



Hampshire
County Council

Information on Penalty Notices for Non- Attendance at School

Education Act 1996, section 444A

Advice for parents and carers

Applied from September 2015

Penalty Notices and the Education Act 1996

Section 444A of the Act gives powers to the Local Authority (LA), and headteachers to issue Penalty Notices in circumstances where it is believed that a person has committed an offence under s.444(1); that is where a child fails to attend regularly at their registered school."

- **What is a Penalty Notice?**

A Penalty Notice is a fine which may be issued as an alternative to prosecution. If it is paid it does not require a court appearance and does not result in a criminal record.

- **Who can be issued with a Penalty Notice?**

Where absence warrants the issuing of a Penalty Notice, each individual parent/ carer can be issued with one Penalty Notice for each of their children with unauthorised absence. A maximum of two fines can be issued per parent in any school year. Other legal sanctions will instead be considered if there is further unauthorised absence.

- **How is a Penalty Notice issued & how much is the fine?**

Penalty Notices are posted to your home. Each Penalty Notice fine is £60 if paid within 21 days of the date of posting and £120 if paid after this but within 28 days of the date of posting.

- **When are they issued?**

As set down by the Department for Education, Penalty Notices can be issued for unauthorised absence. In Hampshire, Penalty Notices are issued where a pupil has had 10 or more half-day sessions (equivalent to 5 school days) of unauthorised absence, in any 10 school week period; or 1 or more unauthorised absence/s during a public exam, assessment or test (where the dates have been published). Unauthorised absence is absence not approved by the school and will be coded on your child's attendance record as either:

1. 'O' Unauthorised Absence
2. 'U' Late after Close of Registration
3. 'G' Non approved Leave of Absence (Holiday)

- **Is a warning given?**

For unauthorised leave of absence or during public exams, assessment and testing the school will provide warning of a penalty notice in its school policy, or through letters, newsletters, the school website, and the leave of absence request form. In such cases a Penalty Notice can be issued without further warning.

If a child has an ongoing pattern of unauthorised absence then parent/carers will receive a written warning of the possibility of a Penalty Notice being issued. This warning will advise the parent/carer about the extent of the child's absence and warn them that if the child's attendance does not show a significant improvement and if this improvement is not maintained thereafter, a Penalty Notice may be issued without further warning.

Further Support, Advice and Guidance is available at:

The Department for Education:

<https://www.gov.uk/government/publications/parental-responsibility-measures-for-behaviour-and-attendance>

<https://www.gov.uk/government/publications/school-attendance>

Hampshire County Council:

<http://www3.hants.gov.uk/education/hias/learning-behaviour-attendance/attendance-guidance-for-parents.htm>

- **Is there an appeal process?**

There is no statutory right of appeal. Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.

- **How do I pay?**

Details of payment arrangements are included in the Penalty Notice. Parents **must ensure** they include their Penalty Notice reference number on any payment method so the payment can be tracked. Failure to do so may result in the Penalty Notice being recorded as unpaid. Full payment is required within the 21 days or 28 days timescales. Payment in part or by instalments is not possible. Late payments cannot be accepted and the Penalty Notice is recorded as unpaid.

- **What happens if I do not pay?**

You will have up to 21 days at £60 or 28 days at £120 from the date of posting to pay the Penalty Notice in full. If you fail to do so, the Local Authority is required, by law, to commence proceedings in the Magistrates' Court for the original offence of poor school attendance.

If convicted of this offence under the Education Act 1996, there are a number of possible sentences including a fine of up to £1000 (in the case of a prosecution under section 444(1)) or a fine of up to £2500 and/or a period of up to 3 months' imprisonment (in the case of a prosecution under section 444(1A)).

- **What if my child has further unauthorised absence from school?**

If you pay the Penalty Notice and your child has further unauthorised absences, you may be prosecuted for the further unauthorised absences but not for the absences during the period covered by the Penalty Notice.

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

Yes. The school are available to provide advice and support and signpost you to other support agencies in the locality. You can also contact 0300 5551384 (Hantsdirect).

<https://www.gov.uk/school-attendance-absence/overview>