

Educational Inclusion and Partnership Team

A Brief Guide to Penalty Notices (PN)

Sections 444 Education Act 1996

Anti-Social Behaviour Act 2003

Crime and Disorder Act 1998

This is a brief summary about the Penalty Notice (PN) scheme and what it could mean to you.

What is a Penalty Notice?

A penalty notice (PN) is an alternative to prosecution and requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance at school. It is issued per parent, per child. Please note **only** a head teacher can authorise absence from school.

Who issues them?

In North Northamptonshire Council the relevant Local Authority issues them through the Educational Inclusion and Partnerships team following notification from the school.

When are they used?

When a pupil has a minimum of 10 school sessions recorded as unauthorised in a 6 school week period; (a school day is two sessions - morning and afternoon) or when a pupil has a series of unauthorised absences leading to irregular attendance

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 that 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 that a PN is not appropriate.

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

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 parent or 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 instalments.

What happens if I don't pay?

If you don't pay within the 28 days the Local Authority will consider instigating a prosecution in the Magistrates Court for the offence of irregular school attendance. If proven this could result in a criminal conviction, 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 PN has been issued.

Can I be prosecuted if I pay the Penalty Notice?

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

School staff would much rather work with parents and carers to resolve irregular attendance than resort to enforcement actions like Penalty Notices or Court.