

Penalty Notices for unauthorised absences from school

Information for parents/carers

Each parent/carer issued with a Penalty Notice has to pay their Penalty Notice fine.

What is the Education Act 1996?

It is an act that gives power to councils, schools and the police to issue Penalty Notices for irregular attendance at school.

Why has this power been introduced?

It is a legal requirement that your child receive an education. Missing school can damage your child's achievements, disrupt the school's routines and affect other children's opportunity to learn. It can also leave children at risk of anti-social behaviour and youth crime. Children go to school to learn and to be in a safe environment.

Who is identified as being a parent/carer responsible for ensuring regular attendance?

In the Education Act a parent is defined as:

- any natural parent
- anyone who is not a natural parent but has parental responsibility for the child
- any person who, although not a natural parent, has care of a child (having care of a child means a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child).

What are my responsibilities as a parent/carer?

Unless you can show that you are providing your child with full-time alternative education yourself, you must ensure that your child attends school regularly. You will be committing an offence if your child fails to attend regularly where the school has not given permission for the absence.

Only your child's school can authorise absence.

If you fail to make sure that your child attends regularly at school, you may be prosecuted in court. If convicted, sanctions can include a fine of up to £2,500 and a prison sentence of up to 3 months, and you will have a criminal record.

What is a Penalty Notice?

A Penalty Notice is an alternative to prosecution. It requires the parent to pay a fixed amount as a fine for the child's irregular attendance and avoids a court appearance.

What is the fine?

£80 if paid within 21 days, or £160 if paid within 28 days. If this is a second fine for the same child within any three-year period, this will be charged at the higher rate of £160. Fines per parent are capped to two fines within any three-year period. Once this limit has been reached, other action like a parenting order or prosecution will be considered.

If the Penalty Notice is not paid BCP Council will consider prosecution proceedings under s.444(1) or 444(1A) Education Act 1996. If convicted, sanctions can include a fine of up to £2,500 and a prison sentence of up to 3 months, and you will have a criminal record.

How are they issued?

A Penalty Notice will be issued by first class post to your home.

Is a warning given?

You will not receive a warning if you have taken leave of absence in term-time without the school's permission.

For general absence, you must have been warned of the possibility that legal action could be taken if attendance didn't improve. This may have been via letter, or in a meeting, or by issue of a Notice to Improve. The school must have made a reasonable offer to support you and your child prior to requesting a Penalty Notice. Further information is available in the BCP Code of Conduct.

Is there an appeal process?

There is no statutory right of appeal once a Penalty Notice has been issued, but you can make representation to the School Inclusion Service if you believe the Penalty Notice contains factually inaccurate information and has been wrongly 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.

What happens if I don't pay?

You have up to 28 days from receipt to pay the Penalty Notice in full. If the Penalty Notice is not paid BCP Council will consider prosecution proceedings under s.444(1) or 444(1A) Education Act 1996. If convicted, sanctions can include a fine of up to £2,500 and a prison sentence of up to 3 months, and you will have a criminal record.

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

Yes, your child's school will give you advice and support if you need help to secure an improvement in your child's attendance. The School Attendance Support Team at BCP Council can also provide information, advice and guidance.

It is very important that you speak with the school at the earliest opportunity if you have any worries at all about ensuring your child's school attendance.