

Penalty Notices Information Leaflet

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What is a Penalty Notice?

It is a fine given for **unauthorised** absence from school. It is an alternative to criminal proceedings and does not require an appearance in court.

Who issues Penalty Notices?

The Local Authority Issues them through the School Attendance Service (SAS), by first class post to parents.

When are they used?

- When a pupil has at least 10 sessions (5 school days) recorded as an unauthorised absence in a term. Please note **ONLY** a Head Teacher can authorise an absence from school.
- For an unauthorised leave of absence in term time e.g. a family holiday
- Persistent late arrival at school (after the register closes)

Is a warning given?

Not in cases where a leave of absence in term time has been taken without school permission.

In all other cases a written warning of the possibility of a Penalty Notice is sent to parents. The warning will give 30 school days in which to improve their child's attendance. The Penalty Notice will not be issued if the child has no unauthorised absences from school over the warning period.

Who is responsible and what is the fine?

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.

If paid within 21 days of receipt it is £60 per parent per child, after which it goes up to £120 if paid within 28 days. i.e. for two parents with two children the fine would total £240 if paid within 21 days or £480 if paid within 28 days.

How is it paid?

Information on how to pay is included with the Penalty Notice. Payment cannot be made in part or by instalments.

Can parents appeal?

No. There is no statutory right of appeal once a Penalty Notice has been issued. However, if they believe that it's issue was procedurally incorrect then they can contact the Local Authority with the relevant information.

What happens if it is not paid?

If it is not paid within the 28 days the Local Authority will commence proceedings in the Magistrates' Court for the original offence of irregular school attendance not for the non-payment of the Penalty Notice. If proven a fine of up to £2500 and/or a 3 month custodial sentence could be imposed.

Can parents receive more than one Penalty Notice?

Yes. Each parent can receive up to two Penalty Notices in an academic year in respect of each pupil. There is no limit to the number of warnings that can be issued.

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.