The Education Act 1996

Section 444A and section 444B of the Education Act 1996 give powers to the local authority (LA) to issue penalty notices where the parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance.

Why are Penalty Notices used?

Reducing pupil absence from school is really important.
Missing school reduces a pupil's educational attainment chances.
Absence from school makes a child more vulnerable to anti-social behaviour and other crime.
A child is less likely to get a job or training when s/he leaves school if they have been regularly absent from school.

What is a Penalty Notice?

A penalty notice is an alternative to prosecution and is used to try and improve a pupil's school attendance without the need to appear in court.
If the fine is paid, a parent or carer cannot be fined or prosecuted again for the period covered by the penalty notice.

Penalty notices are issued to each parent for each child and payment is required for <u>each</u> penalty notice issued

Who issues them?

The Local Authority through the Education Welfare Service.

How are they issued?

By post to your home.

What are the costs?

If this is your first penalty notice then payment of £160 is required within 28 days of receipt of the penalty notice; this sum is reduced to £80 if paid within 21 days. If this is the second penalty notice to be issued to you in respect of the same child within 3 years of the first penalty notice, payment of £160 is required within 28 days of receipt of the penalty notice. If the penalty notice is not paid in full within 28 days the LA is required to start proceedings in the Magistrates' Court for your child's poor school attendance. If you plead guilty, or are found guilty, the courts have a wider range of options which could include a maximum fine of £1000. In addition a Parenting Order could be imposed.

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, legal proceedings might be considered for further periods of poor attendance not covered by the penalty notice.

When are they used?

- When a parent/carer continually fails to provide a reason for a pupil's absence in accordance with school's procedures
- Following notification from a school to the LA that a pupil has had an unauthorised leave of absence
- When a pupil is referred to an Education Welfare Officer and fails to achieve the required improvement in attendance

In most cases a pupil will have had a minimum of 10 school sessions (5 school days) of unauthorised absence during a 10 week period before a penalty notice is considered.

Unauthorised absence is where the school has not given permission for the absence or where no justifiable reason has been given to the headteacher or when a child does not register either in the morning or the afternoon before the school register is closed.

Why have I received this leaflet?

Either – you have received a Notice to Improve School Attendance warning of the possibility of a penalty notice being issued as your child has had at least 10 sessions of unauthorised absence within a 10 week period.
Or – your child has unauthorised absence which has not been agreed by the school but support is not deemed appropriate (eg for a family holiday). You will not have received a Notice to Improve School Attendance in this situation.

What can I do now?

- If you have been issued with a Notice to Improve School Attendance due to unauthorised absence, you should make sure that your child does not have any more unauthorised absence from school.
- You should make contact with the school and arrange to discuss the support available to help improve your child's attenance

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

Yes, talk to your child's school.

The Education Welfare Service may also help:

Please email: EWS@wiltshire.gov.uk

Wiltshire Council

PENALTY NOTICES FOR ABSENCE FROM SCHOOL

EDUCATION ACT 1996

Information for Parents and Carers

With effect from 19 August 2024