

- *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 because payment discharges your liability.

However parents and carers can be prosecuted for further periods of poor attendance not covered by the Penalty Notice. It is essential that parents/carers work closely with school staff and support services, to resolve any issues that are preventing the regular school attendance of a child of compulsory education age.

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

Yes, your child's school and the Local Authority will give you advice and support to secure an improvement in your child's school attendance.

It is very important that parents/carers speak with school staff or support officers if there are concerns about securing a child's regular school attendance.

All schools have an allocated officer from the Local Authority.

For further information please contact the Education Welfare Service.

Education Welfare Service

46B Newdown Road
South Park Industrial Estate
Scunthorpe
North Lincolnshire
DN17 2TX

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Education Welfare Service



PENALTY NOTICES

Section 23 of the Anti Social Behaviour Act 2003

Advice for parents and carers regarding irregular school attendance

What is the Anti -Social Behaviour Act 2003?

Section 23 of the Act gives powers to the Local Authority and other designated bodies to issue a Penalty Notice where a parent/carer is failing to secure their child's regular school attendance.

- ***Why has it been introduced?***

Reducing school absence is a key priority nationally and locally, because irregular attendance and absence from school damages a pupil's attainment levels, disrupts school routines and the learning of others. It can also leave a pupil vulnerable to anti-social behaviour and youth crime.

Missing school has a detrimental effect on life chances and opportunities.

- ***What is a Penalty Notice?***

Under existing legislation, parents/carers commit an offence if their child fails to regularly attend the school at which they are registered, and the absences are classed as unauthorised (absences that the school cannot or has not given permission). Parents/carers are prosecuted under Section 444(1/1A) of the Education Act 1996.

A Penalty Notice is an alternative to prosecution, and does not require an appearance in Court.

Payment of an issued Penalty Notice enables parents to discharge their liability for the unauthorised absences identified on the Notice.

- ***What are the costs?***

Payment within 28 days of receipt of a Notice is £50 and £100 if paid after 28 days but within 42 days. Non payment of a Penalty Notice will result in the prosecution of the parent/carer in the North Lincolnshire Magistrates' Court.

- ***How are they issued?***

Hand delivered or posted to your home.

- ***When are they used?***

Penalty Notices can be used in a range of situations where unauthorised absences occur:

1. Irregular school attendance,
2. Overt truancy (including pupils found during truancy sweeps),
3. Parentally condoned absence,

4. Holidays in term time ,
5. Persistent late arrival at school (after the register has closed),
6. Delayed return to school following a fixed term exclusion.

A pupil will have had a minimum of 10 school sessions (half days) recorded as unauthorised absence before a Penalty Notice is considered.

The Local Authority takes this action seriously and would far rather work with parents/carers to improve attendance without having to resort to any enforcement actions.

Regular school attendance is extremely important and the Local Authority will use legal intervention if it is the only way of securing a child's education.

- ***Is a Warning Given?***

Yes, you will receive a written warning of the possibility of a Penalty Notice being issued, which will tell you the extent of your child's absences, and give you a specified 15 day period in which your child must have no unauthorised absences from school.

You will not receive a warning when a pupil has been taken on holiday during term time and the absence has not been authorised by the school.

There is no limit to the number of times formal warnings can be made.

- ***Is there an appeal process?***

There is no statutory right of appeal once a Penalty Notice had 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.

- ***What happens if I do not pay?***

You have up to 42 days from service to pay the Penalty Notice in full, after which the Local Authority is required under the Act to commence proceedings in the North Lincolnshire Magistrates Court for the original offence of irregular school attendance by your child.

If you are found guilty there are different sentencing options available including, Conditional Discharge, Fine, Parenting Order, Community Punishment and Rehabilitation Order or a Custodial Sentence.