

Penalty Notices and the Education Act 1996

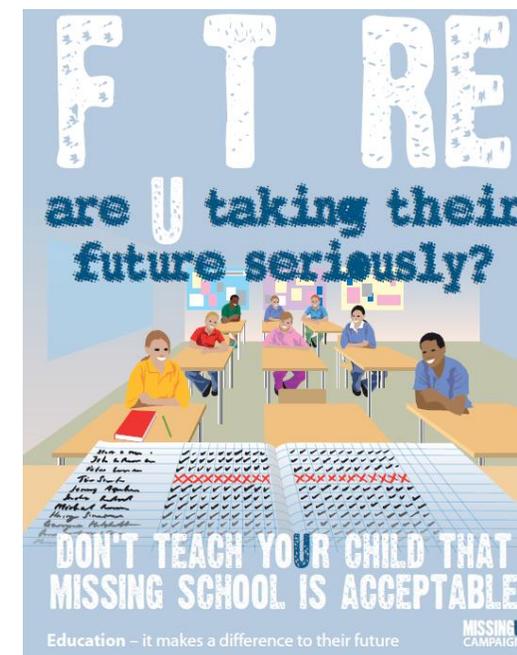
Section 444 of the Education Act gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but has failed to secure their child's regular school attendance and/or punctuality.

Government Advice on School Attendance

'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.'

Education Inclusion Service

Penalty Notices



Information for Parents and Carers

Q. Why are Penalty Notices used?

Missing school can impact on children's academic attainment, disrupt school routines and affect the continuity of their learning. Missing school can seriously affect a child's longer-term life opportunities and their ability to reach their full potential.

If your child fails to attend school regularly and punctually, and the absence is recorded by the school as unauthorised, 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 fixed fine which may be issued as an alternative to prosecution. It does not require a court appearance (if paid) 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?

A Penalty Notice may be issued if your child is absent from school, without authorisation from the Headteacher, for the purposes of a holiday. There is no requirement on a school to issue a warning notice that a Penalty Notice may be issued for unauthorised holidays.

A Penalty Notice may be issued if your child is persistently late for school after the register has closed and without authorisation from the head teacher. A warning letter would be sent by the school in these cases and it is expected that the school will have worked with you and your child in order to understand and support the reasons for the persistent lateness.

Q. How is a Penalty Notice issued?

You will receive the Penalty Notice by post to your home address. These are issued by the Local Authority at the request of the school. Fines are issued to each parent (as defined in Education Law) 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, the LA will usually initiate legal proceedings against you.

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 using your bank card to make an online payment. We cannot accept payment in part or by instalment for a Penalty Notice or after the 28 day deadline.

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 LA will usually initiate legal proceedings against you for failing to secure regular attendance for a child registered at a school.

If you are convicted of this offence there are a number of possible sentences, including a fine of up to £1,000.

Q. Is there an appeal process?

No. Once a Penalty Notice has been correctly issued, 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 absence not covered by the Notice. Prosecution will be considered if two Penalty Notices have been served in any single twelve month period.

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 as the school will have requested that a Penalty Notice be issued.

Q. Where can I find more information?

For more information about the issuing of Penalty Notices you can contact the Local Authority's Education Inclusion Service at:

Gloucestershire County Council
Education Inclusion Service
3rd Floor, Block 4
Shire Hall
Westgate Street
Gloucester GL1 2TP

Phone: 01452 427274

Email: Attendance@gloucestershire.gov.uk

Website:

www.gloucestershire.gov.uk/education-and-learning