

## 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 Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.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 are included in the Penalty Notice. You must ensure that you include your Penalty Notice reference number on any payment method so the payment can be tracked. Failure to do so may result in the Penalty Notice being recorded as unpaid. Full payment is required within the 21 days or 28 days' timescales. Payment in part or by instalments is not possible. Late payments cannot be accepted and the Penalty Notice is recorded as unpaid.

## What happens if I do not pay?

You will have up to 21 days at £60 or 28 days at £120 from the date of posting 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.

If convicted of this offence under the Education Act 1996 there are a number of possible sentences, including a fine of up to £1,000 (in the case of a prosecution under section 444(1)) or a fine of up to £2,500 and/or a period of up to three months' imprisonment (in the case of a prosecution under section 444(1A)).

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

Yes. The school is available to provide advice and support and signpost you to other support agencies in the locality. You can also contact the local authority on:

Tel: 0300 555 1384 (Hantsdirect).

## SERVICES FOR SCHOOLS

# Information on Penalty Notices for non-attendance at school

Education Act 1996, section 444A

## Advice for parents and carers

Applied from September 2015



## Penalty Notices and the Education Act 1996

Section 444A of the Act gives powers to the local authority, and headteachers to issue Penalty Notices in circumstances where it is believed that a person has committed an offence under Section 444(1); that is, where a child fails to attend regularly at their registered school.

### What is a Penalty Notice?

A Penalty Notice is a fine which may be issued as an alternative to prosecution. If it is paid it does not require a court appearance and does not result in a criminal record.

### Who can be issued with a Penalty Notice?

Where absence warrants the issuing of a Penalty Notice, each individual parent/carer can be issued with one Penalty Notice for each of their children with unauthorised absence.

### What if my child has further unauthorised absence from school?

If you pay the Penalty Notice and your child has further unauthorised absences additional legal action will be taken. For example, in the event that a Penalty Notice has previously been served to you due to unauthorised holiday, should your child have any future unauthorised leave this will result in further legal action for you, such as prosecution or an Education Supervision Order.

### How is a Penalty Notice issued and how much is the fine?

Penalty Notices are either posted to your home or delivered to you by hand. Each Penalty Notice fine is £60 if paid within 21 days of the date of posting and £120 if paid after this but within 28 days of the date of posting.

### When are they issued?

As set down by the Department for Education, Penalty Notices can be issued for unauthorised absence. In Hampshire, Penalty Notices are issued when a pupil has had 10 or more half-day sessions (equivalent to five school days) of unauthorised absence, in any 10 school week period; or one or more unauthorised absences during a public exam,

assessment or test (where the dates have been published). *Unauthorised absence* is absence not approved by the school and will be coded on your child's attendance record as one of the following:

- O – unauthorised absence
- U – late after close of registration
- G – non-approved leave of absence (holiday).

### Is a warning given?

For unauthorised leave of absence or during public exams, assessment and testing the school will provide warning of a Penalty Notice in its school policy, or through letters, newsletters, the school website, and the leave of absence request form. In such cases a Penalty Notice can be issued without further warning.

If your child has an ongoing pattern of unauthorised absence then you will receive a written warning of the possibility of a Penalty Notice being issued. This warning will advise you about the extent of your child's absence and warn you that if your child's attendance does not show a significant improvement and if this improvement is not maintained thereafter, a Penalty Notice may be issued without further warning.

### Further support, advice and guidance is available from:

#### The Department for Education

- [www.gov.uk/government/publications/parental-responsibility-measures-for-behaviour-and-attendance](http://www.gov.uk/government/publications/parental-responsibility-measures-for-behaviour-and-attendance)
- [www.gov.uk/government/publications/school-attendance](http://www.gov.uk/government/publications/school-attendance)
- [www.gov.uk/school-attendance-absence/overview](http://www.gov.uk/school-attendance-absence/overview)
- [www.gov.uk](http://www.gov.uk)

#### Hampshire County Council

- [www.hants.gov.uk/education/hias/learning-behaviour-attendance/attendance-guidance-for-parents](http://www.hants.gov.uk/education/hias/learning-behaviour-attendance/attendance-guidance-for-parents).