

Information on Penalty Notices

This Code of Conduct is written by the London Borough of Camden in accordance with section 444A of the Education Act 1996 and the Education (Penalty Notices) (England) Regulations 2007, authorising the local authority to issue penalty notices where parents and/or carers are considered capable of, but unwilling to, ensure their child's regular attendance at school.

Penalty Notices are part of the government's initiative to tackle poor school attendance. Under current legislation, parents/carers commit an offence if their child fails to attend school regularly and the absences are unauthorised.

Depending on the circumstances, parents/carers may be prosecuted in the local magistrate's court, under Section 444 of the Education Act 1996; if a parent/carer is found guilty this will result in a criminal conviction.

A Penalty Notice aims to improve a child's attendance at school and is an alternative to prosecution. Parents/carers do not need to go to court unless they do not pay an issued penalty notice within the maximum 28 days. Full payment of the Penalty Notice means parents/carers are no longer liable to conviction for the stated period of any offence, and the matter closed.

Regular and punctual attendance of pupils at school is a legal and essential requirement in order for students to maximise the opportunities available to them. It is recognised that most parents and carers want to comply with the law and meet their legal obligations. Camden's minimum attendance expectation for all its students is 95.6% (the National average) although all of Camden's schools will always strive for 100% attendance from all its students.

At a Supreme Court hearing in January 2018 the Court agreed with the Isle of Wight local authority's argument, backed by the Education Secretary, that a child's unauthorised absence from school "for even a single day, or even half a day" can amount to a criminal offence.

The Department for Education informed parents immediately after this case, that children missing just a few days in the classroom can both damage their education and their GCSE results.

Camden's Pupil Attendance Service will investigate cases of regular nonattendance from school and, following appropriate casework, instigate legal action if applicable for all parents / carers of pupils who attend Camden schools irrespective of their home borough of residence. They work closely with schools, learning mentors, social services, health and other professionals who are responsible for dealing with other activities associated with attendance.