

# Penalty Notices for Non-Attendance at School

## **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 Penalty Notices where a parent/carer is considered capable of, but unwilling to, secure an improvement in their child's 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(1) 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 28 days of receipt of notice is £60.00 and £120.00 if paid after this but within 42 days.

## **How are they issued?**

By first class post to your home.

## **When are they used?**

Salford Children's Services 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).
- Parentally – condoned absence.
- Excessive 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).

To ensure consistent delivery of Penalty Notices the following criteria will apply:

- A minimum of 10 unauthorised absences during the school year. This is equivalent to 5 school days.
- Salford Children's Services does not take such action lightly and would far rather work with parents / carers to improve attendance without having to resort to any enforcement actions.

## **Is a Warning Given?**

Yes, 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. There is no limit

to the number of times a 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 representation should you wish i.e. if you believe that the Penalty Notice has been issued to the wrong person.

All correspondence should be addressed to either:

Tim Littlemore or Steve Canning (Locality Managers)  
Mossfield Children's Centre,  
Mossfield Road,  
Swinton  
M27 6EH.

### **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 Salford Children's Services 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 £1,000.

### **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 on 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 Locality Team within your area.

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

Yes, Salford Children's Services and your child's school will give you advice and support if you need to help secure an improvement in your child's attendance. It is very important that you speak with the school or contact your Locality Team at the earliest opportunity if you have any worries about securing your child's attendance.

### **Useful Contacts**

Erin Rowan – Court Admin Officer  
Mossfield Children's Centre, Mossfield Road,  
Swinton, Manchester, M27 6EH  
Tel: 0161 778 0493