

Unauthorised Absence From School

Education Act 1996
Education and Inspection Act 2006

Penalty Notices

Advice for Parents and Carers



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Why have Penalty Notices been introduced?

Reducing absence from school is a key priority nationally and locally. Missing school lowers a pupil's achievement levels and disrupts school routines, and can disrupt the learning of others. It can also cause a pupil to be vulnerable to anti-social behaviour and youth crime.

Above all, missing school seriously affects children's longer-term life opportunities.

The Borough School Attendance Service is authorised to issue Penalty Notices, on referral from schools for unauthorised absence, in accordance with the provisions of the Education Act 1996, and the Education and Inspection Act 2006.

What is a Penalty Notice?

Under existing legislation, parents and carers commit an offence if their child fails to attend school regularly, and the absences are classed as unauthorised (those for which the school cannot, or has not given permission). Depending on circumstances, such cases may result in prosecution under Section 444 of the Education Act 1996.

A Penalty Notice is an alternative to prosecution, which does not require an appearance in court, but which seeks to secure improvement in a pupil's attendance. Full payment of the Penalty Notice discharges parents and carers of any further liability for the period stated on the Notice.

What are the costs?

From September 2013, the fine is £60 if paid within 21 days of issue of the Penalty Notice, increasing to £120 if paid after this date, but within 28 days of issue. (An invoice served by first class post is deemed to have been received on the second working day after posting.)

How are they issued?

Penalty Notices will always be issued by first class post.

Who are they issued to?

A Penalty Notice is issued to **each** parent in respect of **each** child not attending school. "Parents" in Education law relates to a parent or carer of the child(ren).

When are they issued?

The London Borough of Sutton considers that regular attendance at school is of such importance that Penalty Notices may be issued in a range of situations, such as:

- Your child has unauthorised absences from school
- Your child is persistently late at school after the registers have closed
- Taking unauthorised holidays in term time
- Unauthorised absence from alternative education provision

The Local Authority never takes such action lightly and would rather pro-actively work with, and support parents and carers to improve Attendance, without having to resort to any enforcement action.

However, the Local Authority will use the powers if this is considered the only way of securing a child's regular attendance at school.

Is a warning given?

The usual response to a first offence will be a written warning in a letter from the Borough School Attendance Service. This warning remains in effect for one year.

However, in exceptional circumstances, the Local Authority has the discretion to issue a Penalty Notice without a warning, for example where a parent has chosen to take their child on holiday during term time, without prior authorisation from the school.

Can I appeal against the Penalty Notice?

There is no statutory right of appeal once a Penalty Notice has been 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. They must be paid in full.

What happens if I don't pay?

You have up to 28 days from issue of the Notice to pay the fine in full. After this time, if the Notice remains unpaid, the Local Authority is required, in accordance with the Act, to commence proceedings in the Magistrates court for the original offence of failure to ensure your child's regular attendance at school.

If found guilty, parents/carers can be fined up to £1000 each parent, per case.

The Magistrates Court is also able to impose other sanctions such as Parenting Orders.

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

Not for the period included in the Penalty Notice: payment discharges your liability in this respect. However, it may be that a prosecution is considered for further periods of unauthorised absence, not covered in the Penalty Notice. In this instance, it is vital that you work closely with your child's school, and support agencies such as the Borough School Attendance Service.

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

Yes. The Local Authority and your child's school will give you advice and support if you need help to improve your child's school attendance, although you should be aware that this is ultimately the legal responsibility of the parent or carer.

It is very important that you speak with the school or with the Borough School Attendance Service at the earliest opportunity if you have any worries at all about ensuring the regular and punctual attendance of your child at school.