

## Penalty Notices and the Education Act 1996

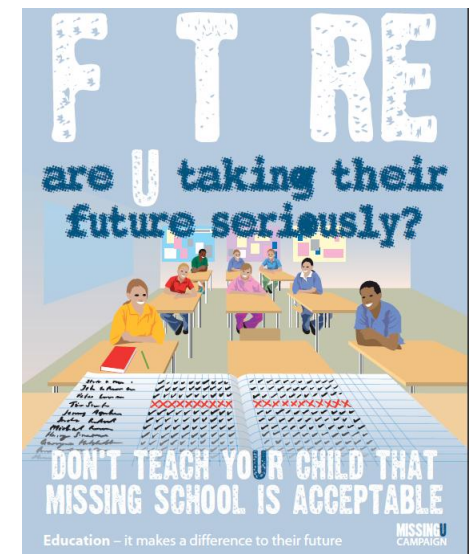
Section 444A of the Education Act gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but unwilling to secure an improvement in their child's school attendance and/or punctuality.

## Government Advice on School Attendance

October 2014

'pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.'

## Penalty Notices



## Information for Parents and Carers

Education  
Performance &  
Inclusion

### **Q Why are Penalty Notices used?**

Missing school damages children's attainment levels, disrupts school routines and the learning of others. Children who miss school are vulnerable to anti-social behaviour and youth crime. Above all, missing school seriously affects children's longer-term life opportunities.

If your child fails to attend school regularly and punctually and the absence is recorded by the school as unauthorized, you are guilty of a criminal offence under Section 444 of the Education Act.

### **Q What is a Penalty Notice?**

A Penalty Notice is a fine which may be issued as an alternative to prosecution. It does not require a court appearance and does not result in a criminal record. Payment of a Penalty Notice means you avoid the potential danger of prosecution and subsequent conviction.

### **Q When might a Penalty Notice be issued?**

If your child is absent from school for 10 sessions\* in a ten-week period, without authorisation from their school, you will be sent a warning letter by the school. This *includes sessions where your child has arrived after the school's registration period without an acceptable reason*. If there are no unauthorised absences in the next 15 school days, no further action will be taken. If there are further unauthorised absences there will be no further warning and a Penalty Notice will be issued by the Local Authority.

*\*Each school day contains two sessions.*

### **Q How is a Penalty Notice issued?**

You will receive the Penalty Notice by post to your home. Fines are issued to each parent for each child.

### **Q What is the cost of the fine?**

The penalty notice allows you 21 days to pay a £60 fine. If you pay after the 21-day period but within 28 days, the fine increases to £120. If the fine remains unpaid at this stage, we would initiate legal proceedings against you for your child's non-attendance,

### **Q How can a Penalty Notice be paid?**

Your penalty notice will include clear instructions on how to pay. There are two main ways - by cheque or postal order or over the phone using your debit or credit card. We cannot accept payment in part or by installment of a Penalty Notice.

### **Q What happens if I do not pay?**

You will have up to 28 days from receipt to pay the Penalty Notice in full. If you fail to do so, the Local Authority is required, by law, to start proceedings in the Magistrates' Court for the original offence of poor school attendance and/or punctuality.

If you are convicted of this offence there are a number of possible sentences including a fine of up to £1000 or a fine of up to £2500 and/or a period of up to 3 months' imprisonment.

### **Q Is there an appeal process?**

No. When you receive your penalty notice all investigations will have taken place, so once you have been issued with a penalty notice we cannot withdraw it unless it has been issued in error. It must be paid.

### **Q What happens if the Penalty Notice is paid but my child still misses school?**

Parents/carers are not liable for prosecution for their child's school attendance for the period in question once the penalty notice is paid. However, prosecution may be considered for further periods of poor attendance not covered by the notice. Prosecution will be considered if two penalty notices have been served.

### **Q Who can I contact about a Penalty Notice that has been issued?**

In the first instance you should contact the Attendance Officer at the school your child attends.

For more information about the issuing of Penalty

Notices you can contact:

Education Performance & Inclusion

Shire Hall

Westgate Street

Gloucester

GL1 2TP

Tel: 01452 427360 / 426960