

# Penalty Notices - information for parents and carers

## South Gloucestershire Council

### Parental responsibilities

As a parent you have a legal responsibility to make sure your child gets a full-time education. Schools are required by law to keep attendance registers. Absences must either be marked as: **authorised** (only the school can authorise the absence) or **unauthorised** (where no acceptable reason is given).

You can find out more information around school attendance and absence on the [GOV.UK website](https://www.gov.uk).

### Penalty Notices

A penalty notice is a fine issued by South Gloucestershire Council to parents/carers of a child who has failed to attend school regularly and whose absence is unauthorised. It does not require the parent to attend court but is an alternative to prosecution in the magistrate's court. Parents/carers who pay the fine in full within the time limits cannot later be prosecuted for the offence to which the penalty notice relates.

Penalty notices have been introduced because reducing absence from school is a key priority of the government and local authority. Missing school may limit a pupil's attainment, disrupt school routines and the learning of others, and can leave a pupil vulnerable to anti-social behaviour and youth crime.

### Changes to Penalty Notices from 19<sup>th</sup> August 2024

The Department for Education have announced changes in relation to the issuing of Penalty Notices, which will come into effect on 19<sup>th</sup> August 2024. These changes will apply to absence from school from the start of Term 1 2024-25. The changes are summarised below. South Gloucestershire Council's Penalty Notices Code of Conduct is being amended to reflect the change in national policy.

### A new national threshold for Penalty Notices

If your child has 10 or more sessions of unauthorised absence within 10 school weeks, after 19<sup>th</sup> August 2024, you may be issued with a Penalty Notice. There are two sessions in each school day (morning and afternoon). The sessions of absence can be consecutive (for example 10 sessions of unauthorised holiday in one week) or not (for example 10 sessions of unauthorised absence, spread across the 10 school weeks). This is a change from South Gloucestershire Council's current threshold.

There is an increase in the amount that a Penalty Notice is charged at and a decrease in the number of Penalty Notices that can be issued within a rolling three year period

On the first occasion that a parent is issued with a Penalty Notice in respect of their child, on or after 19<sup>th</sup> August 2024, the Penalty Notice will be charged at £160 if paid within 28 days. This amount will be reduced to £80 if paid within 21 days.

If a second Penalty Notice is issued, within 3 years of the date of issue of the previous Penalty Notice, to the same parent in respect of the same child, the Penalty Notice will be charged at a flat rate of £160. There will be no reduction if the Penalty Notice is paid within 21 days. This will apply even if the previous Penalty Notice has been issued by another local authority.

If the threshold for issuing a Penalty Notice is met for a third time (or subsequent times), within three years of the first Penalty Notice being issued, a third Penalty Notice cannot be issued. Instead, alternative action will be considered, which may include prosecuting a parent for the offence of failing to ensure their child's regular attendance at school. This will apply even if one, or both, of the previous Penalty Notices were issued by another local authority.

## **When a Penalty Notice might be issued**

A penalty notice may be issued to a parent in the following circumstances, where the threshold for a penalty notice has been met:

- Where the pupil is absent for the purpose of a holiday and the absence has not been authorised by the Headteacher (Code G);
- Where the pupil has a pattern of unauthorised absence, not covered by any other code (Code O);
- Where the pupil has arrived in school late after the taking of the register, where no other code applies (Code U).
- Where a combination of the above Codes are recorded.

## **What you can do to avoid receiving a Penalty Notice**

- ensure your child attends school every day and on time
- make sure your child understands that they cannot have odd days off school - 'Every Lesson Counts'
- speak to the class teacher or tutor if your child is beginning to miss odd days
- do not take family holidays in term time.

## **How to pay a Penalty Notice**

Details of how to pay are printed on the penalty notice. The payment must be made in full; part payments will not be accepted.

## **Is there an appeals process?**

There is no right of appeal against the penalty notice. If you believe it was incorrectly issued to you, you should contact the Senior Education Officer immediately (contact details below). If

you believe that you are not guilty of the offence and therefore decide not to pay the notice, you have the right to represent your case at the Magistrates Court. You should seek legal advice before making this decision.

## What happens if you do not pay

If you have not paid the penalty notice in full before the 28 days allowed, the authority is required to commence legal proceedings in the Magistrates Court for the original offence of failure, or knowingly failing, to ensure your child's regular attendance at school. If proven, this could result in a fine of up to £1000 under Section 444 (1) or up to £2500 and/or three months imprisonment under Section 444 (1A), a Parenting Order or other sanctions at the Magistrates' disposal. You are strongly urged to seek legal advice if you are considering not paying the penalty notice. Further information regarding legal action to enforce school attendance can be found on the [GOV.UK website](#).

## Further information and advice

The Department for Education guidance - [Working together to improve school attendance](#)

The following organisations can also provide advice:

- [Coram Children's legal centre](#)
- [Citizen's Advice](#)

South Gloucestershire Council contact details:

Claire Dunwell - Senior Education Officer

Tel: [01454 866441](tel:01454866441)

Email: [attendance.penaltynotice@southglos.gov.uk](mailto:attendance.penaltynotice@southglos.gov.uk)

South Gloucestershire Council

Department for People

PO Box 1955

South Gloucestershire

BS37 0DE