



# Penalty notices - Information for parents and carers

## Issued for non-attendance at school including holidays taken in term-time

### Introduction

Regular attendance at school is vital to help children achieve and get the best possible start in life.

All children aged between 5 and 16 are required by law to receive an education, and it is the duty of parents and carers to ensure that they are supported to do so.

All schools in Leeds have their own attendance policies and are responsible for keeping accurate records of pupil attendance. They will contact parents directly if they have any concerns about a child's attendance.

### What is a penalty notice?

A penalty notice is a fine to parents or carers if they fail to ensure that their children attend school regularly. It is an alternative to prosecution in the magistrate's court and paying the fine means that court can be avoided and the possibility of a criminal record.

### When might a penalty notice be issued?

Penalty notices are issued for unauthorised absences from school. This includes holidays in term time and sessions where your child arrived late after the register closed.

### What is the government legislation covering the use of penalty notices?

The Education Act 1996 s444 (as amended).

### Who decides whether my child's absence should be authorised?

Authorised absence from school is at the head teacher's discretion. From 1 September 2013, a change to government legislation means that schools are no longer allowed to authorise requests for children to be taken out of school for a holiday during term time.

### Why are penalty notices issued for unauthorised absence from school?

Parents/carers are required by law to make sure their children attend school regularly for 190 days a year. Penalty notices were introduced in 2007 and have been amended several times since then, with the latest change coming in September 2013 when the time that parents have to pay fines was reduced.

Children who frequently miss school often fall behind. There is a strong link between good school attendance and achieving good results.

### Who issues penalty notices?

Leeds City Council is responsible for issuing penalty notices on behalf of schools in the city.

### How are they issued?

Penalty notices are issued by post to your home.

### Will I receive a penalty notice for each child?

Yes, a penalty notice will be issued to parents or carers of each child with an unauthorised absence.

## Will my partner be issued with a penalty notice?

Penalty notices are issued to each parent/carer for each child. A parent is classed as anyone with parental responsibility, including partners who live in the same household. Cases involving separated parents will be judged individually. The law has always allowed each parent to be fined for the same child's absence.

## What should I do if I get a fine?

Once you have received a penalty notice you have the following options:

### Option 1

**Pay £60** per penalty notice **within 21 days** of the date of issue. Details of how to pay will be included on the back of the penalty notice. The fine has to be paid in full - part payment or payment by installments cannot be accepted.

### Option 2

**Pay £120** per penalty notice **between 21 and 28 days** of the date of issue as stated on the penalty notice. Details of how to pay will be included on the back of the penalty notice. The fine has to be paid in full - part payment or payment by installments cannot be accepted.

### Option 3

If you decide not to pay the penalty, you will be summonsed to appear in court for the offence under Section 444(1) Education Act 1996 of failing to ensure the regular attendance at school of a child of compulsory school age who is a registered pupil there. A guilty verdict can lead to a fine of up to £1000, a Parenting Order, and a criminal record which can affect employment.

## If I pay the penalty do I have to go to court?

If you pay the penalty(s) as stated in Option 1 or Option 2, you will not have to attend court and you will not have a criminal conviction recorded against you. This discharges any and all liability on your behalf concerning the non-attendance of your child for the period quoted on the penalty notice.

## What happens if I do not pay?

If you do not pay the Penalty as stated in Option 1 or Option 2 and the time period of 28 days expires the council is required to commence proceedings in the Magistrates Court. A guilty verdict can lead to a fine of up to £1000, a Parenting Order, and a criminal record which can affect employment opportunities.

## Is there an appeals process?

There is no statutory right of appeal once a notice has been issued.

## Who can I contact about a penalty notice that has already been issued?

Contact the penalty notice officer on: **0113 3784895**