

## **The Education Act 1996**

Section 444 of the Act gives powers to the Local Authority (LA) to issue Penalty Notices where the parent/carer is considered able, but unwilling, to improve their child's school attendance.

### **Why has it been introduced?**

Reducing pupil absence from school is really important. Missing school reduces a pupil's educational attainment chances. It makes a child more vulnerable to anti-social behaviour and other crime. It makes a child less likely to get a job or training when s/he leaves 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 prosecuted again for the period covered by the penalty notice.

A Penalty Notice can be issued to each parent for each child.

### **Who issues them?**

The Local Authority through the Education Welfare Service.

### **How are they issued?**

By post to your home.

### **What are the costs?**

Payment within 21 days of receipt of the Penalty Notice is £60 but £120 if paid within 28 days. 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. 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
- Overt truancy including pupils found during a School Attendance and Exclusion Sweep or who are stopped by the Police at a time when they should be in school
- Following notification from a school to the LA that a pupil has a record of unauthorised absence and the reasons seem to have been avoidable e.g. shopping, visiting friends/relatives, a birthday treat, too tired after a late night out
- When a pupil on the 'Fast Track to Prosecution' scheme fails to achieve the required improvement in attendance

In every case a pupil will have had a minimum of 10 school sessions (5 school days) of unauthorised absence during the previous six months 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 Head Teacher 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 written warning of the possibility of a Penalty Notice being issued as your child has no less than 10 sessions of unauthorised absence within the previous six months

### **What can I do now?**

- If you have been issued with a Penalty Notice warning due to unauthorised absence, you should make sure that your child does not have any more unauthorised absence from school.  
If your child's attendance improves during the warning period and then gets worse you might still get a Penalty Notice without further notice

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

Yes, talk to your child's school.

The Education Welfare Service can also help:

**Central contact details: [EWS@wiltshire.gov.uk](mailto:EWS@wiltshire.gov.uk)**

# **PENALTY NOTICES FOR POOR SCHOOL ATTENDANCE**

## **EDUCATION ACT 1996**

### **Information for Parents and Carers**

August 2022

**Wiltshire Council**

The logo for Wiltshire Council, featuring the text "Wiltshire Council" in a bold, green, sans-serif font. Below the text is a decorative green wavy line that spans the width of the text.