

## 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.
- An attendance contract will be drawn up which will include details of support and agreed actions with timescales for improvement.
- Roles and responsibilities of 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 would like further advice about Fixed Penalty notices or any issues relating to school attendance, please contact:

EDUCATION WELFARE SERVICE  
London Borough of Haringey  
Education Services  
48 Station Road, Wood Green  
London, N22 7TY

Tel: 020 8489 3866  
Email: [ews@haringey.gov.uk](mailto:ews@haringey.gov.uk)

The Education Welfare Service is committed to helping your child achieve their potential

## HARINGEY EDUCATION WELFARE SERVICE

### FIXED PENALTY NOTICES FOR NON-ATTENDANCE AT SCHOOL

**Advice for all parents and  
carers of children attending  
Haringey schools**

**Haringey**  
LONDON

## **WHAT IS 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 unwilling to secure an improvement in their child's school attendance.

The powers came into force on the 27<sup>th</sup> 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 21 days of receipt of a Notice is £80 and £160 if paid after this but within 28 days.

Please note that each parent will separately be issued a Penalty Notice for each child.

## **PAYMENT OF FINES?**

The amount of penalty notice to be paid is:

The first time a penalty notice is issued the amount will be £80 per parent, per child paid within 21 days. This increases to £160 per parent, per child if paid after 21, until day 28.

The second time a penalty notice is issued (within 3 years) the amount will be £160 per parent, per child within 28 days.

Any non-payment of the penalty notice will be referred to the Magistrates' Court.

Any further period of absence (within 3 years) a penalty notice will not be issued, and the case may be referred to the Magistrates' Court under s. 444 of the Education Act (1996) or alternative legal interventions considered.

## **WHEN ARE THEY USED?**

Haringey 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.

Unauthorised leave (or holidays) in term time, delayed return from an extended leave or holiday without prior school permission, parentally condoned absence, lateness after the registers have closed, and overt truancy could lead to the issuing of a Penalty Notice.

In every case a pupil will have had a minimum of 10 school sessions (5 school days) lost to unauthorised absence in a ten-school week period before a Penalty Notice is considered.

The Authority does not take such action lightly and would rather work with parents/carers to improve attendance without having to resort to any enforcement actions.

## **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 absence.

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

## **HOW ARE THEY ISSUED?**

Penalty issues are issued by post to your home

## **HOW DO I PAY?**

Details of payment arrangements will be included on the Penalty Notice. Please note that part payments or instalments are not an option for 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 Magistrate's Court for the original offence of poor attendance by your child.

If proven, this can result in fines of up to £2,500 and/or other penalties such as Parenting Orders, Community Sentences, or, in some cases, custody.

## **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 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, the Local 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 your child's school attendance.