

## PENALTY NOTICES

Irregular attendance and leave of absence during term time

### Advice for parents

#### What is the Anti-Social Behaviour Act 2003?

It is an act that gives power to councils, schools and the police to issue Penalty Notices for irregular attendance at school.

#### Why has this power been introduced?

It is a legal requirement that your child receives an education. Missing school can damage your child's achievements, disrupt the school's routines and affect other children's opportunity to learn. It can also leave children at risk of anti-social behaviour and youth crime. Children go to school to learn and to be in a safe environment.

#### What are my responsibilities as a parent?

Unless you can show that you are providing your child with full-time alternative education yourself, you must ensure that your child attends school regularly. You will be committing an offence if your child fails to attend regularly where the school has not given permission for the absence.

#### ***Only your child's school can authorise absence.***

If you fail to make sure that your child attends regularly at school, you may be prosecuted in court. **This may result in a fine and a criminal record.**

#### What is a Penalty Notice?

A Penalty Notice is an alternative to prosecution. It requires the parent to pay a fixed amount as a fine for the child's irregular attendance, and avoids a court appearance.

#### What is the fine?

The fine is £60 to be paid within 21 days. The 21 day period starts two days after the date of issue as shown on the Penalty Notice. If the fine is not paid within 21 days, payment increases to £120. The fine will apply to each parent for each child who fails to attend regularly. For example, in a family where there are two parents who fail to ensure the regular attendance of their two children, the fine would be £120 for each parent.

#### Who is identified as being a parent responsible for ensuring regular attendance?

In this Act a parent is defined as:

- Any natural parent;
- Anyone who is not a natural parent of the child but has parental responsibility for the child;
- Any person who, although not a natural parent, has care of a child.

Having 'care' of a child means that, if a child lives with you and is cared for by you, you will be deemed to be the parent.

#### How are they issued?

A Penalty Notice will be issued by first class post to your home.

### **Is a warning given?**

You will receive one written warning if your child has been persistently absent. It will tell you how many school sessions your child has missed and ask you to improve your child's attendance. If there is no lasting improvement, you will be invited to a Court Attendance Meeting. If at the meeting you are not able to provide a good reason for not ensuring your child's regular attendance, a Penalty Notice will be issued.

You will **not** receive a warning if you have taken leave of absence in term time without the school's permission.

### **May I take leave of absence in term time?**

Parents are not entitled to take their children on leave during term time. Leave may be taken only with the written approval of the headteacher. Each case will be considered on its merits, and the **decision of the headteacher is final**. A Penalty Notice may be issued for any period of leave taken during term time that has not been authorised by the headteacher.

Please note that for leave taken in term time without the school's approval:

- Each parent will be fined for each child for each period of absence;
- A Penalty Notice will be issued regardless of previous attendance;
- A Penalty Notice will be issued without warning.

### **Can I appeal?**

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

We can withdraw a Penalty Notice but only if:

- It should not have been issued in the first place (for instance, if your child was mistakenly registered as absent);
- It has been issued to the wrong person;
- It was not issued according to the Local Code of Practice.

If you believe any of the above to be true, you should contact the school immediately with supporting evidence.

### **How do I pay?**

Details of how to pay are included in the Penalty Notice. There will be no reminder to pay and no opportunity to pay in instalments. Failure to pay may result in prosecution under the terms of the 1996 Education Act section 444a (1) for the offence of failing to ensure the regular attendance of your child.

### **Can I be prosecuted if I pay but my child still fails to attend school?**

You cannot be prosecuted for the period included in the Penalty Notice. You may be prosecuted for any further periods of irregular attendance.

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

You should ask for help from your child's school.

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