



Education Welfare Service

Penalty Notices

**(To address poor attendance
and punctuality at school)**

The Education Act 1996, section 444 (1)

Advice to parents and carers

from

Children and Young People Directorate

- ***Penalty Notices and the Education Act 1996***

Section 444 (1) of the Act gives powers to the Local Authority (LA) and other designated bodies (including headteachers) to issue Penalty Notices where a parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance and/or punctuality.

- ***Why have they been introduced?***

Reducing absence and improving punctuality in schools is a key priority both nationally and locally because missing school damages a pupil's attainment levels, disrupts school routines as well as the learning of others and can leave a pupil vulnerable to anti-social behaviour and youth crime.

Above all, missing school seriously affects children's longer-term life opportunities.

Under existing legislation, parents/carers commit an offence if their child fails to attend school regularly and punctually and the absence is recorded by the school as unauthorised. Absence is recorded as unauthorised unless it is taken with the permission of the school or is for some unavoidable reason. Punctuality is recorded as unauthorised absence when the pupil arrives after the register has been closed. Check with your child's school as to what time their register closes.

Depending upon the circumstances, such cases may result in prosecution by the LA under the Education Act 1996, section 444 (1). A Penalty Notice is an alternative to prosecution.

- ***What is a Penalty Notice?***

A Penalty Notice is a fine which may be issued as an alternative to prosecution. It does not require a court appearance and does not result in a criminal record. Payment of a Penalty Notice enables the parent/carer to discharge the potential liability for prosecution and subsequent conviction.

- ***What is the cost of a Penalty Notice?***

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

- ***How is a Penalty Notice issued?***

By post to your home.

- ***When are they issued?***

Derby City Council and Derby schools consider that regular attendance and punctuality is of such importance that Penalty Notices may be issued where a pupil has had periods of unauthorised time away from school at any point in the school year.

- where issuing a Penalty Notice will be an effective measure in helping the pupil return to school and/or ensure their future regular attendance/punctuality

- where the parent/carer is capable of ensuring the pupil's regular attendance/punctuality
- where the parent/carer has failed to cooperate in making use of advice/support offered.
- where the parent/carer takes a child on holiday during term-time without the school's permission.

- ***Is a warning given?***

In most situations the parent/carer will be given a written warning of the possibility of a Penalty Notice being issued. This written warning will advise the parent/carer about the extent of the child's absence and warn them that if the child's attendance and punctuality does not show a significant improvement and if this improvement is not maintained thereafter, a Penalty Notice may be issued without further warning.

NB. The school may, however, have already warned parents of its policy in respect of term-time holidays. In such cases, if a holiday is taken without the school's permission beforehand, a Penalty Notice may be issued without a further warning.

- ***Is there an appeal process?***

There is no statutory right of appeal. Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.

- ***How do I pay?***

Details of payment arrangements will be included in the Penalty Notice. Payment in part or by instalments of a Penalty Notice is not acceptable.

- ***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 Local Authority is required, by law, to commence proceedings in the Magistrates' Court for the original offence of poor school attendance and/or punctuality.

If convicted of this offence under the Education Act 1996, there are a number of possible sentences including a fine of up to £1000 (in the case of a prosecution under section 444(1)) or a fine of up to £2500 and/or a period of up to 3 months' imprisonment (in the case of a prosecution under section 444(1A)).

- ***What if my child has further unauthorised absence from school?***

If you pay the Penalty Notice and your child has further unauthorised absences, you may be prosecuted for the further unauthorised absences but not for the absences during the period covered by the Penalty Notice.

- ***Can I get help if my child is not attending school?***

Yes. Both the school and Derby City Council Education Welfare Service are available to provide advice and support. The school can provide contact details of their named Education Welfare Officer.