

- **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 an Education Welfare Officer .

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

Yes, Durham Local Authority (LA) and your child’s school will give you advice and support if you need to secure an improvement in your child’s attendance. It is very important that you speak with your academy’s attendance officer or with an Education Welfare Officer within the ONE Point Service at the earliest opportunity if you have any worries at all about securing your child’s attendance.

For help with attendance, contact an Education Welfare Officer by telephoning the One Point Service on 03000 261111. Some Academics / Free Schools do not have an Education Welfare Officer in the ONE Point service, if this is the case, you should contact your school’s attendance officer on the general number for your school.

Please ask us if you would like this document summarised in another language or format.

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Penalty Notices to Address Poor Attendance at School

Advice to Parents and Carers

Children and Adults Services 2013

- **Parental responsibility for regular school attendance**

Sections 444A and 444B of the Education Act 1996 (introduced by section 23 of the Antisocial Behaviour Act 2003) introduced penalty notices as an alternative to the prosecution of parents under section 444 of The Education Act for failure to ensure their child's regular school attendance.

As the paying of a Penalty Notice is an alternative to prosecution for failure to ensure your child's regular attendance at school, it does not require an appearance in Court. If the Penalty Notice is paid in full on time, then you will not be prosecuted for the offence period the penalty notice relates to.

- **When are Fixed Penalty Notices Issued?**

Durham Local Authority 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:

- Overt truancy (including pupils found during truancy sweeps).
- Inappropriate parentally-condoned absence.
- Unauthorised holidays in term time or excessive delayed return from an extended holiday without prior school permission.
- Persistent late arrival at school (after the Register has closed).
- To assist Key Stage 4 pupils to re-engage in the final term.

If your child has been absent without the school's permission (unauthorised absence) for at least 10 days in any period up to a maximum of 12 rolling school weeks, then a Penalty Notice will be 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 actions. Attendance is of such importance to all of us however the Authority **will** use the powers if this is the only way of securing a child's schooling.

The key consideration in deciding whether to issue a penalty notice for truancy will be whether it can be effective in helping to get the pupil back into school or alternative provision. A penalty notice is a suitable intervention in circumstances where a parent / parents / carer is judged capable of securing their child's regular attendance, but is not willing to take responsibility for doing so.

- **How are they issued?**

By post to your home.

- **Is a Warning Given?**

Yes, 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 affect an improvement. In that time your child must have no unauthorised absences from school.

In the event of a further referral in the same rolling year a Penalty Notice may be issued with immediate effect. The warning period does not apply to penalty notices issued as a result of holidays in term time.

- **Is there an appeal process?**

There is no statutory right of appeal once a notice has been issued, therefore it is important that you alert the Local Authority to any representations you wish to make at your earliest convenience.

- **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.

- **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 Magistrate's Court for the original offence of failure to ensure your child's regular attendance by your child.

If proven, this can attract a range of fines up to £2,500 and/or a range of disposals such as Parenting Orders or Community Sentences depending upon circumstances. **You may also incur additional court costs which increases the total amount you must then pay.**