

Penalty Notices

The Education (Penalty Notices) (England) Regulations 2007
& Amendments

Can I pay in instalments?

- No. Late or part payments will not be accepted. The full amount must be paid within the given timescales. (£60 if paid within 21 days, rising to £120 after 21 days but within 28 days)

What is unauthorised leave of absence?

- A parent has made a request to a school for a period of absence in term time and this has not been agreed by the school
- A parent has not applied for leave of absence in advance (the regulations do not allow for approval after the holiday)
- A parent keeps the child away from school for longer than was agreed, the extra time is recorded as unauthorised.
- The school has marked the absence as unauthorised, as they have reason to suspect this was in relation to an unapproved holiday in term time and no alternative evidence has been provided.

If the leave of absence you have requested is not agreed by the school and your child's total unauthorised absences as outlined in the bullet points above amount to 10 or more sessions (5 school days), continuous or odd days within the previous three months, the Education Inclusion Service will be notified and a Penalty Notice will be issued to each parent for each child.

Can I make an appeal against the Penalty Notice?

There is no statutory right of appeal once a notice has been issued, but on receipt of a warning you can contact the school to discuss the matter.

Who can I discuss this with?

In the first instance you should speak to your child's school or academy, otherwise the Education Inclusion Service can be contacted on 01724 297502

Information for Parents

'Parent' includes any person who, is not a parent of the child/young person but who has parental responsibility for the child/young person (as defined in the Children Act 1989); and any person who has care of a child/young person. Having care of a child/ young person means a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law. Throughout this document, references to 'parent' mean each and every parent coming within the definition (whether acting jointly or separately).

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What are s444A and s444B of the Education Act 1996?

Section 444A and section 444B of the Education Act 1996 give powers to the Local Authority (LA) and other designated bodies to issue Penalty Notices where the parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance.

Why are these powers available?

Reducing absence from school is a key priority at both national and local level. Missing school reduces a pupil's educational attainment chances, can leave them vulnerable to anti-social behaviour, safeguarding issues and other crime, and make them less likely to enter into employment or training when they have left school.

What is a Penalty Notice?

A Penalty Notice may be issued as an alternative to prosecution in an attempt to secure an improvement in a pupil's school attendance without the need to appear in Court. If this form of intervention is felt appropriate by the Education Inclusion Service; as long as the penalty is paid in full the Penalty Notice enables parents or carers to discharge their potential liability for prosecution for the period covered by the Penalty Notice. If a Penalty Notice does not act as a deterrent and the young person continues to miss their education, then prosecution proceedings will be considered for future offences.

What are the costs?

Payment within 21 days of deemed date of the Penalty Notice is £60 but increases to £120 if paid after 21 days but within 28 days. (allow sufficient time for clearance if paying by cheque).

You have up to 28 days from the deemed date to pay the penalty notice in full. If full payment is not received within this timescale the Education Welfare Service is required to commence proceedings in the Magistrates court for the original offence of irregular school attendance by your child and may use the unpaid Penalty Notice as evidence. If proven, this can result in fines of up to £2,500 and/or a range of disposals such as Parenting Orders, Community Sentences or imprisonment depending upon circumstances and the severity of offence.

Who issues them?

The Local Authority on behalf of schools, through the Education Inclusion Service.

How are they issued?

By first class post to your home. A Penalty Notice will be issued to each parent for each child.

Can I be prosecuted if I pay the penalty but my child is still missing school?

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. However, legal proceedings might be considered for further periods of poor attendance not covered by the Penalty Notice, depending upon the circumstances.

Why are they issued?

Penalty Notices are issued for a number of reasons including:

- truancy (this can include lateness after the close of registers)
- Absences from school, either when a parent continually fails to provide an explanation or the school considers the absence to be avoidable.
- Leave of Absence taken during term time where the absence has not been authorised by the school.
- A child present in a public place during the first five days of each and every fixed period of exclusion.

In each case other than exclusions, a pupil will have had a minimum of 10 sessions (5 school days) lost to unauthorised absence during the previous three months.