

Penalty Notices Parent Information Leaflet

September 2024

www.portsmouth.gov.uk

The Local Authority never takes such action lightly and would far rather that parents work with schools to improve attendance without the Local Authority having to resort to enforcement action. However, attendance is of such importance to all of us, that the Local Authority will take necessary action to secure a child's education.

Please address any queries to:

**Inclusion Service
School Attendance Team
Floor 2, Core 6
Civic Offices
Portsmouth
PO1 2EA**

**Telephone: 023 9284 1419
email: schoolattendanceteam@portsmouthcc.gov.uk**

*Definition of a Parent

Section 576 of the Education Act 1996 defines a parent to include:

- All natural parents, whether married or not.
- Any person who, although not a natural parent, has **care of a child** or young person.
- Any person who, although not a natural parent, has **parental responsibility for a child** or young person.



What is a Penalty Notice?

It is a financial penalty given for **unauthorised** absence from school. It is an alternative to criminal proceedings and does not require an appearance in court.

Who issues Penalty Notices?

The Local Authority Issues them through the School Attendance Team (SAT), by first class post to parents.

When are they used?

- When a pupil has at least 10 sessions (5 school days) recorded as an unauthorised absence in a 10-week rolling period.
- For an unauthorised leave of absence in term time e.g. a family holiday. Please note ONLY a Head Teacher can authorise an absence from school.
- Persistent late arrival at school (after the register closes)

Is a warning given?

Not in cases where a leave of absence in term time has been taken without permission of the school.

In all other cases a 'notice to improve' attendance is sent to parents. The notice to improve will give parents 30 school days in which to improve their child's attendance. The Penalty Notice will not be issued if the child has no unauthorised absences from school over the notice to improve period.

Who is responsible and what is the fine?

Each parent* is severally and individually liable for the child's attendance and commits a separate offence if the child does not attend school on a regular basis.

Therefore, both parents will receive a Penalty Notice and each parent will be individually responsible for the payment of their own Penalty Notice.

How is it paid?

Details of the ways to pay are included on the back of the invoice. Online payments can be made on our website under Sundry Invoices. Payments **cannot** be made directly to the School Attendance Team.

Can parents appeal?

No. There is no statutory right of appeal once a Penalty Notice has been issued. However, if you believe the notice was issued incorrectly according to our penalty notice protocol, you can send us relevant or evidence which will be reviewed.

Can parents receive more than one Penalty Notice?

Yes, parents can receive up to 2 penalty notices per child over a 3-year rolling period.

First offence - £80 per parent per child paid within 21 days, increasing to £160 if paid with 28 Days. (i.e. for two parents with two children the fines would total £320 if paid within 21 days or £640 if paid between the 22nd and 28th day).

Second offence - £160 per parent per child if paid within 28 days. (i.e. for two parents with two children the fines would total £640 if paid within 28 days).

What happens if it is not paid?

If you don't pay the fine within 28 days, the Local Authority will take you to court for the original offence of failing to ensure your child's attendance at school. If proven, you could be liable to a fine of up to £2500 and/or a 3-month custodial sentence.

Cases found guilty in the Magistrates Court can show on the parent's future DBS certificate, due to 'failure to safeguard a child's education'.