

Torbay Council believes that :

All children have the right to the best possible education.

To achieve this, schools, parents, pupils and the Local Education Authority need to work in partnership.

Parents/carers of pupils, by law, must do their best to see that their children get such an education, either by good attendance at school or otherwise.

An equal opportunities policy must inform its practice.

Main responsibilities of the Education Welfare Service:

Promoting regular attendance at school - as described in the rest of this leaflet. Also promoting regulations surrounding:

- School Exclusions
- Special Needs
- Child Protection
- Child Employment
- Child Performances
- Chaperones
- Education Other Than at School

Please ask for an appropriate leaflet.

EDUCATION WELFARE SERVICE

How can we help?

- ♦ Every school has an allocated Education Welfare Officer (EWO) who is able to give advice, support and guidance on attendance related matters.
- ♦ Working together with the pupil, parent and school staff the EWO will make an assessment of the situation.
- ♦ Roles and responsibilities of all those involved will be clearly defined.
- ♦ Referrals to other support agencies will take place as appropriate.
- ♦ Any legal action and its consequences will be explained in detail to a parent before any action is taken.

If you feel that there is any other way in which the Education Welfare Service or the school could help you, please contact your Education Welfare Officer.

If you have any questions regarding the Penalty Notice process, please contact:

The Officer for Penalty Notices
Education Welfare Service
Oldway
Torquay Road
Paignton
TQ3 2TE

Tel No: 01803 208248/9
e-mail:- education.welfare@torbay.gov.uk



**Children's Services
Directorate**

**Penalty Notices
to Address
Poor
Attendance at
School**



Revised January 2005

What is the anti-social behaviour act 2003?

Section 23 of the Act gives powers to the Local Education Authority and other designated bodies to issue Penalty Notices where a parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance. The powers came into force on the 27th February 2004.

Why has it been introduced?

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 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 classed as unauthorised (those for which the school cannot or has not given permission). 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 securing 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 28 days of receipt of a Notice is £50 and £100 if paid after this but within 42 days.

How are they issued?

By post to your home.

When are they used?

Torbay Council 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.

Excessive 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).

In every case a pupil will have had a minimum of 10 school sessions (i.e. 5 school days) lost to unauthorised absence during the current term 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?

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 effect an improvement. In that time your child must have no unauthorised absences from school.

There is no limit to the number of times formal warning of possible Penalty Notice issue may be made in any particular case.

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.

How do I Pay?

Details of payment arrangements will be included on 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 42 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 a range of disposals such as Parenting Orders Community Sentences of 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. If this is an issue, it is vital that you work closely with your child's school and support agencies such as Education Welfare.

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

Yes, the Education Authority and 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 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.