



Penalty Notices for non attendance at school

Information for parents and carers

What is a Penalty Notice?

A Penalty Notice is a fixed fine issued to the parents or carers of a child for unauthorised absences from school. Penalty Notices are issued by first class post to your home and will explain how and where you can make your payment. You must pay the whole amount owing in one payment – you cannot pay in instalments or just pay part.

Penalty Notices are issued at £60 per parent per child, to be paid within 21 days. After 21 days and up to 28 days the fine increases to £120 per parent per child.

What does the law say about non-attendance?

- Under Section 444 of the Education Act 1996, parents or carers can be taken to court and prosecuted if their child does not attend school regularly and the absences are unauthorised. This means that school cannot or has not given permission for the child to be off school.
- In 2003, the Anti-Social Behaviour Act provided an alternative means of tackling non-attendance in schools. Local Education Authorities and other designated bodies were given powers to issue Penalty Notices to parents and carers who are considered capable of but unwilling to work towards improving their child's attendance.

When might a Penalty notice be issued?

Circumstances where Bury Education Department may issue a Penalty Notice for unauthorised absences include:

- Where pupils are openly truanting (this includes pupils found during truancy sweeps by Education Welfare Team and the police).
- Absences from school which parents or carers are aware of, but the school has not authorised.
- A child is present in a public place during school hours on a day that the child is excluded from school.
- Holidays taken during term-time, which the school has not authorised.
- A delayed return from an extended holiday, where parents or carers have not had permission from the school beforehand.

- Regular late arrivals at school (after the register has closed).

Before Penalty Notices are issued –

Before Penalty Notices are issued, you will receive a written warning which will explain that your child's absences cannot be authorised by the school and alert you to the possibility of receiving a Penalty Notice.

How many absences will result in the issuing of a Penalty Notice?

- A minimum of 10 sessions (or 5 school days) which are classed as unauthorised absences within a designated period of time
OR
- A minimum of 10 sessions (or 5 school days) for taking leave during a designated period without the permissions of the school.

Can you appeal against a Penalty Notice?

- There is no statutory right of appeal after a Penalty notice has been issued.

You can, however, contact us in writing if you believe the Penalty Notice should not have been issued to you. You will need to supply supporting documentation with your case. Contact details for providing your supporting documentation are detailed below. Please quote your Penalty Notice Reference Number with all correspondence.

Please note that simply disagreeing with the decision would not be sufficient cause to withdraw a Penalty Notice.

What happens if you do not pay the Penalty Notice?

- Paying the Penalty Notice allows you to discharge any liability for your child failing to attend school during this period specified.
- If you do not pay a Penalty Notice within 28 days of receipt, the Local Authority will take you to court under the Education Act 1996 for the original offence of non attendance by your child.

Definition of parental responsibility

The Education Act 1996 broadens the definition of parental responsibility to include – **'any person who although not a parent has day to day care of a child or young person'**. This can be a step-parent.

If you are worried about your child's school attendance...

Please contact your child's school or the Local Authority Education Welfare Team as soon as possible. They can offer you advice and support with your child to improve and maintain their attendance before any formal action needs to be taken.

Note for parents: Please ensure that the contact details held by your child's school are accurate and up-to-date.

Contact details and more information covered by this leaflet ...

The local Code of Conduct for issuing Penalty Notices for unauthorised absence from schools can be access via www.bury.gov.uk / Schools and Learning / Truancy behaviour and welfare.

www.teachernet.gov.uk/publications

Penalty Notices

School Attendance Team

3 Knowsley Place

Duke Street

Bury

BL9 0EJ

E-mail: schoolabsencefines@bury.gov.uk