

# Penalty notices

## Education Welfare Service

Section 23 of the Anti-Social Behaviour Act 2003 empowers designated local authority (LA) officers, head teachers (and deputy and assistant head teachers, authorised by them) and the police to issue penalty notices in cases of unauthorised absence from school.

Penalty notices supplement the existing sanctions to enforce attendance at school currently available under Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989.

The LA is responsible for developing a code of conduct for the issuing of penalty notices and is responsible for administering the payments and following up on unpaid penalty notices.

### [Do I have a right to take my child out of school when I want to?](#)

It is schools who authorise requests for leave in term time and headteachers can only authorise leave in exceptional circumstances. Parents/carers must make a request for leave of absence in writing in advance. If the school does not grant the absence and parents still take the child out of school or for longer than was granted, the absence will be unauthorised.

### [Does the law allow for parents to take their children out of school for a holiday for 10 days?](#)

The law does not give parents an automatic right to remove children for any length of time for the purpose of a holiday.

### [Why have I received a penalty notice \(PN\)?](#)

You have received a penalty notice for one of the following reasons:

- because your child has missed 10 or more consecutive sessions (one session is half a school day) that have not been authorised by the headteacher
- where you have been issued with a penalty notice warning letter and your child continues to be absent or late from school without authorisation from the headteacher
- following a truancy sweep where a pupil is stopped more than once and the absence is not authorised by the headteacher

## **Can I appeal against a PN?**

There is no right of appeal against a fixed penalty notice. Your recourse to a penalty notice is in court. If a penalty notice remains unpaid the local authority must either proceed to prosecute for the offence to which the penalty notice relates or withdraw the penalty notice.

## **What happens if I take more than one period of unauthorised leave in term time per year?**

Penalty notices are an alternative to prosecution for failing to ensure a child's regular attendance and will only be used once per pupil in an academic year before prosecution takes place.

## **What happens if I don't pay a PN?**

You will be prosecuted under Section 444 (1) or (1A) of The Education Act 1996. This means your case will be heard in court.

## **Will I get a criminal record?**

If you have been found guilty under Section 444 (1) or (1A) of the Education Act you will receive a criminal record.

## **Why are both parents being fined for the same child's absence from school?**

Parents and those who have day to day care of children are individually legally responsible for securing children's school attendance.

## **Will I receive a PN warning?**

You will not receive a warning if your child has been absent for 10 or more consecutive sessions of unauthorised absence. You will receive a penalty notice warning letter when your child has been absent for eight or more sessions in a 12 week period or less.

## **I have received a PN warning what does this mean?**

You will receive a penalty notice warning letter when your child has been absent from school for eight or more sessions in a 12 week period or less. These do not have to be eight consecutive sessions.

After a period of five days grace, your child's attendance will be monitored for a further six weeks. During this time you will be required to provide supporting evidence to authorise any absence. If further unauthorised absences continue you may be issued with a penalty notice.

## **I haven't received a PN but I have received notice of court action what can I do?**

If you have received a single justice procedure notice of court action or a court summons, please contact the number available to discuss this.

## **How can I pay a PN?**

You can pay for a penalty notice online or over the phone, the information is on the penalty notice or call 01582 548174 to discuss.

## **Why are there two rates for a PN of £60 and £120?**

Penalty notice payments are discounted if the payment is paid early, (within the first three weeks) thereafter they double. Anyone who pays after the first three weeks of receiving a penalty notice must pay the standard £120 rate.

## **Can I pay my PN in instalments?**

The council is not able to offer instalment plans for paying fixed penalty notices. If you have difficulty paying please telephone the education welfare officer who may be able to offer a payment extension depending on the circumstances.