

Southend-on-Sea Borough Council
Department for People

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 power to the Local Education Authority and other designated bodies to issue Penalty Notices where a parent/carer is considered capable 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 and 444B of the Education Act 1996 which could lead to a fine of £2500 or imprisonment.

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 the period of absence included in the Penalty Notice.

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.

Who will they be issued to?

In Southend on Sea, to parents of pupils who attend Southend schools.

How are they issued?

By post to your home.

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.

When are they used?

Southend-on-Sea Borough Council 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 such as:

Overt truancy.

Inappropriate parentally-condoned absence.

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

Unauthorised leave during term time:

- 10 sessions (5 consecutive days) or more of unauthorised absence due to leave taken during an academic year;
- Attendance is below 90% during the preceding 12 weeks before the leave was taken; OR
- The leave was taken during the month of September; OR
- The leave was taken during tests or examinations

In most cases the pupil concerned will have had less than 90% attendance in the current academic year.

The Authority never takes such action lightly and would far rather work with the parent/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 will use the powers if this is the only way of securing a child's schooling.

Is a warning given?

In exceptional circumstances a Penalty Notice may be issued without formal written notification. However in most cases 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 (except in the case of unauthorised leave during term time). In that time your child must have no unauthorised absences from school.

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

How do I pay?

Details of payment arrangements will be included on the Invoice accompanying 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. Where the penalty has not been paid within 28 days of issue, the case may be escalated to prosecution for non-school attendance.

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 the Child & Family Early Intervention Team.

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

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 your child's school at the earliest opportunity if you have any worries at all about securing your child's attendance. However, it is your responsibility as a parent to ensure that your child has regular attendance at school.

Issued by:

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