THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Penalty Notices to Address Poor Attendance at School

The Anti Social Behaviour Act 2003

Advice to Parents and Carers

- ***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.
The powers came into force on the 27th February 2004.

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

Reducing absence from school is a key priority nationally and locally because missing school damages 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.
Above all, missing school seriously affects children's longer term life opportunities.

- ***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.

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

Payment within 21 days of receipt of a Notice is £60 and £120 if paid after this but within 28 days.

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

By post to your home.

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

RBWM considers that regular attendance at school is of such importance that Penalty Notices may be used in a range of situations where unauthorised absence occurs:

Overt truancy (including pupils found during truancy sweeps);

Inappropriate parentally-condoned absence;

Holidays in term time or excessive delayed return from an extended holiday without prior school permission;

Persistent late arrival at school (after the Register has closed).

In every case a pupil will have had a minimum of 10 school sessions (ie 5 school days) lost to unauthorised absence during the current term before a Penalty Notice is considered.

The Authority never takes such action lightly and would far rather work with parents/carers to improve attendance without having to resort to any enforcement actions. Attendance is of such importance to all of us however that the Authority <u>will</u> use the powers if this is the only way of securing a child's schooling.

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

You will receive a written warning of the possibility of a Notice being issued, which will tell you the extent of your child's absences and give you 15 school days in which to effect an improvement. In that time your child must have no unauthorised absences from school.

No warning is required to be given for issuing a Notice for leave of absence that has not been authorised by the headteacher.

There is no limit to the number of times formal warning of possible Penalty Notice issue may be made in any particular case.

- ***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 representations 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 42 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 disposals 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, 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 Education Welfare.

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

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

It is very important that you speak with the school or with the Education Welfare Service at the earliest opportunity if you have any worries at all about securing your child's attendance.

Useful contacts:

Education Welfare Service

Town Hall
St Ives Road
Maidenhead
Berkshire
SL6 7YR