

Fixed Penalty Notice Guidance for Parents



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 attendance matters?

Attendance is a key factor in academic success. There are 190 school days in a year and although 90% attendance may seem acceptable it means that a child is only attending 171 of these days. If this occurred every year, they would have missed 4 months of school by the time they leave in year 11.

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?

Late Arrivals When a young person arrives more than 30 minutes after the close of register without significant reason the register may be marked as an unauthorised session.

Persistent Absence Once a child has reached 3 days (6 sessions) unauthorised absence over a 6 week rolling period.

What are the costs?

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

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.