

PENALTY NOTICES FAQs

Q: Why have I been issued with a Penalty Notice?

A: Because you have taken your child out of school during term time without the leave of absence being authorised or your child has other unauthorised absences as detailed below.

Q: Who issues Penalty Notices?

A: The Local Authority, at the request of the school.

Q: When are they used?

A: A Penalty Notice may be issued as an alternative to the prosecution of a parent/carer for their child's unauthorised absence from school and will be used by the Local Authority in the following circumstances:

- Unauthorised leave of absence and family events in term time for 5 days or 10 sessions or more. In such cases the school will request the local authority to issue a Penalty Notice. **Each parent/carer** is liable to receive a Penalty Notice for **each child** who is absent. Warnings will not be given where it can be shown that parents/carers have been notified that such absences will not be authorised and that they will be liable to receive a Penalty Notice if the leave of absence is taken.
- Where a student has incurred 7 or more unauthorised sessions during the preceding six school weeks. Unauthorised absence will include late arrival after the close of registration without good reason.
- The issue of a Penalty Notice will also be considered where it is judged that a parent/carer is failing to ensure their child's regular school attendance.
- Students identified by police and education welfare officers engaged in Truancy Patrols who have incurred unauthorised absences.

The Local Authority never takes such action lightly and would far rather work with parents/carers to improve attendance without having to resort to any enforcement actions. Education is of such importance, however, that the Local Authority will use these powers if this is the only way of securing a child's regular attendance at school.

With the exception of unauthorised holidays taken in term time, parents/carers will be sent a formal warning of their liability to receive such a notice before it is issued.

Q: Who decides whether the leave of absence will be authorised?

A: The Law states that schools are not permitted to authorise any Leave of Absence unless there are exceptional circumstances. The Headteacher and Deputy Headteacher, acting on behalf of the school, have the responsibility to decide what is considered to be exceptional circumstances.

Q: What are Exceptional Circumstances?

A: The regulations have not defined 'exceptional circumstances' and therefore the Headteacher or Deputy Headteacher will be responsible for deciding what they consider to be 'exceptional circumstances' and will make this decision on an individual basis.

Q: Who is liable to receive a Penalty Notice?

A: Any person who is the parent or carer of the child. In the case of separated parents where a leave of absence for a holiday has been taken and is unauthorised, the Penalty Notice will be sent to the parent asking for the leave of absence and/or taking the student on holiday.

Q: Who decides how much the Penalty Notice is?

A: The amount payable and the length of time you have to pay the penalty notice is set out in law which states that the penalty notice is £60 per parent/carer, per child if paid within 21 days and £120 per parent/carer, per child if paid after 21 days but within 28 days.

Q: How do I pay?

A: The information on how to pay is included in the penalty notice. Payment cannot be made in part or by instalments.

Q: Who receives the revenue from Penalty Notices?

A: The Law states that any monies collected from Penalty Notices must be used for the administration of the Penalty Notice process. Any monies collected which exceed the cost of the administration must be given to central Government. Schools do not benefit from the proceeds of Penalty Notices.

Q: Can I appeal?

A: No, there is no right of appeal. You can contact the school to ask why the school do not consider your reasons for leave of absence to be exceptional circumstances. The Headteacher's decision is final.

Q: What if I don't pay the Penalty Notice?

A: You will be summonsed to appear at a Magistrates' Court for failing to ensure the regular school attendance of your child for the period they were absent, as shown on the Penalty Notice under Section 444 of the Education Act 1996.