



A guide to non-school attendance

Penalty Notices

Information for Parents / Carers
(revised January 2016)



Introduction

Parents are legally responsible for ensuring that their children regularly attend the school at which they are registered. Parents can help to ensure regular attendance by:

- encouraging their children to attend school regularly and on time;
- taking an interest in their children's education and life at school;
- communicating with their children's school in order to discuss any emerging issues or problems;
- notifying their children's school on the first day of any absence;
- not arranging any family holidays during term time.

Some children, unfortunately, fail to attend school regularly. The Council has a number of legal powers which it can use to address this. Included among these powers is the authority, under Section 23 of the Anti-Social Behaviour Act 2003, to issue Penalty Notices to parents whose children fail to attend school regularly.

When a Penalty Notice may be issued

In Central Bedfordshire schools and academies may ask the local authority to issue a Penalty Notice.

A Penalty Notice may be issued when:

- a pupil is taken out of school during term time for a holiday which has not been authorised by the school;
- a child's school attendance has been poor and his/her school believe that the issuing of a Penalty Notice may lead to an improvement in the child's attendance (for example, when a child is persistently late for school and his/her parents fail to address the situation).

When a Penalty Notice is issued, it is issued on a per child/per parent basis. This means that if a mother and father have two children and take both children out of school they may be issued with a total of 4 Penalty Notices – one to each parent for each child.

Issuing a Penalty Notice

A Penalty Notice can be issued:

- when the number of unauthorised absences a child has had amounts to at least 10 sessions (5 days) during a 12 school week period.

Once a Penalty Notice has been issued, there is no statutory right of appeal, although there are circumstances in which the council may withdraw the Notice, such as the parent providing satisfactory retrospective specific medical evidence for any absences.

Payment of Penalty Notices

A Penalty Notice is initially for £60. If this £60 is not paid within 21 days from the date of issue it rises to £120. If after 28 days of the date of issue the £120 fine is not paid, the council will prosecute the parents under Section 444 of the Education Act 1996. This will lead to an appearance in the magistrates court and may result in a fine of up to £2,500 and / or 3 months imprisonment.

Parental Responsibility

Section 576 of the Education Act 1996 defines 'parent' as

- 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;
- 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 considered to be a parent in education law).



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Contact us...

For more information about Penalty Notices or any other issues related to school attendance please contact the Access and Inclusion Service on 0300 300 4953.
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