



TRAFFORD
COUNCIL

A Guide to Penalty Notices for Irregular Attendance at School

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Introduction

As a parent/carer, you are legally responsible for ensuring that your children regularly attend the school at which they are registered. You can help to ensure regular attendance by:

- encouraging your children to attend school every day and on time.
- taking an interest in your children's education and life at school.
- communicating with your children's school in order to discuss any emerging issues or problems.
- notifying your children's school on the first day of any absence.
- Not arranging family holidays in term time.

Some parents/carers, unfortunately, fail to ensure that their children attend school regularly. The Local Authority has a number of legal powers which it can use to address this. Included amongst these powers is the authority, under section 23 of the Anti-Social Behaviour Act 2003, to issue Penalty Notices (fines) to parents whose children fail to attend school regularly.

When will a Penalty Notice be considered?

A decision whether or not to issue a penalty notice will be made following receipt of a request from the Headteacher.

A penalty notice may be issued when:

- parents have failed to ensure an improvement in attendance having previously received a letter stating that a penalty notice will be issued should unauthorised absence from school continue.
- a truancy patrol has found a pupil absent from school without justifiable reason.
- a pupil has been absent from school on unauthorised leave of absence for a period of 8 sessions or more.

Payment of Penalty Notices

Penalty notices are issued to each parent/carer for each child.

Time period	Cost
Paid within 21 days	£60
Paid between 22 and 28 days	£120

Should a penalty notice remain unpaid after 28 days, it will be withdrawn and the Local Authority will take legal proceedings under Section 444 of the 1996 Education Act for the original offence.

Once a penalty notice has been issued there is **no statutory right** of appeal.

Legal Proceedings

The Local Authority may consider instigating legal proceedings under Section 444 of the 1996 Education Act without issuing a penalty notice. The sanctions which a parent may receive include:

- up to 3 months imprisonment.
- a fine of up to £2500.
- a community order (which may include unpaid work).
- a parenting order (which may include attendance at parenting classes).

The Pupil Absence Team is able to offer advice to parents, schools and other agencies where appropriate. However, if necessary, the Local Authority will use all legal powers available to ensure regular attendance at school.