

Fixed Penalty Notices

Regular School attendance is **IMPORTANT!**

Who is responsible? - Under Section 7 of the Education Act 1996 the parent is responsible for making sure that their child of compulsory school age receives full time education that is suitable to the child's age, ability and aptitude.

Compulsory School Age - Compulsory school age is defined as beginning from the start of the term commencing on or after the child's fifth birthday. A child continues to be of compulsory school age until

the last Friday of June in the school year that they reach sixteen.

New Measures have been introduced within the Anti-Social Behaviour Act 2003 to address Truancy, Non School Attendance and poor behaviour in school. These are:

- Parenting Contracts
- Parenting Orders for Behaviour
- Penalty Notices

What happens if your child does not attend regularly? - If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at school then the parent is guilty of an offence under Section 444 of The Education Act 1996. This can lead to prosecution in the Magistrates court. The maximum fine which can be imposed is £2,500, a Parenting Order or imprisonment.

Fixed Penalty Notices - can be issued as an alternative to prosecution under Section 444 of the Education Act to enable parents to discharge potential liability for conviction for that offence by paying a penalty. The offence of irregular attendance has not changed. The penalty is £60 if paid within 21 days of receipt of the Notice rising to £120 if paid between 22 and 28 days. Failure to pay the Notice will result in prosecution for irregular attendance.

Holidays in Term Time (Leave of Absence)

Under the Education (Pupil Registration) Regulations 1995 Head Teachers are able to grant up to ten days authorised absence for the purpose of family holidays during term time. Many schools in Rotherham have issued criteria by which they will agree holidays in term time, examples are:

- No holidays during SATs or other public examinations
- Holidays (Leave of Absence) will not be agreed where the pupil has unauthorised absence or where the pupil's attendance is below a certain percentage i.e. 92%

If a Leave of Absence is not authorised in writing by the school the parent will be issued with a Penalty Notice.

NB: Fixed Penalty Notices will be issued to both parents for each child who has unauthorised leave from school.

Penalty Notices as Evidence in Legal Proceedings

Payment of a Penalty Notice discharges liability to prosecution for the offence. This means that neither the fact that a Penalty Notice has been issued and paid nor the pattern of unauthorised absence can be submitted as evidence for any subsequent offence.

However when the Criminal Justice Act 2003 Sections 98 to 101 comes into force these will bring Penalty Notices within the definition of "bad character" in that legislation. The majority of pupils stopped are accompanied by an adult. This will not prevent Penalty Notices being issued.

Truancy Patrols - There are now regular Truancy Patrols in operation throughout the Borough. If your child is stopped by Education Welfare Officers and Police Officers details will be taken of the reasons for absence from school. The reasons given will be investigated and if Officers are not satisfied then a Penalty Notice will be issued. The majority of pupils stopped are accompanied by an adult. This will not prevent Penalty Notices being issued.

Winterhill offers support and advice about your child's attendance

To get in contact with our Attendance Team

Claire Bannister or Clare Bradshaw

please call: **01709 740232**

Attendance
Every school day counts!

