

# **FIXED PENALTY NOTICES**

## **Tackling Poor School Attendance**

### **The Anti-social Behaviour Act 2003 and the Education Act 1996**

#### **Information for Parents and Carers**

##### **Introduction**

From February 2004, the law gives powers to the Children's Services Authority and other designated bodies to issue Fixed Penalty Notices where a parent/carer is considered able but unwilling to ensure their child's school attendance. Reducing absences 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.

##### **What is a Fixed Penalty Notice?**

Parents/carers commit an offence if a child fails to attend school regularly and those absences are classed as unauthorised. Depending on the circumstances, such cases may result in prosecution under Section 444 of the Education Act 1996.

A Fixed Penalty Notice is an alternative to prosecution, which does not require an appearance in Court unless the fine is unpaid after 42 days. Full payment of the penalty means that parents/carers can avoid being prosecuted and convicted.

##### **What is the cost?**

If paid within 28 days of receipt of a Notice, the cost is **£50**, but if paid after this and up to 42 days of receipt of the Notice, the cost is **£100**.

##### **How are they issued?**

Fixed Penalty Notices will always be issued by post to your home.

##### **When are they issued?**

Lancashire County Council considers that regular attendance at school is of such importance that Fixed Penalty Notices may be used in a range of situations where unauthorised absence occurs, such as:

- ✓ truancy (including pupils found during truancy sweeps);
- ✓ parentally condoned absence without good reason;
- ✓ unauthorised holidays in term time
- ✓ persistent late arrival at school.

In every case a pupil must have had a minimum of six school days lost to unauthorised absence during the current term before a Fixed Penalty Notice is considered.

The Authority never takes such action lightly, and would far rather work with parents/carers to improve attendance without having to resort to any enforcement action. However, school attendance is of such importance to all of us that the Authority will use these powers if it is felt that it can secure a child's schooling.

**Is a warning given?**

Yes, you will receive a written warning of the possibility of a Notice being issued. This will tell you the extent of your child's absences and give you 15 school days in which to bring about an improvement. In that time, your child should have no unauthorised absences from school.

**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 representations should you wish.

**How do I pay?**

Details of payment arrangements will be included on the Fixed Penalty Notice. You need to be aware that payment in part or by instalment is not an option with Fixed Penalty Notices.

**Can I be prosecuted if I pay the Penalty but my child is still missing school?**

Not for the period stated in the Fixed Penalty Notice, since payment of the penalty discharges your liability for that period. However, it could be the case that a prosecution might be considered for further periods of poor attendance not covered by the Notice, depending on the circumstances. If this is an issue, it is vital that you work closely with your child's school and other agencies such as Children's Integrated Services.

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

You have up to 42 days from receipt to pay the Penalty in full, after which the Authority is required under the legislation to commence proceedings in the local Magistrates' Court for the original offence of failing to ensure your child attends school regularly.

If proven, this can attract a range of sentences including fines up to £2,500 and/or up to three months imprisonment. Other disposals such as Parenting Orders or Community Sentences can be imposed depending upon the circumstances. Costs may also be imposed.

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

Yes, 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 school at the earliest opportunity if you have any worries at all about securing your child's school attendance.