

Penalty Notices for unauthorised absence from school

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

What is a Penalty Notice?

Under existing legislation, parents/carers commit an offence if a child fails to attend regularly and the absences are categorised as unauthorised (the school viewing reasons provided as unacceptable or no explanations received or 'truancy'). Depending on circumstances such cases may result in prosecution under Section 444 of the Education Act 1996.

A Penalty Notice is seen as a simpler sanction to focus parents on their responsibilities and does not require an appearance in Court. Payment of a Penalty Notice enables parents to discharge potential liability for conviction for the period identified.

How are they issued and who are they issued to?

They are issued by post to your home. No more than one can be issued for each child in any academic year to each parent/carer who holds responsibility. Each parent/carer issued with a Penalty Notice has to pay a Penalty Fine.

When are they used?

Oldham considers that regular attendance at school is of such importance that Penalty Notices may be used in a range of situations where unauthorised absence occurs:

- overt truancy;
- pupils identified as truanting during a truancy patrol;
- parentally-condoned absences;
- unauthorised holidays and unauthorised extended absences during term-time;
- persistent late arrival at school after the register has closed (which is categorised as an unauthorised absence);
- an emerging pattern of unauthorised absences; and
- pupils on the 'fast-track to attendance' project who have failed to achieve the required improvement in attendance.

Is a warning given?

A written warning, other than in specific circumstances**, will be sent from the School Attendance Improvement Service when a pupil has, or is likely to have (in the case of an unauthorised holiday or unauthorised extended absence) a minimum of 5 school days lost to unauthorised absence (in the previous 12 weeks) or they have been identified during a Truancy Patrol .

The written warning will indicate the extent of your child's absences and give you 15 school days in which to effect an improvement.

A Penalty Notice can then be issued if there has been little improvement or if your child has been identified truanting during a Truancy Patrol.

** The deliberate taking of a holiday in term-time without/against school permission (where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given) and where this has created a period of unauthorised absence.

Is there an appeal process?

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

What are the costs & how do I pay?

Payment within 21 days of receiving a Notice is £60 and £120 if paid after this within 28 days.

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, after which the Authority is required under the Act to commence proceedings in the Magistrates' court for the original offence of poor attendance by your child. If the case is proven at court, this can attract a range of fines up to £2,500 and/or a Custodial Sentence, Parenting Order or Community Sentence depending upon circumstances.

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 the case that a prosecution might be considered for further periods of poor attendance not covered by the Notice, depending on the circumstances. If this is an issue, it is vital that you work closely with your child's school and support agencies such as the Education Attendance Service.

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

Yes, the Local Authority and your child's school will give you advice and support if you need help to secure an improvement in your child's attendance.

It is very important that you speak with the school or with the Education Attendance Service at the earliest opportunity if you have any worries at all about securing your child's attendance