

Can I be prosecuted if I pay the penalty notice but my child is still missing school?

Not for the period included in the penalty notice. Payment discharges your liability in this respect. However, it may be the case that a prosecution will be considered for further periods of poor attendance not covered by the penalty notice, depending upon the circumstances. If this is an issue, it is vital that you work closely with your child's school and support services.

Can I get help if my child is not attending regularly?

It is very important that you consult and work with your child's school regarding any problems affecting regular school attendance. For information on local support services please visit Family Information Hubs

City of Westminster

Email: accesstoeearlyhelp@westminster.gov.uk

Westminster Family Information Hubs Website:

<https://fisd.westminster.gov.uk/kb5/westminster/fis/home.page>

Kensington & Chelsea

Early Help Email: early.help@rbkc.gov.uk

RBKC Family Information Hubs Website:

<https://www.rbkc.gov.uk/kb5/rbkc/fis/home.page>



Penalty Notices

Fines for your child's non-attendance at school

Information and advice for Parents and Carers

What does the law say?

Under Section 444 of the Education Act 1996, parents or carers may be prosecuted if their child does not attend school regularly and the absence is unauthorised. The local authority may issue penalty notices to parents and carers as an alternative to taking legal action.

Why are penalty notices introduced?

Improving school attendance is a key priority nationally and locally and absence from school often affects pupil attainment levels, disrupts school routines and learning of others. Missing school may cause a child to become vulnerable and could seriously affect future life outcomes.

What is a penalty notice?

Parents/carers commit an offence if their child fails to attend school regularly and the absences are classed as unauthorised (those for which the school cannot or has not given permission). Depending on circumstances, such cases may result in prosecution under Section 444 of the Education Act 1996.

A penalty notice is an alternative to prosecution, which does not require an appearance in court to secure an improvement in school attendance. Payment of a penalty notice enables parents to discharge potential liability for conviction.

How much is the fine?

In the first instance, payment within 21 days of receipt of a notice is £80 and £160 if paid after this but within 28 days. In the case of a repeated offence, a second fine will be charged at the higher rate of £160. Fines will be capped at two penalty notices within a period of three years. Once this limit has been reached, other action will be considered.

How are penalty notices issued?

By post to your home address.

When are penalty notices used?

Under the national framework, all schools will be required to consider a penalty notice when a child has missed 10 or more sessions (5 days) for unauthorised reasons within a rolling period of 10 school weeks.

Is a warning given?

You will receive a Notice to Improve from the local authority that a penalty notice may be issued due to persistent absenteeism at school. The letter will give you 15 school days to improve attendance. However, you will not receive a warning from the local authority if your child has taken a holiday/leave during term time without the school's permission.

Is there an appeal process?

There is no statutory right of appeal once a notice has been issued. However, you can make a representation to the school on receipt of a Notice to Improve from the local authority.

How do I pay?

Details of payment arrangements will be included in the penalty notice letter. Payment must be made in full as payment in part or by instalment is not an option with penalty notices.

What happens if I do not pay?

You have up to 28 days on receipt to pay the penalty notice in full, after which the local authority is required under the Education Act 1996 to consider proceedings in the Magistrates court for the original school attendance offence.

If legal proceedings are initiated and proven, you could be subject to fines of up to £2,500 and/or a range of disposals including parenting orders or conditional discharge, depending upon the circumstances of the unauthorised absence.