

Warnings / Penalty Notice

What does the law say about poor school attendance?

Under Section 444 of the Education Act 1996, parents or carers may be prosecuted if their child does not attend school regularly and their absences are unauthorised (or in other words, the school cannot or has not given permission for them to be off school).

In 2003, the Anti-Social Behaviour Act provided an alternative means of tackling non attendance in schools. Under Section 23 of the Act, Local Authorities were given the powers to issue Penalty Notices as an alternative to taking legal action. Penalty Notices are issued to parents or carers who are considered capable of, but unwilling to work towards improving their child's attendance.

When will a Penalty Notice be issued?

The Local Authority will always try to work with schools, parents/carers and pupils to improve pupil attendance, but will issue Penalty Notices where a pupil has missed at least 20 sessions (10 school days) due to unauthorised absence in the last 26 weeks.

What is a Warning Notice?

Before a Penalty Notice is issued, you will receive a written warning which will explain the extent of your child's non-attendance and the possibility of you receiving a Penalty Notice. You may receive more than one Warning Notice and Penalty Notice if you have more than one child with poor attendance.

During this period, your child must not have any further unauthorised absences from school or a Penalty Notice will be issued.

There is no limit to the number of times a Warning Notice can be issued.

What is a Penalty Notice?

A Penalty Notice is a fine issued to parents or carers and can be either £60 per parent or carer (if the payment is made with 28 days of receipt) or £120 per parent or carer (if paid after this, but within 42 days).

Penalty Notices are issued by first class post to your home and will explain how and where to send your payment.

You must pay the whole of the amount owing in one payment – you can't pay in instalments or just pay part.

What happens if I don't pay?

If you do not pay the penalty in full within 42 days of issue, the Local Authority is required to start legal proceedings against you for the original offence of failing to ensure your child attends school regularly. This may lead to a fine of up to £1000.

Payment of a Penalty Notice means that you can no longer be prosecuted for the period covered by the Penalty Notice. However the Local Authority will consider prosecuting you should further unauthorised absence occur.



I've received a Warning Notice and I want to avoid a Penalty Notice - What do I do?

- Make sure your child goes to school each day and arrives on time;
- If your child is ill contact the school on the first day of absence and explain the
- If your child is away for other reasons let the school staff know, especially if you know in advance;
- Do not take holidays in term time;
- Talk to your child's school about any problems with your child's attendance.

Why is attendance SO important?

Missing school has a huge impact on how well a pupil gets on at school. The more school a child misses, the harder it is for them to get into a routine of attending regularly and catch up on the work they have missed. Missing school can also leave a child more open to becoming involved in anti-social and criminal behaviour, both as an offender and as a victim.

Research also shows that a year 11 pupil who has missed 17 days during the school year will get one grade less than they would have achieved had they attended regularly. A few days of absence now could have a huge impact on a child's future opportunities.

Every Day Counts!