

Penalty notices for non-attendance at school

Advice for all parents and carers of children attending Hillingdon schools



School attendance and the law

Section 23 of the Anti-Social Behaviour Act 2003 gives powers to Hillingdon Council to issue penalty notices where a parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance.

Why is intervention necessary?

Increasing school attendance is a key priority nationally and locally because missing school damages a pupil's achievement chances, 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 children's longer term life opportunities.

What is a penalty notice?

Under existing legislation, parents/carers commit an offence if a child fails to attend regularly and the absences are unauthorised by school.

Depending on circumstances such cases 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 seeking to secure an improvement in a pupil's attendance.

Payment of a penalty notice enables parents to discharge potential liability for conviction.

What are the costs?

Payment within 21 days of receipt of a notice is £60 and £120 if paid after this period but within 28 days. This payment is per parent, per child.

Penalties are issued by post to your home.



When are they used?

Hillingdon 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
- Holidays in term time without prior school permission from the headteacher
- Failure to return to school on the agreed date (may also result in your child losing their school place)
- Persistent late arrival at school (after the register has closed)
- All pupils who are excluded for between one and five days (fixed term or permanent) are required not to be in a public place, during school hours, without justification. This includes being accompanied by their parents.

In every case (except exclusion) a pupil will have had a minimum of six school sessions (i.e. three school days) lost to unauthorised absence before a 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 actions. 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.

Is a warning given?

It is not an obligation to give warnings, although we will endeavour to, when possible. You are responsible for knowing the whereabouts of your child and their school attendance.

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 representation should you wish. You will need to outline which error occurred with the process of issuing. There is no facility for the local authority to overturn headteachers' decisions.

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 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 parenting orders, community sentences or custody, depending upon circumstances.

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. In that case, it is vital that you work closely with your child's school and support agencies such as the Participation team.

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

Yes, the local authority and your child's school will give you advice 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 Participation team at the earliest opportunity if you have any worries at all about securing your child's attendance.

For more information

The Participation team can help in many ways. For more information, guidance and advice please contact:

✉ Participation team
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