

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 Penalty 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 Family Support 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 regarding any problems affecting your child's regular school attendance.

You may also want to contact:

Hammersmith & Fulham
Early Help Service
020 8753 6600
ACE team
07741 985404/07391734111

What does the law say?

Section 23 of the Antisocial Behaviour Act 2003 gives powers to the Local 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 Local Authority has introduced a Code of Conduct for the issuing of Penalty Notices which is available directly from your child's school or the ACE team.

Why have Penalty Notices 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.

Missing school seriously affects children's longer term life opportunities.

Attendance (statutory)
Child employment and entertainment
Elective home education and children missing education

Penalty Notices fines for your child's non-attendance at school
Information and advice for parents and carers

What is a Penalty Notice?

Parents/carers commit an offence if their 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.

How much is the fine?

Payment within 21 days of receipt of a Notice is £80 and £160 if paid after this but within 28 days.

How are Penalty Notices issued?

By post to your home or from the ACE team.

When are Penalty Notices 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:

- truancy
- Holiday/leave is deliberately taken in term time despite permission not being granted by school staff and holiday/leave amounted to 10 or more sessions. (usually equivalent to 5 school days)

- Holiday/leave in term-time has been agreed by school staff but pupil arrives back 10 or more sessions after the period agreed. or
- A holiday/leave in term-time was taken, no permission had been sought and the period of absences amounted to 10 or more sessions.
- The threshold is 10 sessions of unauthorised absence. This can be made up of a combination of any type of unauthorised absence, such as 4 sessions of holiday taken in term time plus 6 sessions of arriving late after the register closes, all taken within any 10 school week period. The unauthorised absence sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence in 1 week and 1 per week for the next 4 weeks)
- The 10 school week period may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

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?

You will receive a written warning from the Local Authority of the possibility of a Penalty Notice being issued in terms of a pupil's absenteeism at school. The warning letter will tell you the extent of your child's absences and give you 15 school days in which to affect an improvement. However, you may not receive a warning from the Local Authority if your child has taken a holiday/ leave in term-time without the school's permission.

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 28 days from receipt to pay the Penalty Notice in full, after which the Authority is required under the Education Act 1996 to consider proceedings in the Magistrates court for the offence of poor attendance by your child. If legal proceedings are initiated and 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.