

Is there an appeal process?

There is no right of appeal against the Penalty Notice but if you believe it to be incorrectly issued to you, you should contact the Principal Education Welfare Officer immediately. If you believe you are not guilty of the offence and therefore decide not to pay the Notice, you have the right to represent your case at the Magistrates Court but you should seek legal advice before making this decision.

What happens if I do not pay?

If you have not paid the Penalty Notice in full before the 42 days allowed, the authority is required to commence legal proceedings in the Magistrates Court for the original offence of failure to ensure regular attendance at school.

If proven, this could result in a fine of up to £1,000 under Section 444 (1), a Parenting Order or other sanctions at the Magistrates disposal. You are strongly urged to seek legal advice if you are considering not paying the Penalty Notice.

Further advice

www.adviceguide.org.uk - 0870 121 2019

www.parentscentre.gov.uk

www.teachernet.gov.uk

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PENALTY NOTICES

for irregular attendance at school

**Information
for Parents and Carers**

Education Welfare Service

October 2008

What is a Penalty Notice?

Penalty Notices were introduced under Section 23 (1) of the Anti Social Behaviour Act 2003 to address unauthorised absence from school. It is a fine issued by the Principal Education Welfare Officer (or authorised deputy) on behalf of the local authority to parents/carers of a child who has failed to attend school regularly and whose absence is unauthorised.

It does not require the parent to attend court but is an alternative to prosecution in the magistrate's court. Parents/carers who pay the fine in full within the time limits cannot later be prosecuted for the offence to which the Penalty Notice relates (Section 444 of the Education Act 1996).

Why have Penalty Notices been introduced?

Reducing absence from school is a key priority of the government and local authority because missing school may limit a pupil's attainment, disrupt school routines and the learning of others, and can leave a pupil vulnerable to anti-social behaviour and youth crime.

When might a Penalty Notice be issued?

A Penalty Notice may be issued to a parent in one or more of the following circumstances where more than 10 sessions of absence are recorded in 7 school weeks (ie 70 sessions). There are 2 sessions per day, one in the morning and one in the afternoon:

i) where unauthorised absences are recorded

ii) where more than 10 sessions of unauthorised holiday are recorded and:

- a) the parent has not informed the school, **or**
- b) the leave was not authorised, **or**
- c) the child did not return on the agreed date

iii) where the child is persistently late arriving at school after registers have closed.

iv) where a combination of more than 10 sessions of **i)** to **iii)** above are recorded

How much is the fine?

The fine is £50 if paid within 28 days of receipt of the notice; rising to £100 if paid after 28 days but within 42 days. For example a two- parent family taking 2 children out of school for an unauthorised holiday would be liable for a total of £200 if paid within 28 days or £400 between 28 and 42 days. The payment must be made in full – part payments will not be accepted - details of how to pay are printed on the Penalty Notice.

What you can do to avoid receiving a Penalty Notice

- Ensure your child attends school every day and on time
- Make sure your child knows that they cannot have odd days off school – 'Every Lesson Counts'!
- Speak to the class teacher or tutor if your child is beginning to miss odd days.
- If your child is unwell, inform the school on the first day they are absent and return the child as soon as possible. Seek medical advice if they are frequently too ill to attend school
- Don't take family holidays in term time.