

A guide to Education Welfare Services  
for parents and carers

# Penalty notices



## What is a penalty notice

A penalty notice is a fine imposed by a court because, under the existing legislation, you, as a parent (or carer) have committed an offence by allowing your child to be absent from school or educational provision without permission. This is called 'unauthorised absence'.

The Anti-Social Behaviour Act 2003 introduced the penalty notice as an alternative to prosecution. A penalty notice does not require an appearance in court but still aims to secure an improvement in your child's attendance.

## Why the Council issues penalty notices

Reducing absence is a key priority nationally and locally because missing school damages your child's attainment, disrupts school routines and the learning of others and can leave a pupil vulnerable to anti-social behaviour and crime.

Above all, missing school seriously affects your child's longer term life opportunities.

## Reasons for issuing penalty notices

Penalty notices may be used to tackle unauthorised absence in the following circumstances:

- Where the parent has chosen to take their child on holiday during term time without authorisation, especially where the absence will lead to the child missing a public examination i.e. SATs and GCSEs.
- In cases where pupils are persistently late for school after the register has been closed.
- In cases where a pupil's parents fail to work with the school and the Education Welfare Service to improve attendance.

If your child has at least 10 sessions (5 days) of unauthorised absences within 100 sessions (10 weeks), then you could be liable for receiving a penalty notice. All parents must be warned prior to the unauthorised absence.

## **Who can issue a penalty notice?**

Designated Officers of the Education, Health and Social Care Directorate will issue a penalty notice on behalf of schools. Head teachers or their deputies will decide on whether to request a penalty notice, taking due regard of the Cornwall Council Code of Conduct for penalty notices and following consultation with the Designated Officers in the Local Authority.

## **How are penalty notices issued?**

Penalty notices are not an 'on the spot' fine. There has normally been contact with you, as the parent/carer of a child whose attendance at school has caused concern. A warning about your child's attendance has generally been sent to you with details of the absences which were unauthorised.

In this letter you will be reminded of your legal responsibilities as a parent regarding your child's attendance at school. You may also be offered support and advice on how you can ensure your child attends school regularly and on time, in order to avoid any legal action being taken against you.

It is important to note that any penalty notice issued must be addressed to one parent but a penalty notice may be issued to each parent liable for the offence and for each child in the case of parents taking their children out of school for unauthorised holidays in term time.

## **How to pay a penalty notice**

Arrangements for paying the penalty notice will be on the actual document. The monies are paid to Cornwall Council.

The initial amount is £60 per child and can be £60 per child per parent. This should be paid within 21 days. Failure to pay within the time-scale means the penalty notice automatically doubles: after 21 days the amount becomes £120 per child. This amount must be paid within 28 days.

## **Non-payment of penalty notices**

Non-payment of a penalty notice within the time scales detailed above may result in a prosecution under Section 444 of the Education Act 1996.

## **Withdrawal of penalty notices**

Once issued, a penalty notice can only be withdrawn if the information on which it was based was not correct. If this has happened the authorising person has to notify the Education, Health and Social Care Department, informing them of the reasons for withdrawing the penalty notice.

## Contact details

For further information look us up on:

<http://www.cornwall.gov.uk/education-and-learning/schools-and-colleges/education-welfare>

Telephone: **01872 323400**

**Education Welfare Service**  
**Education, Health and Social Care**  
**One Stop Shop**  
**39 Penwinnick Road**  
**St Austell**  
**TR25 5DR**

**If you would like this information in another format or language please contact:**


Cornwall Council, County Hall, Treyew Road, Truro TR1 3AY

Telephone: 0300 1234 100

Email: [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)

[www.cornwall.gov.uk](http://www.cornwall.gov.uk)

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