

Penalty notices

Advice to parents

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 failing to ensure the regular school attendance of your child. If proven, this can attract a fine of up to £2,500 and/or three months imprisonment, or a range of disposals such, Parenting Orders or Community Sentences.

Can I be prosecuted if I pay the Penalty Notice but my child is still missing school?

Not for the period shown in the Penalty Notice – payment discharges your liability in this respect. However, 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 the Education Welfare Service.

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

Yes, your child’s school and the Education Welfare Officer for 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 seek help at the earliest opportunity if you have any worries at all about securing your child’s attendance.

The Education Welfare Officer for your child’s school can be contacted through your Local Area Office in whose area the school is situated.

North West 01483 518130

Runnymede
Surrey Heath
Woking

North East 01932 833588

Spelthorne
Elmbridge
Epsom & Ewell

South West 01483 517179

Waverley
Guildford

South East 01737 737777

Mole Valley
Tandridge
Reigate & Banstead



Penalty Notices – The Anti-Social Behaviour Act 2003

Section 23 of the Act gives powers to the Local Authority and other designated bodies to issue Penalty Notices where a parent/carer is considered capable of, but is failing to secure an improvement in their child's school attendance.

The powers came into force on the 27 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, each parent/carer commits an offence if a child fails to attend school regularly and the absences are classed as 'unauthorised' (those absences for which the school 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 but is used as a means of enforcing a pupil's attendance where there is a reasonable expectation that their use will secure an improvement.

If the Penalty Notice is paid in full and on time, then you will not be prosecuted for this particular offence.

The Authority does not take the decision to issue a Penalty Notice lightly and would prefer to work with parents/carers to improve attendance without having to resort to any enforcement actions. Poor school attendance can affect a child's future employment and life opportunities, and the Authority **will** use the powers if this is the only way of securing school attendance. **Each parent is liable to receive a Penalty Notice for each child who is failing to attend school regularly.**

How are they issued?

By post or are hand delivered to your home.

What are the costs?

Payment within 21 days of receipt of a Notice is £60. This rises to £120 if paid after 21 days but within 28 days. If not paid, legal action will be taken against the recipient for the period shown on the penalty notice.

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 and must be paid in full.

When are they used?

Surrey County Council considers that regular attendance at school is of such importance that Penalty Notices may be used in the following circumstances where unauthorised absence occurs:-

1. Pupils identified by police and Education Welfare Officers engaged on Truancy Patrols and who have incurred unauthorised absences.
2. Unauthorised leave of absence in term time (5 days or 10 sessions or more). In such cases the Head teacher/Governing Body will request that the Local Authority issue a Penalty Notice. Warnings will not be given where it can be shown that parents have been notified in advance that such absences will not be authorised.
3. Where it is judged that a parent is failing to ensure their child's regular school attendance and is failing to engage with any supportive measures proposed by the school or the Education Welfare Service. This includes children who are late after the close of the register. In these cases, a written warning of a parent's liability to receive a Penalty Notice will be given.

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.