
Liverpool L17 7BN Tele: 0151 233 3916 Fax: 0151 233 3917