

## **1. What is a Penalty Notice for poor school attendance?**

The Regulations gives powers to the Local Education Authority and other designated bodies to issue Penalty Notices where a parent/carer is considered capable of but is unwilling to secure an improvement in their child's school attendance. The powers came into force on the 27<sup>th</sup> February 2004 and were amended in 2007.

## **2. Why are they used?**

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 a child's longer term life opportunities.

## **3. How do they work ?**

You commit an offence if your child fails to attend regularly and the absences are classed as unauthorised. Depending on circumstances this may result in prosecution under Section 444 of the Education Act 1996.

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. Penalty Notices are issued by post to your home.

Payment of a Penalty Notice enables parents to discharge potential liability for conviction. Each parent receives a Penalty Notice if they have responsibility for the child who is absent. Each Notice must be paid separately.

## **4. What are the costs?**

Payment within 28 days of receipt of a Notice is £50 and £100 if paid after this but within 42 days.

## **5. When are they used?**

Regular attendance at school is of such importance that Penalty Notices may be used in a range of situations where unauthorised absence occurs, including..

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)

A pupil will have lost at least 10 school sessions (ie 5 school days) to unauthorised absence during one term before a Penalty Notice is considered. The Authority wants to work with parents/carers to improve attendance without having to resort to any enforcement.. 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.

## **6. 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 20 school days in which to effect an improvement. In that time your child must have **NO** unauthorised absences. If they have a lot of unauthorised absence a decision will be made whether to proceed instead directly to the Magistrates Court. ***In cases where a pupil has been off because of a holiday in term time and the school has not given permission, a Penalty Notice can be issued immediately without prior warning if the pupil loses 5 or more school days.***

## **7. Is there an appeal process?**

There is no statutory right of appeal once a notice has been issued.

## **8. How do I pay?**

Details of payment arrangements are included on the Penalty Notice.

You must be aware that payment in part or by instalment is **not** an option with Penalty Notices.

## **9. What happens if I do not pay?**

If you have not paid in full 42 days from receipt the Authority is required to commence proceedings in the Magistrates court for the original offence of poor 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.

## **10. 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 Education Welfare.

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

Yes, the school and Children's Services 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 the school or with the Education Welfare Service at the earliest opportunity if you have any worries at all about securing your child's attendance.

**Useful contacts:**

**Pupil Attendance and Education Welfare Service**

**North Office:** 233 3114

Customer Focus Centre  
Spellow Lane, L4 ODE

**Central Office:** 254 7761

Knotty Ash Customer Focus Centre  
Blackmoor Drive  
L12 3HA

**South Office:** 233 2297

Parklands Customer Focus Centre  
Conleach Road  
L24 0TY



The City of Liverpool

**The Education(Penalty Notices)  
(England) Regulations 2007**

**Advice to Parents and Carers**

**PAEWS**