



## **Educational Inclusion and Partnership Team**

### **A Brief Guide to Penalty Notices**

*Sections 444 Education Act 1996*

*Anti-Social Behaviour Act 2003*

*Crime and Disorder Act 1998*

NCC have changed its timescales for issuing Penalty Notices (PN) for unauthorised absence from school. This leaflet offers you a brief summary about the (PN) scheme and what it could mean for you.

#### **What is a PN?**

A penalty Notice is an alternative to prosecution and required the parent(s) to pay a fixed amount as a fine for their child's irregular attendance and avoid a court appearance.

It is issued per parent, per child. Please note **only** a Head Teacher can authorise absence from school.

#### **Who issues them?**

In Northamptonshire the Local Authority issues them through the Educational Inclusion and Partnership team

#### **When are they used?**

When a pupil has a minimum of 10 school sessions (5 days consecutive) recorded as unauthorised in a 10 school week period; a school day is two sessions AM and PM.

This includes; any absence marked in the register as unauthorised.

Persistent late arrival at school after the register has been taken and is recorded as an unauthorised absence.

An absence in term time which has not been authorised by the Head Teacher. The Government has directed Head Teachers may only grant leave in exceptional circumstances.

PNs can also be used during the first 5 days of exclusion. Parents are made aware of the consequences by letter when a child is excluded from school.

#### **Please note**

**If the school refers a period of absence that is longer than 15 consecutive school days; the Educational and Inclusion Partnership team may consider a PN is not appropriate.**

**In these instances the matter may proceed to a prosecution.**

**Determination about whether it is appropriate to use a penalty notice will be based on the individual circumstances of each case.**



**If a parent knows that their child is failing to attend school regularly and there is reasonable justification for not ensuring that their child attends then it is for the parents/carers to prove that reasonable justification.**

### **How much is the PN?**

The PN is issued with an invoice for £120 and 28 days are given for you to settle the Penalty.

If the PN is paid within the first 21 days the amount payable is reduced to £60.

### **How do I pay?**

The information on how to pay is included on the PN. Payment cannot be made in part or by installments.

### **What happens if I don't pay?**

If you don't pay within the 28 days the Authority will consider instigating a prosecution in the Magistrates Court for the offence of poor school attendance. If proven this could result in a fine of up to £1000 per parent per child and/or a parenting order or a community service order and also costs.

### **Can I appeal?**

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

### **Can I be prosecuted if I pay the Fixed Penalty Notice?**

You cannot be prosecuted for the period of absence identified in the Fixed Penalty Notice. You may subsequently be prosecuted for further periods of unauthorised absence from school. Each case is considered on an individual basis

### **\*\* REMEMBER \*\***

School staff would much rather work with parents/carers to resolve poor attendance than resort to enforcement actions like Fixed Penalty Notices or Court

For further information please contact

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<http://www.northamptonshire.gov.uk/en/councilservices/EducationandLearning/Parents/Attendance/Pages/truancy.aspx>