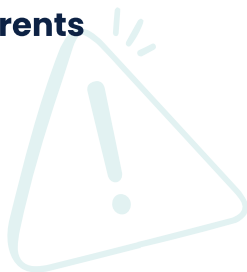


**North
Lincolnshire
Council**

**EVERY MINUTE
COUNTS!**

**PENALTY
NOTICES**

Information for Parents



The Education (Penalty Notices) (England) Regulations
2007 & Amendments

Information for Parents

"Parent" includes any person who, is not a parent of the child / young person, but who has parental responsibility for the child/young person (As defined in the Children Act 1989); and any person who has care of a child/young person. Having care of a child / young person means a person with whom the child lives and looks after the child, irrespective of what their relationship with the child, is considered to be a parent in education law. Throughout this document, references to "parent" mean each and every parent coming within the definition (whether acting jointly or separately).

Can I pay in instalments?

No – late or part payments will not be accepted.

What is unauthorised leave of absence?

- A parent has made a request to school for a period of absence in term time and this has not been agreed by the school
- A parent has not applied for a leave of absence in advance (the regulations do not allow for approval after the leave of absence)
- A parent keeps the child away from school for longer than what was agreed. The extra time is recorded as unauthorised.
- The school has marked the absence as unauthorised as they have reason to suspect this was an unapproved holiday in term time and no acceptable alternative evidence has been provided.

If the leave of absence you have requested is not agreed by the school, and your child's total unauthorised absences as outlined in the bullet points above, amount to 10 or more sessions (5 school days) continuous or odd days in the previous 3 months, Education Inclusion will be notified and a penalty notice will be issued to each parent, for each child



Can I make an appeal against the penalty notice?

No – there is no statutory right of appeal once the penalty notice has been issued, but on receipt of a warning, you can contact the school to discuss the matter.

Who can I discuss this with?

In the first instance you should speak to your child's school or Academy. **Please note it is the Head / Principal's decision to authorise / unauthorise absence and not the Local Authority's decision.**

Education Inclusion can be contacted via email at educationinclusioncandc@northlincs.gov.uk or 01724 297 502 leave your name, your child's name and your contact information.

What are section 444A and 444B of the Education Act 1996?

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

Why are these powers available?

Reducing absence from school remains a key priority at both national and local level.

Missing school reduces a pupils educational attainment chances, and leaves them vulnerable to anti-social behaviour, safeguarding issues, exploitation and other crime and makes them less likely to enter into employment and training when they have left school.

What is a penalty notice?

A penalty notice may be issued as an alternative to prosecution, in an attempt to secure improvement in a pupils school attendance, without the need to appear in court. If this form of intervention is felt appropriate by Education Inclusion, as long as the penalty is paid in full, the penalty notice allows parents / carers to discharge their potential liability for prosecution, for the period covered by the penalty notice. If a penalty notice does not act as a deterrent and the young person continues to miss their education, then the prosecution proceedings may be considered.

What are the costs of a penalty notice?

From 19 August, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3 year rolling period and any second notice within that period is charged at a higher rate.

The first time a penalty notice is issued for unauthorised leave of absence, or general school unauthorised absence the amount will be: **£160 per parent, per child paid within 28 days Reduced to £80 per parent, per child if paid within 21 days.**

The second time a penalty notice is issued for unauthorised absence the amount will be: £160 per parent, per child paid within 28 days (there is no reduction for early payment).

A penalty notice will not be issued for a third offence and North Lincolnshire Council will consider if the case will move to a court process directly. Parents should be aware that prosecution can result in fines up to £2,500 and a criminal record.

Who issues them?

The Local Authority on behalf of schools, through Education Inclusion.



How are they issued?

By first class post to your home. A penalty notice will be issued to each parent / carer for each child.

How do I pay?

You will receive instructions of how and where to pay, on the penalty notice document. This provides instructions for payment online.

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 may be considered for further periods of poor attendance (unauthorised absence) not covered by the penalty notice, depending on the circumstances.

Why are they issued?

Penalty notices are issued for a number of reasons including :

- Truancy (this can also include lateness after the close of registers identifies as U on the register)
- Absence from school, either when a parent continually fails to provide an explanation or the school considers the absence to be avoidable.
- Leave of absence taken in term time whereby the absence has not be authorised by the school.
- A child present in a public place during the first five days and every fixed period of suspension / exclusion.

Contacts

Virtual School & Inclusion, Education Inclusion

Church Square House, Scunthorpe, DN15 6NL

Email: educationinclusioncandc@northlincs.gov.uk

Tel: **01724 297 502**

For further information and useful resources:

Visit our North Lincs Council SEND Local Offer website:

localoffer.northlincs.gov.uk

Or for more information on Early Help Assessment visit: northlincscmars.co.uk

If you are concerned that a child is being abused or they may be at risk of harm, or to request information you should contact North Lincolnshire's Children's Services Single Point of Contact on: **01724 296 500**
(9am to 5pm Monday to Thursday, 9am to 4.30pm Friday)

101 non emergency police

999 police emergency