



# FIXED PENALTY NOTICE

Guidance  
for Parents



Sutton  
Community  
Academy



## **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.

## **Why is school attendance important?**

Reducing absence from school is a key priority nationally and locally because missing school damages a student'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.

## **How are they issued?**

By post to your home.

## **When are they used?**

**Late Arrivals** When a young person arrives more than 30 minutes after the close of register without significant reason the register may be marked as an unauthorised session.

**Persistent Absence** Once a child has reached 3 days (6 sessions) unauthorised absence over a 6 week rolling period, the school can issue or ask the Local Authority to issue a warning letter. The letter will make it clear that any further absence may result in the issuing of a Penalty Notice to each parent/carer for each child to whom persistent absence applies.

**Holidays/Leave of absence during term time** If the school has evidence that a parent has removed a child from school for the purposes of a holiday during term time without authorisation and the level of absence is in excess of 3 days (6 sessions) in total over a 6 week rolling period, then the school can issue or request the Local Authority to issue Penalty Notices to each parent for each child to whom unauthorised absence applies.

**Parental responsibility for the whereabouts of excluded pupils** Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion. Attendance is of such importance, however, that the Authority will use the powers if this is the only way of securing a child's education

## **What are the costs?**

The payment is £60 if paid within 21 days of issue, rising to £120 after this if paid within 28 days.

## **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 28 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 other measures 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 relevant support agencies.

## **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.

Lawn View House, 40 Station Road , Sutton-in-Ashfield ,  
Nottinghamshire . NG17 5GA Telephone: 01623 434 201

It is very important that you speak with Sutton Community Academy at the earliest opportunity if you have any worries at all about securing your child's attendance.

**If your child is ill, please ring the office before 10am.  
Contact Number 01623 980055**