

## **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 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 each 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?**

Payment of £120 is required within 28 days of receipt of the Penalty Notice; this sum is reduced to £60 if paid within 21 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.

However, legal proceedings might be considered for further periods of poor attendance not covered by the Penalty Notice.

### **When are they used for unauthorised leave of absence?**

Penalty Notices are issued for absence taken during term time where the leave of absence has not been authorised by the school or an absence has not been requested in advance.

A pupil will have had a minimum of 10 school sessions (5 school days) of unauthorised leave of absence during a six month period in any academic year before a Penalty Notice may be issued.

### **What is unauthorised Leave of Absence?**

- A parent has made a request for leave of absence in term time and this has not been agreed by the school;
- A parent has not applied for leave of absence in advance of the absence (the regulations do not allow retrospective approval); or
- The parents keep the child away from school for longer than was agreed and the additional absence is recorded as unauthorised

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

If the leave of absence that you have requested is not authorised you are advised not to take your child out of school.

### **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:

Please email: [EWS@wiltshire.gov.uk](mailto:EWS@wiltshire.gov.uk)



## **PENALTY NOTICES FOR UNAUTHORISED LEAVE OF ABSENCE**

## **EDUCATION ACT 1996**

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

September 2021