

## Attendance and Children Missing Education Team

### Penalty Notices - Advice to Parents and Carers (August 2023)

#### 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 school attendance.

#### What is a Penalty Notice?

A Penalty Notice is a fine which may be issued as an alternative to prosecution. If it is paid it does not require a court appearance and does not result in a criminal record.

#### Why has it been introduced?

It is well recognised that regular attendance at school is crucial to a child or young person's future prospects. Reducing absence from school continues to be a priority both nationally and locally, because missing school can impact attainment levels, disrupts school routines, affects the learning of others and can leave young people vulnerable to anti-social behaviour and crime. In the longer term, missing school can also seriously affect a child's life opportunities.

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 for failure to ensure regular school attendance during the period in question.

#### When are they used?

The Local Authority considers that regular attendance at school is of such importance that Penalty Notices may and usually will be issued where unauthorised absence occurs. A penalty notice can be issued if a child is absent from school for any of the following reasons:

- I. To a parent whose child is of compulsory school age and has been issued with a target letter, yet the child has further unauthorised absence.
- II. Where a parent takes their child on a period of leave of absence during term time and
  - a. Has not informed the school
  - OR
  - b. Permission is refused by the school
  - OR
  - c. The child does not return on the agreed date

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 will result in prosecution under Section 444(1) of the Education Act 1996.

#### How are they issued and what are the costs?

Penalty Notices will be issued by post to your home address. The Penalty Notice is:

- £60 if paid in full within 21 days (per parent, per child)
- £120 if paid in full after 21 days but within 28 days (per parent, per child)

#### How do I pay?

Details of payment arrangements will be included on the Penalty Notice. Payment can be made by cash (in person at our Customer Service Centre, Broadgate), by telephone (using a debit/credit card) or via the internet. The whole amount must be paid by the due date. Note: payment in part or by instalment is not an option with Penalty Notices

#### What happens if I do not pay?

If not fully paid within 28 days and there is no reason to withdraw the notice, the Local Authority has no option but to prosecute a parent in the Magistrate's Court for failing to ensure regular school attendance.

A fine of upto £2,500 or a community penalty could be imposed together with a Parenting Order.

#### Is there an appeal process?

There is no statutory right of appeal once a Notice has been issued. The Local Authority is acting on behalf of schools and will not withdraw Penalty Notices, unless there has been a breach of the Code of Conduct. Advice and guidance is available for parents from school staff and the Attendance & Children Missing Education Team.

#### 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. If this is an issue, it is vital that you work closely with your child's school and support agencies.

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

Yes, your child's school can provide advice and signpost you to external support services who can also give you advice and support if you need help to improve your child's school attendance, although you should be aware that this is ultimately the legal responsibility of the parent / carer.

It is still very important that you speak with your child's school at the earliest opportunity if you have any worries at all about ensuring the regular and punctual attendance of your child at school.

You can also contact the Local Authority on Tel: 024 7697 5434 (Option 1)

### I haven't had notification from the school to inform me that the leave of absence/holiday has not been authorised. What should I do?

In the first instance you should contact the Attendance Officer at the school your child attends as the school will have requested that a Penalty Notice be issued.

### Where can I find more information?

For more information about the issuing of Penalty Notices you can contact the Local Authority's Attendance & Children Missing Education Team at:

Attendance & Children Missing Education Team.

Coventry City Council

PO Box 15

Council House

Coventry

CV1 5RR

Tel: **024 7697 5434** (Option 1)

Email: [attendance@coventry.gov.uk](mailto:attendance@coventry.gov.uk)

Website: <https://www.coventry.gov.uk/attendanceCME>

### IMPORTANT LEGAL DOCUMENT

If English is not your first language or you do not fully understand this document, you need to ask someone to explain the contents to you.

ਜੇਕਰ ਅੰਗਰੇਜ਼ੀ ਤੁਹਾਡੀ ਪਹਿਲੀ ਭਾਸ਼ਾ ਨਹੀਂ ਹੈ ਜਾਂ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਨੂੰ ਪੂਰੀ ਤਰ੍ਹਾਂ ਨਹੀਂ ਸਮਝਦੇ ਹੋ, ਤਾਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵਿਅਕਤੀ ਨੂੰ ਸਮੱਗਰੀ ਦੀ ਵਿਆਖਿਆ ਕਰਨ ਲਈ ਕਹਿਣ ਦੀ ਲੋੜ ਹੈ।

Se l'inglese non è la tua prima lingua o non comprendi appieno questo documento, devi chiedere a qualcuno di spiegarti i contenuti

ஆங்கிலம் உங்கள் முதல் மொழியாக இல்லாவிட்டால் அல்லது இந்த ஆவணத்தை நீங்கள் முழுமையாகப் புரிந்து கொள்ளவில்லை என்றால், உள்ளடக்கங்களை உங்களுக்கு விளக்குமாறு யாரிடமாவது கேட்க வேண்டும்

Jeśli angielski nie jest Twoim pierwszym językiem lub nie rozumiesz w pełni tego dokumentu, musisz poprosić kogoś o wyjaśnienie treści

Dacă engleza nu este limba ta primară sau nu înțelegi pe deplin acest document, trebuie să ceri pe cineva să-ți explice conținutul

Attendance Percentage	Days missed over a school year
100%	0 days
95%	10 days
90%	20 days
85%	30 days
80%	40 days