

Frequently Asked Questions on Penalty Notices

Question: What is a Penalty Notice?

Answer: A Penalty Notice (PN) is a fine which may be issued as an alternative to prosecution. It does not require a court appearance and does not result in a criminal record. Payment of a Penalty Notice enables the parent/carer to discharge the potential liability for prosecution and subsequent conviction.

Question: Who makes the decision to issue a Penalty Notice for an unauthorised leave of absence (holiday) taken during term time?

Answer: It is the Headteacher/Governor following Government Guidance who makes the decision. The Local Authority administers the notices on behalf of the Schools/Academies.

Question: What is the cost of a Penalty Notice?

Answer: £60 per parent/carer per child if paid within 21 days or £120 per parent/carer per child if paid within 28 days.

Question: Is the cost of a Penalty Notice per day?

Answer: No, it is for the duration of the unauthorised absence or for the irregular attendance outlined in the notice.

Question: When are Penalty Notice's issued?

Answer: A Penalty Notice is issued if a pupil has

- unauthorised absence from school and their parent/carer fails to co-operate with the Education Welfare Service to improve this situation
- if a pupil has unauthorised absence from school and this does not improve following a warning letter
- if a holiday is taken during term-time

Question: Who does it affect?

Parents/carers of children who are aged between 5 years and 16 (compulsory school age) who have regular unauthorised absences or an unauthorised absence due to holiday. Penalty Notices can apply to these children. They will not be used for nursery age children or pupils who are in a sixth form.

Question: What is the definition of a parent?

Answer: Under Section 576 of the Education Act 1996 the definition of a parent is:

"All natural parents, whether they are married or not, any person who, although not a natural parent, has parental responsibility for a child or young person, any person who, although not a natural parent, has care of a child or young person (having day to day care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).

Question: Will both parents receive a penalty notice?

Answer: The legislation states that if more than one person is liable then separate penalty notices may be issued.

Question: How is a Penalty Notice issued?

Answer: The Local Authority on behalf of the School/Academy will issue the notice/s by post, to your home address.

Question: How do I pay a Penalty Notice?

Answer: Payment can be made by telephone, or by post. Details of payment methods are included on the Penalty Notice. Payment in part or by instalments of a Penalty Notice is not acceptable.

Question: Can I appeal against a Penalty Notice?

Answer: 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.

Question: What happens if I do not pay a Penalty Notice?

Answer: You will be given up to 28 days from receipt 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.

Question: What if my child has further unauthorised absence from school?

Answer: 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.

Question: Can I get help if my child is not attending school?

Answer: Yes. Both the school and the Education Welfare Service are available to provide advice and support.