

Education Welfare Team

Penalty Notices for School Attendance Issues

Guide for Parents 2019-20

The Education (Penalty Notices) (England) Regulations 2007 and subsequent amendments give the Education Welfare Team the power to issue fixed-penalty notices to parents at the request of head teachers. Most penalty notices are issued for holidays or other personal events for which permission has either not been given or has not been requested.

The Supreme Court of the United Kingdom made clear on 6 April 2017 that parents must ensure their children's regular attendance, and comply with term dates, pointing to the disruption to class management caused by individual parents taking their own children out of school.

The circumstances in which a penalty notice can be issued are as follows

- 1 **Absence without the school's or academy's permission,**
Includes holidays, visiting relatives, birthdays, day trips, shopping, or any other matter considered unexceptional.
- 2 **Unauthorised lateness to school**
Six unauthorised lates in any four-week period.
- 3 **Casework by EWT, school or academy**
Some parents are issued with penalty notices following a Court Assessment Meeting instead of being taken to court for their child's poor attendance.
- 4 **Inadequate parental supervision of excluded pupil**
If your child is excluded, you must ensure he or she is at home or under your supervision in public.

Parents should

- **Follow the school's attendance policy**
- **Make a request for leave of absence in good time so that it can be considered**
- **Make travel arrangements AFTER permission has been given**
- **Keep all travel documents and invoices to account for delays or disruptions**
- **Make sure that they obtain medical evidence if their child is ill in the periods either side of an official school holiday**
- **Ensure they can be contacted by school during periods of illness**
- **Understand that, if school or Education Welfare staff visit the family home and the child is not there when reportedly too ill to attend school, a penalty notice will be issued.**

Disputing a penalty notice.

There is no right of appeal for parents in the Regulations, but the Local Authority will examine any evidence provided that shows that a mistake has been made.

Recipients are advised to contact the Education Welfare Team **by e-mail or in writing**, using contact details on the front of the invoice if challenging the penalty notice.

Penalty notices can only be withdrawn if they are issued in error or there are exceptional circumstances that common law would accept. The Local Authority must refund any payments made in respect of a wrongly-issued penalty notice. Parents entitled to a refund must provide evidence of their bank account for the transfer of funds.

Parents with a credible claim not to have received a penalty notice may have the original replaced by a new notice, allowing time to pay the initial, lower, amount. Generally, however, a notice issued by second-class post is deemed to have been received within three to four days.

Legal information

A parent is defined by **Section 576 of the Education Act 1996** as any natural parent, person with Parental Responsibility under the **Children Act 1989** or a person with whom the child lives and who looks after the child, irrespective of his or her relationship with the child.

All parents whose children attend a maintained school or academy in Barnet are subject to the rules in respect of penalty notices.

You can be issued a maximum of 3 penalty notices each in respect of the same child in any calendar year.

Each penalty notice is £60 if paid within the early-payment period, up to the 21st day after issue, rising to £120 up to the 28th day. If the notice remains unpaid the Local Authority prosecutes the parent in the Magistrates' Court for a non-attendance offence under The Education Act 1996, section 444, not for non-payment of the penalty notice. If found guilty, parents have a criminal record, are liable to a fine of up to £1000, and may have to pay costs to the Local Authority.

If you pay a penalty notice, you cannot be pursued legally for the same period of evidence.

As with prosecution in a magistrates' court, penalty notices can only apply to offences relating to a child of statutory school age enrolled at a maintained school or a Pupil Referral Unit (PRU).