

# PENALTY NOTICES

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## For non-attendance at school

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*Advice for parents and carers of children  
attending Wandsworth schools*



## What is a Penalty Notice?

Under Section 444 of the Education Act 1996, parents/carers commit an offence if a child of compulsory school age (5-16) fails to attend regularly and the absences are unauthorised by the school. The Anti-Social Behaviour Act 2003 allows Local Authorities (LA) to issue Penalty Notices as an alternative to prosecution that does not require appearance in court whilst seeking to secure improvement in a pupil's attendance. A notice may be served where a parent is capable of securing their child's attendance but is failing to do so. This will be done in accordance with our local code of conduct: [www.wandsworth.gov.uk/antisocialbehaviouract2003/codeofconduct](http://www.wandsworth.gov.uk/antisocialbehaviouract2003/codeofconduct)

## Circumstances for issuing a Penalty Notice

Penalty Notices may be issued in a range of situations where unauthorised absence occurs without authorisation from the headteacher:

- Overt truancy (including pupils found during truancy sweeps)
- Inappropriate parentally-condoned absence
- Term-time leave 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)
- Exclusions from school as 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.

A Penalty Notice will be issued by an officer from the Education Welfare Service (EWS).

## Why is intervention necessary?

Increasing school attendance is a key priority nationally and locally because missing school damages a pupil's achievement and chances, disrupts school routines and the learning of others, and can leave a pupil vulnerable to anti-social behaviour and youth crime. Above all, persistent absences from school can seriously affect a child's longer-term life opportunities.

## Non-attendance at school

The EWS provides a statutory attendance service supporting individual pupils and their families through casework as well as enforcing, through the courts, parents' responsibility to ensure attendance at school. The EWS seeks to work with parents/carers to improve attendance without having to resort to any enforcement actions.

The EWS will seek to work with the pupil, family, school and other agencies to address difficulties preventing attendance, before taking legal action.

Attendance is of such importance to the EWS that they will consider use of legal sanctions to secure a child's schooling. These include issuing Penalty Notices and/or action either by prosecution in the Magistrates' Court or by application to the Family Proceedings Court for an Education Supervision Order, depending on individual circumstances.

The EWS may issue a warning but is not obliged to do so prior to issuing a Penalty Notice.

**By law all children of  
school age (5-16)  
must receive full-time  
education**

## Fines

- The notice imposes a fine of £60 for each parent per child if paid within 21 days, rising to £120 if paid after 21 days but within 28 days.
- If the fine is not paid each parent will be prosecuted for each child for the original offence of failing to secure regular attendance. If proven, the court can impose a range of fines up to £2,500 and/or a range of disposals such as Parenting Orders or Community Sentences, including imprisonment of up to three months, depending on the circumstances.

## What happens if my child cannot attend?

If your child is genuinely unwell and the information provided to support this absence is accepted by the school, this will be treated as an authorised absence i.e. the school has accepted the reason for non-attendance and no further action will be taken.

In cases where your child does not attend school due to, for example, a family emergency or religious observance, you must inform the school immediately.

Each school has its own school attendance policy which parents should follow.

The headteacher can only authorise an absence where an application has been made in writing and in advance. In **very exceptional circumstances** the headteacher may authorise an absence, where they believe this is unavoidable, and the absence will not harm your child's education. This is subject to the school's attendance policy.

## How you can help

- Make sure your child goes to school regularly and arrives on time each day.
- Make sure you know the school's attendance policy – every school has one.
- If your child misses school, make contact and work with school staff to improve the situation.
- If your child is ill contact the school on the first day of absence and explain the circumstances.
- If your child is away for other reasons let school staff know, especially if you know in advance.
- Do not condone your child's absence – if there is a problem talk to school staff.
- Make sure your child is not present in a public place during school hours, especially during the first five days of an exclusion.

## Education welfare service

### How we can 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.
- A plan of work will be drawn up which will include details of support and agreed actions with time scales for improvement.
- The roles and responsibilities of all those involved will be clearly identified.
- Referrals to other support agencies will be made as appropriate.
- Any legal action and its consequences will be explained in detail to a parent before any action is taken.

## Further information

If you would like further advice about Penalty Notices or any issues relating to school attendance please contact:

Education Welfare Service

4th Floor

Town Hall Extension

Wandsworth High Street

London SW18 2PU

Telephone (020) 8871 8306

Fax (020) 8871 8304

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If you have questions about this leaflet or need it in a different form (for example, large print) please phone (020) 8871 8306