



Penalty Notices

Advice for Parents and Carers

Unauthorised Absence from School

Education Act 1996 Education and Inspection Act 2006

ATTENDANCE SERVICE

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Why is attendance important?

For most pupils, the best place to be during term-time is in school, surrounded by the support of their friends and teachers. This is important not just for your child's learning, but also for their overall wellbeing, wider development, and their mental health.

Under the national framework, all schools will be required to consider a fine when a child has missed 10 or more sessions (5 days) for unauthorised reasons.

In the majority of cases, schools and local authorities will try and provide support to help you improve your child's attendance first, but if this isn't effective or the absence is for unauthorised term time holiday, parents may face paying a fine.

Penalty Notice Fines

Will be considered by schools when the threshold of 10 sessions (half days) of unauthorised absence (together or separate occasions) is met within 10 school week period – this means it can span weeks, school terms and academic years.

Important Note: If in an individual case the local authority (or other authorised officer) believes a penalty notice would be appropriate if a non-attendance trend is identified, they retain the discretion to issue one before the threshold is met.

How much is a Penalty Notice Fine?

First Offences:

The first penalty notice issued to a parent in respect of a particular pupil will be charged at **£80 if paid within 21 days, or £160 if paid within 28 days.**

Second Offences (within 3 years):

A second penalty notice issued to the same parent in respect of the same pupil is charged at a **flat rate of £160 if paid within 28 days.**

Any Further Offence (within 3 years):

A Third Penalty Notice cannot be issued to the same parent in respect of the same child within 3 years of the date of issue of the first. If the threshold is met for a third or subsequent times within 3 years, alternative legal intervention will be taken, this may include cases being presented straight to a Magistrates' Court.

Why did I not receive a warning that I might receive a Penalty Notice?

All schools are required to have an Attendance Policy, and this should make clear that FPNs may be issued for term time holidays, it should also be made clear on their website and in newsletters but because this is a national policy schools do not have to send individual warning letters.

If you submitted a request to the school, then they would have sent a response stating the absence would be unauthorised and might incur a Penalty Notice.

If you did not inform the school of your child's absence and they suspect your child was on holiday, then they may refer the matter to the Local Authority, but they should have notified you that this was the case.

The Education (Pupil Registration) (England) Regulations does not permit Head teachers to give authorisation for absence retrospectively meaning they cannot backdate a decision.

Can I appeal against the Penalty Notice?

There is no statutory right of appeal once a Penalty Notice has been issued.

Important Note: Officers at London Borough of Sutton cannot overturn: Any decision made by the head teacher regarding authorisation of leave during term time, or a registration mark.

Only evidence that shows an error was made in issuing the penalty notice can be considered. Any other evidence will not be considered.

How do I pay?

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. **They must be paid in full.**

What happens if I don't pay? (Non-payment, part-payment, and payment plan requests)

Payment of a Penalty Notice must be for the full amount due £80/160 as specified, lesser payments cannot be accepted.

The law does not permit payment plans as the payment times are time bound.

You have up to 28 days from issue of the Notice to pay the fine in full. After this time, if the Notice remains unpaid, the Local Authority is required, in accordance with Section 444 Education Act 1996, to commence proceedings in the Magistrates court for the original offence of failure to ensure your child's regular attendance at school and not for the non-payment of the Penalty Notice.

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 that a prosecution is considered for further periods of unauthorised absence not covered in the Penalty Notice. In this instance, it is vital that you work closely with your child's school, and support agencies such as the Attendance Service.

It is very important that you speak with the school at the earliest opportunity if you have any worries at all about ensuring the regular and punctual attendance of your child at school.

More information and our Code of Conduct is available on our website

<https://www.cognus.org.uk/services/attendance-support-team/for-families/parents-and-carers/penalty-notice-advice-for-parents/>