



Somerford Primary School

Draper Road, Christchurch, Dorset BH23 3AS

Tel : 01202 485436

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Headteacher : Mrs H Frampton

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Ofsted November 2021

Penalty Notices for Unauthorised Absence from School

Each parent/carer issued with a Penalty Notice has to pay a Penalty Fine.

What is a Penalty Notice?

Under existing legislation, parents/carers commit an offence if a child fails to attend regularly, and the absences are categorised as unauthorised (the School viewing reasons provided as unacceptable; or no explanations received; or 'truancy'). Depending on circumstances such cases may result in prosecution under Section 444 of the Education Act 1996. However, legislation allows the Local Authority to issue a Penalty Notice under Section 23 of the Anti-Social Behaviour Act 2003 to each parent/carer with responsibility for a child in respect of the offence.

A Penalty Notice is seen as a simpler sanction to focus parents/carers on their responsibilities and does not require an appearance in Court. Payment of a Penalty Notice offers a person the opportunity of discharging any liability to conviction of the offence under section 444(1) to which the notice relates.

How are they issued and who are they issued to?

They are issued by post to your home. No more than one will usually be issued for each child in any academic year to each parent/carer. A prosecution section 444(1), is a more likely outcome for any further offence within a school year. However more than one Penalty Notice may be issued for an excluded child found in a public place. Each parent/carer issued with a Penalty Notice must pay a Penalty Fine.

For the issuing of a Penalty Notice a parent/carer is defined as per Section 576, The Education Act 1996.

The word 'Parent' within the meaning of the act includes;

- all-natural parents whether they are married or not,
- any person who, although not a natural parent, has parental responsibility for a child or young person, (as defined in the Children Act 1989).



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- any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is a parent in education law).

When are they used?

BCP Council considers that regular attendance at School is of such importance that Penalty Notices may be used in a range of situations where unauthorised absence occurs;

- overt truancy;
- parentally-condoned absences;
- unauthorised leave and unauthorised absences during term-time; persistent late arrival at School/Academy after the register has closed (which is categorised as an unauthorised absence);
- an emerging pattern of unauthorised absence.

Is a warning given?

The deliberate taking of leave in term-time without/against School permission, where this has created a period of unauthorised absence, will result in a Penalty Notice being issued by the School Inclusion Service **without warning**. The School having already warned that such action will be taken in 'their letter refusing the holiday application and in school policy information. For general absence, you must have been provided with a warning of at least **15 school days**.

Is there an appeal process?

There is no statutory right of appeal once a Notice has been issued, but you can make representation to the School inclusion Service if you believe the Penalty Notice contains factually inaccurate information and has been wrongly issued.

What are the costs & how do I pay?

Payment within **21 days** of receiving a Notice is £60 and £120 if paid after this but within 28 days. Details of payment arrangements will be included on the Penalty Notice. You need to be aware that payment in part or by instalment is not an option with Penalty Notices.



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What happens if I don't pay?

You have up to 28 days from receipt to pay the Penalty Notice in full, after which BCP Council can, under the Act commence proceedings in the Magistrates' court for the offence of failure to secure regular attendance of your child at their registered School. If the case is proven at court or via a Single Justice Process. If convicted of this offence you can be fined up to £1,000 and will hold a criminal record.

Can I be prosecuted if I pay the Penalty Notice but my child is still missing School?

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. However, it may be the case that a prosecution might be considered for further periods of poor attendance not covered by the Notice, depending on the circumstances. If this is an issue, it is vital that you work closely with your child's School and support agencies.

Can I get help if my child is not attending regularly?

Yes, your child's School will give you advice and support if you need help to secure an improvement in your child's attendance. BCP Council can also provide information, advice and guidance.

It is very important that you speak with the School at the earliest opportunity if you have any worries at all about ensuring your child's School attendance.