

20th September 2013

Dear Parent

Regular attendance and punctuality at school is essential if the pupil's are to achieve to their full potential. In partnership with Tower Hamlets Local Authority (LA), this school will be implementing the Penalty Notice Scheme as required under statutory guidance issued by the Department for Education (DfE,2013) in order to improve attendance and punctuality.

A Penalty Notice may only be issued in cases of unauthorised absence or lateness or where parents/carers fail to ensure that their child is not in a public place during the first five days of exclusion from school.

Penalty Notices apply on an individual child per parent basis. Therefore a parent with 3 children who meet the criteria may receive 3 Penalty Notices. In a family with 2 parents/carers with three children who meet the criteria, each parent/carer may receive 3 Penalty Notices – meaning that a total of 6 Penalty Notices may be received.

The issue of a Penalty Notice may be considered appropriate in any of the following circumstances:

- **In instances of a pupil having 6 sessions (3 days) of unauthorised leave/holidays in term time. A session is a half-day and unauthorised means without the consent/authorisation of the school.**
- **Where parents/carers fail to attend without reasonable cause LA led In-School Attendance Panels, to which they have been invited to discuss their child's unauthorised absences and/or leaves.**
- **In cases of pupils identified as having Persistent Absence (where the attendance of pupils falls below 85% in a period of a school term they are designated as having Persistent Absence) with 20 or more sessions of unauthorised absence (not authorised by the school) and with substantial evidence of failure on the part of the parent/carer to work in cooperation and partnership to address and improve the situation.**
- **In cases of frequent late arrival at school (10 minutes after the register has closed) with 20 or more avoidable late marks occurring over a period of a school term. The journey involved and particular issues such as adverse weather conditions and disruptions to transport will be taken into account as necessary.**
- **Where there is a combination of unauthorised absence and avoidable lateness amounting to 20 sessions or more over the period of a school term.**

- **In cases where a pupil has been stopped by the truancy patrol on more than one occasion within the period of a school term, with no valid reason for not being in school. This would include pupils accompanied by parents/carers, guardians, or other adults.**
- **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.**

The school will refer pupils where there is cause for concern about unauthorised absence and/or lateness to the Attendance & Welfare Service. In most circumstances each liable parent/carer shall receive a formal warning of the possibility of a Penalty Notice being issued.

If following the issuing of the warning notice the pupil has further unauthorised absence or avoidable late marks, the parents/guardians of the pupil may each receive a Penalty Notice for £60 which must be paid within 21 days or it will increase to £120 each which must be paid within a further 7 days. Failure to pay the Penalty Notice will lead to prosecution in the Magistrates Court for the original non-attendance and a possible criminal conviction.

In those specific circumstances related to;

- (i) **the taking of 6 sessions (3 days) or more of unauthorised leave/holidays in term time where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given**
- (ii) **where parents fail to ensure that their child is not in a public place during the first five days of exclusion from school without reasonable justification**

the pupil will be referred immediately to the Attendance & Welfare Service for issue of the Penalty Notice.

The school and Tower Hamlets Attendance & Welfare Service will be working closely together on this as it is essential that pupils attend regularly and punctually at school to obtain the full benefit of their education. Please therefore ensure that your child attends school regularly, prepared and on time. If you are experiencing any difficulties regarding your child's attendance or punctuality, please inform your child's tutor, so that the school may work with you in assisting you in whatever ways possible.

A leaflet is attached giving more details about the Penalty Notice Scheme.

Thank you for your support and co-operation.

Yours Sincerely

Catherine Morgans-Slader
Headteacher

- ***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 £2,500 and/or a range of disposals such as Parenting Orders or Community Sentences 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.

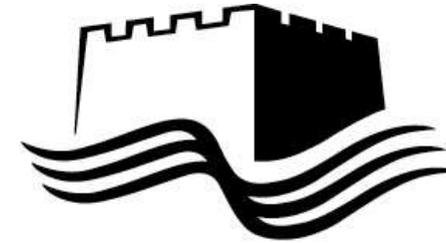
- ***Can I get help if my child is not attending regularly?***

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.

li 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 Attendance & Welfare Service
Town Hall
4th Floor - Mulberry Place
5 Clove Crescent
London E14 2BG
Tel. 0207 364 3450**



TOWER HAMLETS

Penalty Notices to Address Poor Attendance at School 2013

Information for Parents and Carers

**London Borough of Tower Hamlets
Education, Social Care and Wellbeing
Directorate**

- **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 Magistrates.

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 £60 per child per parent/carer but increases to £120 if payment is not made within 21 days.

- **How are they issued?**

By post to your home address.

- **When are they issued?**

Penalty Notices may be used in a range of situations where unauthorised absence occurs including:

- Pupils found out of school by Truancy Patrols
- 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 6 sessions (3 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.