

# Penalty Notices - information for parents and carers

South Gloucestershire Council

## 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 South Gloucestershire Council 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:

1. where unauthorised absences are recorded
2. 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
3. where the child is persistently late arriving at school after registers have closed
4. where a combination of more than 10 sessions of a) to c) above have been recorded.

## How much is the fine?

The fine is £60 (per parent, per child) if paid within 21 days of receipt of the notice; rising to £120 if paid after 21 days but within 28 days.

For example a two - parent family taking 2 children out of school for an unauthorised holiday would be liable for a total of £240 if paid within 21 days or £480 between 21 and 28 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 can you 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
- don't take family holidays in term time.

## 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 Senior Education Officer immediately (number below). 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 28 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 £1000 under Section 444 (1) or up to £2500 and/or three months imprisonment under Section 444 (1A), a Parenting Order or other sanctions at the Magistrates' disposal. A Criminal Court Charge of £150 will be imposed by the Court if a 'guilty' plea is entered and you are found guilty of the offence. If a 'not guilty' plea is entered and you are convicted after trial, the Criminal Court Charge imposed will be £520. You are strongly urged to seek legal advice if you are considering not paying the Penalty Notice.

## Further information and advice

Department for Education - School attendance: Statutory guidance and advice:  
<http://www.education.gov.uk/aboutdfe/advice/f00221879/advice-on-school-attendance>

<a href="http://www.childrenslegalcentre.com">www.childrenslegalcentre.com</a>	0808 802 0008
<a href="http://www.adviceguide.org.uk">www.adviceguide.org.uk</a>	08444 111 444
<a href="http://www.ace-ed.org.uk">www.ace-ed.org.uk</a>	0300 0115 142

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