

## **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 Localities 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:

Royal Borough of Kensington and Chelsea

Early Help Service

**020 7361 4078 (South)**

**020 7598 4608 (North)**

- A**ttendance (statutory)
- C**hild employment and entertainment
- E**lective 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 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.

## 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 £60 and £120 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
- parentally condoned absence
- instances where parents take children out of school for holiday/leave in term time, without the Headteacher's approval
- instances of excessive delayed return from approved holiday/leave, without prior school agreement.

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 effect 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.