How do I pay?

Details of payment arrangements are included in the Penalty Notice. You must ensure that you include your Penalty Notice reference number on any payment method so the payment can be tracked. Failure to do so may result in the Penalty Notice being recorded as unpaid. Full payment is required within prescribed timescales - see *'What Happens If I Do Not Pay?'* below . Payment in part or by instalments is not possible. Late payments will not under any circumstances discharge criminal liability for the offence and you may be liable for prosecution. Any late payments received will be refunded.

What happens if I do not pay?
From the date of posting you have up to 21 days to pay £60 or failing that a further 7 days to pay £120. If you fail to make any payment with the 28 days provided the local authority will consider commencing proceedings in the Magistrates' Court for the original offence of failing to ensure regular attendance under s444 Education Act 1996.
If convicted there are a number of possible sentences, including a fine of up to £1,000 (in the case of a prosecution under section 444(1)) or a fine of up to £2,500 and/or a period of up to three months' imprisonment (in the case of a prosecution under section 444(1A)).

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

Yes. The school is available to provide advice and support and signpost you to other support agencies in the locality.

RevDec2018

Hampshire Services
HIAS SCHOOL IMPROVEMENT

SERVICES FOR SCHOOLS

Information on Penalty Notices for non-attendance at school

Education Act 1996, section 444A

Advice for parents and carers

Applied from February 2019

Hampshire County Council

www.hants.gov.uk

Penalty Notices and the Education Act 1996

Section 444A of the Act gives powers to the local authority, and headteachers to issue Penalty Notices in circumstances where it is believed that a person has committed an offence under Section 444(1); that is, where a child fails to attend regularly at their registered school.

What is a Penalty Notice?

A Penalty Notice is a 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.

Who can be issued with a Penalty Notice?

Where absence warrants the issuing of a Penalty Notice, anyone with Parental Responsibility, or having day to day care of the child can be issued with one Penalty Notice for each of the children with unauthorised absence. If two parents have two children this may result in four Penalty Notices, 2 Penalty Notices per parent.

What if my child has further unauthorised absence from school?

If you pay the Penalty Notice and your child has further unauthorised absences additional legal action may be taken. For example, in the event that a Penalty Notice has previously been served to you due to unauthorised holiday, should your child have any future unauthorised leave this may result in further legal action for you, such as prosecution or an Education Supervision Order.

How is a Penalty Notice issued and how much is the fine?

Penalty Notices are either posted to your home or delivered to you by hand. Each Penalty Notice fine is £60 if paid within 21 days of the date of posting and £120 if paid after this but within 28 days of the date of posting.

When are they issued?

As set down by the Department for Education, Penalty Notices can be issued for unauthorised absence. In Hampshire, Penalty Notices are issued when a pupil has had 10 or more half-day sessions (equivalent to five school days) of unauthorised absence, in the last 10 school week period.

Unauthorised absence is absence not approved by the school and will be coded on your child's attendance record as one of the following:

O – unauthorised absence

U – late after close of registration

G – non-approved leave of absence (holiday).

Persistent Lateness (L) code which reaches the threshold may result in the issuing of a Penalty Notice.

Is a warning given?

If your child has an ongoing pattern of unauthorised absence then you will normally receive a written warning of the possibility of a Penalty Notice being issued. This warning will advise you about the extent of your child's absence and warn you that if your child's attendance does not show a significant improvement and if this improvement is not maintained thereafter, a Penalty Notice may be issued without further warning.

Further support, advice and guidance is available from:

The Department for Education

- www.gov.uk/school-attendance-absence/overview
- www.gov.uk

Hampshire County Council

- https://www.hants.gov.uk/educationandlearning/behaviour-attendance-parents

Is there an appeal process?

There is no statutory 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.