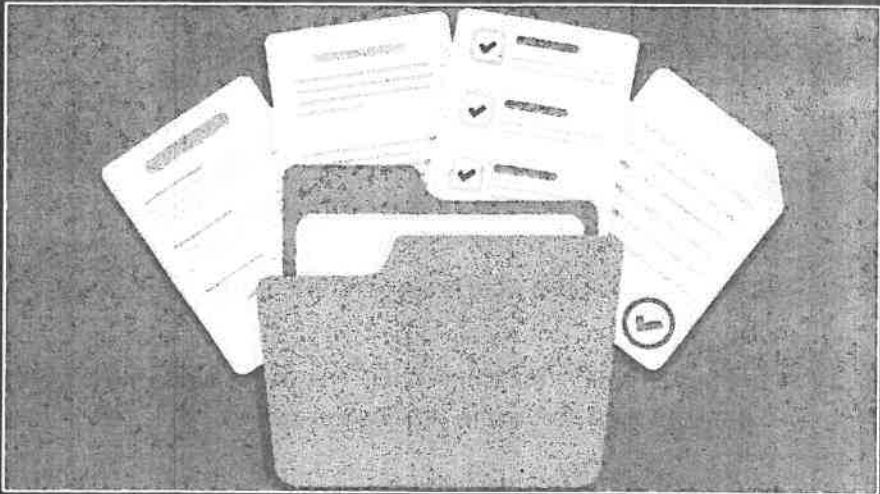


Notices to Improve and Penalty Notices



Information for Parents and Carers

Updated August 2024

Penalty Notices and the Education Act 1996

Section 444 of the Education Act 1996 gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but has failed to secure their child's regular school attendance and/or punctuality.

Why are Penalty Notices used?

Missing school can impact on children's academic attainment, disrupt school routines, and affect the continuity of their learning. Missing school can seriously affect a child's longer-term life opportunities and their ability to reach their full potential.

If your child fails to attend school regularly and punctually, and the absence is recorded as unauthorised, you are guilty of a criminal offence under section 444 of the Education Act 1996.

What is a Penalty Notice?

A Penalty Notice is a fixed 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. Payment of a Penalty Notice means you avoid the potential danger of prosecution and subsequent conviction.

What is a Notice to Improve

You may receive a Notice to Improve notification in your email from the Local Authority (LA) when your child's absence has been marked as unauthorised for 10 sessions within 10 weeks. The sessions do not need to be consecutive. The weeks may be in different terms.

The Notice to Improve will set out the school's expectations with regards to your child's attendance during the notification period.

When might a Penalty Notice be issued?

You may face a Penalty Notice for the following reasons:

- If your child is absent from school, without authorisation from the Headteacher, for the purposes of a holiday.

For a holiday taken in term time, there is no requirement for a school to issue a Notice to Improve notification or warning notice.

- If your child is persistently late for school, after the register has closed and does not have authorisation from the headteacher.
- If your child is absent from school and the school has been unable to find out the reason for the absence.
- If your child is absent from the school and there are no exceptional circumstances for the absence for the Headteacher to authorise the absence, in line with the school's policy.
- If your child, following an exclusion, is found in a public place, without a justifiable reason for being there, during school hours on a school day during the first five days of a fixed term exclusion or a permanent exclusion. The school will have sent you a letter at the time of the exclusion detailing your responsibilities during this period. **For this penalty notice, the cost will be £60 for the 21 days after it is issued. If you pay after the 21-day period, but within 28 days, the fine to pay is £120.**

How is a Penalty Notice issued?

Penalty Notices are issued by the LA at the request of the school. Fines are usually issued to **each parent for each child**.

A parent is defined in Education Law as:

- All natural parents, whether 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

The fact that you do not live with the child is not a defence against securing their attendance at school.

You will receive the Penalty Notice by post to your home address with instructions on how to pay.

What is the cost of the fine?

For the first offence within a rolling three-year period, the Penalty Notice allows you 21 days to pay an £80 fine. If you pay after the 21-day period, but within 28 days, the fine to pay is £160. If the fine remains unpaid at this stage, the LA will usually initiate legal proceedings against you.

For a second offence within a rolling three-year period, there is no opportunity to pay the fine at the lower amount. Instead, the fine will be at £180. If there is a request for a third penalty notice, prosecution will be considered if two penalty notices have been served in any rolling three-year period.

What happens if I do not pay the fine?

You will have 28 days to pay the Penalty Notice in full. If you fail to pay the fine in this timeframe, the LA will usually initiate legal proceedings against you for failing to secure regular attendance for your child registered at a school. If you are convicted of this offence, there are several possible sentences, including a fine of up to £1,000.

Is there an appeal process?

There is no 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.

What happens if the Penalty Notice is paid, but my child still misses school?

Parents/carers are not liable for prosecution for their child's school attendance for the period in question once the Penalty Notice is paid. However, prosecution may be considered for further periods of absence not covered by the notice.

For more information, please contact the
Education Inclusion Service:
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