

Attendance and Children Missing Education Team

Penalty Notices - Advice to Parents and Carers (August 2024)

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.

Under the new national framework (19th August 2024), all schools will be required to consider a fine when a child has missed 10 or more sessions (5 days) for unauthorised reasons.

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:

Leave of Absence

Penalty Notices can be requested by schools for leave of absence in term time for 10 sessions (5 or more days). This can be consecutive absence, or non- consecutive. In line with the National Framework, the Local Authority retains the discretion to issue a Penalty Notice before the threshold is met.

Unauthorised Absence

Penalty Notices can be requested by schools when there have been 10 sessions (5 or more days) of unauthorised absence in a 10-week period. In these circumstances a Notice to Improve will be sent by the Local Authority on behalf of the school, this will detail the minimum support expected to have been implemented to improve school attendance. The Notice to Improve will also detail the expected improvements that must be made over a 20-day period to prevent the Penalty Notice being issued.

Under the new 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?

From August 2024, Penalty Notices will be issued by post to your home address. The Penalty Notice is:

- £80 if paid within 21 days (per parent, per child)
- £160 if paid in full after the 21 days but within 28 days. (per parent, per child)

This rate is in line with inflation and is the first increase since 2012.

- In the case of repeated fines, if a parent receives a second fine for the same child within any three-year period, this will be charged at the higher rate
- £160 within 28 days (per parent, per child)

Fines per parent will be capped to two fines within any three-year period. Once this limit has been reached, other action like a Parenting Order or Prosecution will be considered.

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 will consider prosecution in the Magistrate's Court for failing to ensure regular school attendance.

A fine of up to £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 7097
Council House
Coventry
CV6 9SL

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

Email: 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 ਅੰਗ੍ਰੇਜ਼ੀ 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 ਕਿਹੜੇ 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

ஆங் லம் உங்கள் தல் மொயாக இல்லாட்டால் அல்ல இந்த ஆவணத்தை நீங்கள் மையாகப் யறிந்ெகாள்ளால் ல என்றால், உள்ளடக்கங்களை உங்க க்ளாசுமா யாரிடமாவ் ேகட்கேவண் ம்

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