- ***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 LA is required to commence proceedings in the Magistrates Court for the original offence related to the poor attendance of your child. If proven, this can attract a range of fines up to £1000 and/or a range of disposals such as Parenting Orders depending on the circumstances, as well as a criminal conviction and a criminal record which may affect future opportunities for employment.

- ***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 the school's Attendance & Welfare Advisor.

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

Yes, the LA 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 Attendance & Welfare Service at the earliest opportunity if you have any worries at all about securing your child's attendance.

If you have any queries or require any assistance with your child's attendance or other difficulties they may be experiencing at school contact:

Tower Hamlets Behaviour & Attendance Support Service
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BG
Tel. 0207 364 3450

TOWER HAMLETS

Penalty Notices to Address Poor Attendance at School

Information for Parents and Carers

London Borough of Tower Hamlets Behaviour and Attendance Support Service

May 2024

- ***What is a Penalty Notice?***

Parents/carers commit an offence if a child fails to attend school regularly and on time and the absences/ late arrivals are classed as unauthorised or avoidable (those for which the school cannot or has not given permission). The failure of a child to attend regularly can result in the parent(s)/carer(s) of that child being prosecuted in the Magistrates Court under section 444 of the Education Act 1996. If convicted the parents/carers will receive a criminal record as well as whatever penalty is imposed by the Magistrate Court.

A Penalty Notice is in some circumstances an alternative to prosecution. Parents/carers served with Penalty Notices will not be required to appear in Court, unless the Penalty Notice is not paid within the required time limit, or their child's attendance does not improve. Penalty Notices are issued to each individual parent/carer for each individual child who meets the criteria.

- ***The Anti-Social Behaviour Act 2003***

Section 23 of the Act gives powers to the Local Authority (LA) 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 Education and Inspections Act 2006***

Section 105 of this Act enables a Penalty Notice to be issued where parents/carers fail to fulfil the duty under section 103 to ensure that their child is not present during school hours in a public place without reasonable justification when they are excluded from school.

- ***Why have they 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 life opportunities.

- ***What are the costs***

The cost of the Penalty Notice is £80 per child per parent/carer but increases to £160 if payment is not made within 21 days.

The cost of Second Penalty Notice issued to the same parents within 3 years period will be £160 with no scope for reduction.

A third penalty notice must not be issued within a 3-year period. Therefore, in cases where the threshold is met for a third (or subsequent) times within those 3 years, a penalty notice cannot be issued, instead this will automatically progress to court.

- ***How are they issued?***

By post/email to your home address.

- ***When are they issued?***

Penalty Notices may be used in a range of situations where unauthorised absence occurs including:
-Persistent unauthorised absence and/or late arrival at school (after the Register has closed).
-Unauthorised holidays/leave in term time or excessive delayed return from an extended holiday without prior school permission.
-Failure by parent(s)/carer(s) to attend LA convened attendance panels in schools to discuss their child's attendance and/ or lateness.
- Where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification.

- ***Is a Warning Given?***

Yes, you will normally receive a written and verbal warning of the possibility of a Penalty Notice being issued.

In the specific circumstances related to (i) the taking of 10 sessions (5 days) or more of unauthorised leave/holidays in term time, and (ii) where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification then the matter will be referred immediately to the Attendance & Welfare Service for issue of the Penalty Notice.

- ***Is there an appeal process?***

There is no statutory right of appeal once a Penalty Notice has been issued.

- ***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.