

“Working in partnership with parents, young people and schools to maximise every child’s educational opportunities”

If you need more information please contact:

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Penalty Notices

A Guide for Parents

Education and Children’s Services

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S.23(1) Anti Social Behaviour Act 2003 introduced Penalty Notices as an **alternative** to parents being prosecuted in the Magistrates' Court under the Education Act 1996 in order to address **unauthorised absence** from school.

Why are they being used?

To assist the Local Authority in its drive to raise pupil attendance, ensure young people achieve their full potential and raise their educational standards.

What is a Penalty Notice?

It is a Notice issued by the Principal Education Welfare Officer or Assistant Principal Education Welfare Officer(s) on behalf of the Local Authority where there is unauthorised absence from school.

It does not require a parent to attend Court and, if paid within the prescribed time, allows parents to discharge their liability for being convicted for failing to ensure regular school attendance during the period in question.

A parent cannot be prosecuted for failing to ensure their child's regular school attendance during the period of the Penalty Notice provided the penalty is paid on time and in full.

When will a Penalty Notice be issued?

The Local Authority considers regular attendance so important that Penalty Notices may and usually will be issued.

- (i) To a parent whose child is of compulsory school age and has **20** or more unauthorised absences out of **120** school sessions (this is the equivalent of 10 school days in any 12 school week period).
- (ii) Where a parent takes their child on **a period of leave of absence during term time** and has
 - **not informed the school**
 - OR**
 - **permission is refused by the school**
 - OR**
 - **the child does not return on the agreed date**

What is the Penalty?

£60 if paid in full within 21 days
£120 if paid in full after 21 days but within 28 days

Note: If not fully paid within 28 days and there is no reason to withdraw the Notice the Local Authority has no option but to prosecute a parent in the Magistrates' Court for failing to ensure regular school attendance.

A fine of up to £2,500 or a community penalty could be imposed together with a Parenting Order. A criminal record will then exist for the parent.

Is a warning given?

A written notification will have been sent to the parent from the school and /or Local Authority explaining the penalties for failing to ensure regular school attendance, including the criteria for a Penalty Notice being issued.

How do you pay?

Details are contained in the Penalty Notice itself. Payment can be made by cheque or postal order (by post), by cash (in person), by telephone (using a debit/credit card) or via the internet. The whole amount **must** be paid by the due date.

Can a parent appeal?

On receipt of a Penalty Notice (written notification) representation can be made to the Education Welfare Service, but there is no statutory right of appeal once a notice has been issued.

Advice and help is available for parents from school staff and the Education Welfare Service in supporting their children's regular school attendance and in assisting parents in exercising their legal responsibility.

Please Note: Parents are individually liable for each of their children's regular attendance at school. Therefore penalty notices will be issued where relevant to each parent in respect of each child.