

## Penalty Notices

The Anti Social Behaviour Act 2003, empowers the Local Authority to issue a Penalty Notice for a student's unauthorised absence, as an alternative to prosecution in the Magistrates Court. The penalty is £50, if paid within 28 days, rising to £100 if paid after 28 days. If still unpaid after 42 days, then legal proceedings will be considered.

Before the Penalty Notice is issued, a formal warning will be sent to the parent/carer, giving them 15 school days in which to ensure that the attendance of their child improves. If no improvement is seen the Penalty Notice will be issued.

If you require further information or advice, please contact Rachel Lee, Senior Leader Attendance and Education Welfare at school.



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**ALDER COMMUNITY HIGH  
SCHOOL**

**MISS SCHOOL**

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**MISS OUT**

*School Attendance Matters*

**APPEARING IN THE  
MAGISTRATES COURT**

**A Guide for Parents**



### **Do I have to attend the Court:**

You should attend Court if at all possible. If, in exceptional circumstances, you cannot attend, you should contact the court with your reasons for not attending, and ask for an alternative date.

### **What will happen if I do not attend?**

The case may be heard in your absence. If you are not present, you will not be able to put your point of view forward and the Magistrates will not be able to take this into account. If the case is to be heard under Section 444 (1a) a warrant may be issued to ensure that you attend court.

### **What will happen when I attend Court?**

First check the list which shows which courtroom your case will be heard in. You should give your name to the Usher so that he/she knows that you are present. You will be advised to complete a form showing your financial situation. You will be called when your case is about to be heard and directed where to go.

### **The Court Hearing**

The Clerk to the Justices will ask you to confirm your name, address and date of birth. The Clerk will then read out the summons, and ask you to submit a plea: either 'guilty' or 'not guilty'.

#### **If you plead 'not guilty':**

- The case will be adjourned to another day, for a full trial hearing.

#### **If you plead 'guilty':**

- The case will be heard immediately.

The prosecution will read out a Summary of the Facts, submit a Certificate of Attendance and make an application for costs.

The Clerk will then ask you, or your legal representative, to explain to the Court why your child has been absent from school during the period. This is your opportunity to explain to the Magistrates the reasons for the poor attendance.

The Magistrates may ask you some questions, after which they will discuss the case between themselves. They may withdraw from the Court at this point, in order to do this.

If you are proven guilty, any previous convictions will be taken into account by the Magistrates when deciding on the outcome.

### **Possible Outcomes**

The Senior Magistrate will then pronounce sentence. Options open to them are listed below. If you are proven guilty, the Magistrates will also decide what costs you will have to pay.

#### **For a first offence: (Section 444(1))**

- Absolute Discharge
- Conditional Discharge
- Parenting Order
- Fine up to £1,000

#### **For a second or subsequent offence:**

(Section 444 (1a))

- Absolute Discharge
- Conditional Discharge
- Parenting Order
- Fine up to £2,5000
- Community Reparation Order
- Community Rehabilitation Order
- Curfew
- Imprisonment for a period of up to 3 months

**You are advised to seek legal advice. If you have not done so before the date of the hearing, there should be a solicitor on duty at the Court, who you can ask for advice.**