

# Penalty Notices

## Receiving a Penalty Notice

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



## **What does the law say?**

**Either:** You took your child on a leave of absence in term time that was not approved by the school

**Or:** Following a warning about your child's irregular attendance there were further unauthorised absences.

## **Why have my partner/spouse and I both received a Penalty Notice?**

Each parent is individually responsible for the child's attendance and commits a separate offence if the child does not attend school on a regular basis.

Therefore both parents will receive a Penalty Notice and each parent will be individually responsible for the payment of their own Penalty Notice.

## **Why have I received a Penalty Notice when I do not live with my child?**

If you have parental responsibility for your child and are in regular contact then you are still legally responsible for your child's school attendance.

## **The dates on the invoice are not the dates of our leave of absence (holiday). Why is this?**

All dates on a Penalty Notice run from a Monday to a Friday. Your leave of absence (holiday) was taken **within** the dates on your invoice. It does **not** necessarily mean that your child was absent for the whole of this period.

## **How do I pay?**

Details of the ways to pay are included on the back of the invoice. Payments **cannot** be made directly to the School Attendance Service.

## **Can I pay the fine in instalments?**

No. Payment in part or by instalments is not an option with Penalty Notices. Payment can only be made within the dates specified on the notice

## **Can I appeal?**

No. There is no statutory right of appeal once a Penalty Notice has been issued. However, if you consider that it's issue was procedurally incorrect then contact the School Attendance Service with the relevant information.

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

If you don't pay the fine within 28 days the Local Authority will take you to court for the original offence of failing to ensure your child's attendance at school. If proven you could be liable to a fine of up to £2500 and/or a 3 month custodial sentence.

Portsmouth Local Authority considers that regular attendance at school is of such importance that Penalty Notices may be used where unauthorised absence occurs.

The Local Authority never takes such action lightly and would far rather that parents work with schools to improve attendance without the Local Authority having to resort to enforcement action. However, attendance is of such importance to all of us, that the Local Authority will take necessary action to secure a child's education.

Please address any queries to:

**School Attendance Service  
Floor 2, Core 1  
Civic Offices  
Portsmouth  
PO1 2EA**

**Telephone: 023 9284 1419**

**Fax: 023 9284 1725**

Note for the purpose of this Leaflet:

### **Definition of a Parent**

Section 576 of the Education Act 1996 defines a parent to include:

- All natural parents, whether married or not.
- Any person who, although not a natural parent, has **care of a child** or young person.
- Any person who, although not a natural parent, has **parental responsibility for a child** or young person.