

# Penalty Notice

Local Code of Conduct  
in force from April 2021

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# 1. General and Background

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. Evidence suggests that absence from school can lead to anti social behaviour and youth crime. Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006 introduced new powers to Section 444 of the Education Act 1996 that enable local education authorities to issue Penalty Notices. Penalty Notices can be used as an alternative to prosecution under Section 444 and enables parents to discharge potential liability for conviction for that offence by paying a penalty.

This Code of Conduct has been drawn up in line with The Education (Pupil Registration) (England) Regulations 2006, The Education (Penalty Notice) (England) Regulations 2007 amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2013 and in consultation with Islington Schools.

The issuing of all penalty notices will be based on clear threshold criteria which will need to be applied consistently and equitably across the borough's schools.

Any person authorised to issue a notice in Islington must comply with the guidance set out in this code of conduct.

This Code of Conduct bears in mind the expectations of the Department for Education on the improvement of attendance and the provisions in Ofsted's school inspection framework, in which there is an expectation that schools use all available means in their attendance strategy to secure best outcomes for pupils, including the use of legal sanctions.

All references to 'school' in this Guidance refers to 'schools and academies' and should be read in conjunction with the Islington Guidance for Schools on Pupil Leave of Absence in Term Time.

## 2. Who May Issue a Penalty Notice?

The power to issue Penalty Notices is conferred on the Local Authority, schools and the police from 2<sup>nd</sup> September 2013, the London Borough of Islington and schools may issue penalty notices in respect of irregular attendance at school. Schools must make clear to the Local Authority whether they will be opting in or out of issuing penalty notices directly. Schools must comply with this Code of Conduct and must give notice to the Local Authority and use the template letters for schools – see 15 B 'School issues Penalty Notice' regarding the procedure to be followed.

Statutory guidance allows Penalty Notices to be issued by a head teacher or someone authorised by them (a deputy or assistant head). In the case of academies, the Principal may delegate this function to his or her deputy or assistant principals, however described.

## 3. Meaning of Parent

The legal definition of a parent is contained in Section 576 of the Education Act 1996 and refers to any adult who is a natural parent, someone with Parental Responsibility or someone with whom the child lives and who looks after the child, irrespective of his or her relationship with the child.

## 4. Who will receive a Penalty Notice?

A Penalty Notice will be issued to each parent of each child whose attendance is poor, whose child was taken on an unauthorised term time holiday or term time leave or in the cases of exclusion where the pupil is present in a public place during the first five days.

Headteachers have discretion whether or not to authorise term time leave; they should be authorised as an exception rather than the rule. There is no entitlement of up to two weeks term time leave per academic year.

Schools can issue Penalty Notices for unauthorised term time leave without a prior court warning.

Schools will consider:

- The pupil's overall attendance pattern and the number of absences and
- Whether the school had previously informed all parents in writing of the leave in term time policy as per the Guidance for Schools on Pupil Leave of Absence in Term Time, the requirement to apply for permission and the legal consequences of taking an unauthorised leave.

The pupil must have returned to school and the school has deemed and marked the absence with code "G" unauthorised leave, before the Penalty Notice or Notices can be issued.

A maximum of one Penalty Notice may be issued per parent, per child, in a twelve calendar month period. Where two parents take three children on unauthorised leave, a total of six notices may be issued.

A Penalty Notice is a method by which a parent may discharge potential liability for conviction of an offence for the period referred to in the Penalty Notice, either under

- Section 444 of the Education Act 1996 or
- Section 105 of the Education and Inspections Act 2006

## 5. Payment of Fines

The amount of the penalty notice to be paid is:

- £60 where the amount is paid within 21 days of receipt of the Penalty Notice or
- £120 where the lesser fine of £60 has not been paid within 21 days, but where the higher amount is paid within 28 days of receipt

Payment is made to Islington Council via the Access and Engagement Service (AES), 222 Upper Street, Islington, London N1 1XR

Payment of the notice discharges the parent's liability for the period in question and they cannot be subsequently prosecuted under other enforcement powers for the period covered by the notice.

Revenue generated from the fines is used to cover enforcement. If the revenue is greater than enforcement costs, that sum is held by central government. Schools do not receive any revenue from Penalty Notices.

Schools must not accept payment of penalty notices. The payment must be paid direct to the Local Authority via the online system. Details of the online payment system is included with each penalty notice.

The AES will maintain a record of Penalty Notices.

If a Penalty Notice is paid within 28 days, parents will discharge their liability for the period of absence in the Notice. If attendance continues to be poor, an AES will convene a Pre Court Assessment Meeting with the parents and a decision would be made at the meeting as to whether the case should proceed to either:

- Magistrates Court
- Family Proceedings Court
- A review period be set

The ultimate decision for statutory action will be made by Legal Services.

## 6. Unpaid Penalty Notices

If the Penalty Notice is not paid in full by the 28<sup>th</sup> day, the Local Authority will instigate a prosecution. The AES may use the fact that a Penalty Notice was issued and remains unpaid as evidence. Unlike other Penalty Notice Schemes, the prosecution would not be for non-payment of the fine, but for the original offence of failing to ensure a child's regular attendance at school.

## 7. Circumstances in which Penalty Notices may not be issued

In cases of chronic poor school attendance and non-cooperation by parents, the AES may decide to issue proceedings in the Magistrates' Court under Section 444 of the Education Act 1996, and dispense with the issue of a Penalty Notice. The decision will be made by the AES Manager after consideration of the case.

## 8. Exclusions

Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that his or her child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion.

The days of exclusion when this duty applies are known as 'specified days of exclusion' and will be detailed in a notice given to the parent under section 104 of the 2006 Act. The parent is responsible for the child during the specified days upon receipt of the notice.

Sections 100 and 101 of the Education and Inspections Act 2006 place a duty on the school or Local Authority to make provision for the excluded child's full time education from the sixth day of a fixed period exclusion or permanent exclusion in a school year. Once provision is made, the parent's duty to ensure that their child is not in a public place becomes a duty to ensure the child attends the provision i.e. the duty under Sections 444(1) and 444(1A) of the Education Act 1996.

Section 105 of the Education and Inspections Act 2006 allows for a penalty notice to be issued to a parent committing an offence under section 103 (failing to ensure their child is not in a public place on the days specified on the notice given to them). The notice allows the parent to pay a penalty as a way of discharging any liability for the offence. The parent must be notified by the school at the time of the exclusion of their duty and the days to which it relates.

## 9. When is it appropriate to issue a Penalty Notice?

### Threshold Criteria

Before being issued with a penalty notice a parent will have always received a warning detailing the consequences of their child's continued unauthorised absence, or the taking of leave in term-time without authorisation, or in the case of exclusion their child being in a public place within the first five days.

This warning will be issued by:

- The AES or by schools by letter in non –attendance cases.
- School correspondence/newsletter in cases of parents taking children on term-time holidays without authorisation.
- In instances of exclusion, the warning to parents will be contained in the initial exclusion notification letter from school.

A penalty notice may be issued if:

- A registered pupil has been absent for more than 10 sessions in any 12 week period.
- Where there has been a period of unauthorised absence (not less than 10 school sessions) which has been specifically condoned by the parent e.g. a parent choosing to take their child on a term-time holiday without authorisation.

- A registered pupil has been late (after the close of registration) for 12 or more sessions in any 6 week period.
- The Local Authority is satisfied that there is sufficient evidence to show the parent has committed an offence under s444 (1) or s444 (1A) of the Education Act 1996.
- A formal warning of the possibility of a penalty notice being issued, has been served either by the school or the AES.
- An offence has been committed under S103 of the Education and Inspections Act 2006 where a pupil had been found in a public place without reasonable justification in the first five days of an exclusion. Reasonable justification will be considered in each individual case but will include e.g a medical emergency or a pre-arranged medical appointment, or where it is not appropriate to leave a child alone in the home.
- A pupil has been stopped during a truancy patrol but only after due consideration when all the facts are known and the threshold for serving the notice (see (a) above) has been met. Information will be given to anyone stopped on a patrol, pupil and/or parent about the possible support and sanctions used to address non-attendance

Where a penalty notice has not been issued in the past 12 months in respect of the child in question, alternative processes are necessary for example, prosecution in the Magistrates Court for the period in question or an application to the Family Proceedings Court for an Education Supervision Order.

Agreement is reached with AES Manager to ensure that it is appropriate to serve the notice, thus ensuring a notice is not issued when either a prosecution has commenced and to avoid duplication of notices or the LA is not satisfied that there is sufficient evidence to show the parent has committed an offence under s444(1) or s444(1A) Education Act 1996.

## 10. Declining to Issue a Penalty Notice or Penalty Notice QSP Reference Number

The AES expects to accede to requests from schools but may decline to issue Penalty Notices or Penalty Notice numbers enabling schools to issue, if this Code of Conduct has not been adhered to. If there is a need to explore a case further or in the case of significant delay in making the request. This provision is in place to deal with instances where the school makes decisions in good faith but may lack pertinent information when making the request.

## 11. Withdrawal of a Penalty Notice

Once issued a penalty notice may only be withdrawn in the following circumstances:

- Proof has been established that the penalty notice has been issued to the wrong person
- The notice ought not to have been issued for example, where it has been issued outside the terms of this code of conduct.
- No offence has been committed.

The Local Authority will refund any payments made in respect of a wrongly-issued Penalty Notice.

Parents with a credible claim not to have received a Penalty Notice will be re-sent the original Notice, allowing time to pay the initial, lower, amount.

Penalty notices are issued by second class post is deemed to have been received within two days.

Penalty Notices must be paid in full, the Local Authority will not accept part payments or payments in instalments.

## 12. Representation

There is no statutory right of appeal against the issuing of a penalty notice. The Local Authority will examine any evidence provided that would show that a mistake had been made. Parents will be required to provide documentary evidence to support an argument and must deal directly with the Local Authority as the matter will not be the responsibility of the school.

## 13. Operational Details

### A. Local Authority Issues Penalty Notice

- Schools will follow up all cases of:
  - more than 10 unauthorised absence sessions in any 12 week period
  - any unauthorised holiday or leave of absence in term time amounting to 10 unauthorised sessions or more
  - 12 or more late arrivals (after the close of registration) in any six week period
- Schools will monitor pupil attendance regularly and agree statutory action with the LA as needed (including the issue of Penalty Notices)
- the LA will maintain a record of all referrals from schools and make an assessment of the individual circumstances at PACE meetings
- in cases of persistent unauthorised absence, parents will be warned by letter from the school of the possibility of statutory action, and if there is any more unauthorised absence a penalty notice will be issued
- in the event of unauthorised holidays or persistent lateness, a penalty notice will be issued directly when the school has already sent a formal warning letter
- schools will have policies to ensure that a parent has received an appropriate warning following unauthorised holidays or persistent lateness and in their exclusion letters advising of the parents' duty to ensure their child is not in a public place and may receive a penalty notice
- a penalty notice issued by the school will usually be delivered by post but in some circumstances will be delivered by post and by hand

### B. School or Academy Issues Penalty Notice

Schools may issue Penalty Notices when:

- They have warned the parents of the possibility of statutory action (for template school court warning letter please see Appendix I) and sent a copy of the warning to the AES. Schools should have policies to ensure that a parent has received an appropriate warning in the specific circumstances of unauthorised holidays, persistent lateness and in their exclusion letters of parents' duty to ensure their child is not in a public place and may be liable to a penalty notice if reasonable justification is not evidenced.
- In cases where parents have asked permission to take a term time holiday, they have issued a decline letter to the parents and sent a copy to the AES.
- They have given notice to the Local Authority (see Appendix II) that it is their intention to issue a Penalty Notice to confirm that they have followed the Penalty Notice Code of Practice and/or Guidance to Schools on Term Time Absence.
- They have completed the 'Notification to LA of issue of Penalty Notice' form
- They have forwarded a signed Attendance Record signed by the Headteacher or Principal which will be a true copy of the Attendance Register (see Appendix IV for Attendance Record proforma).
- A pupil has accrued more than 10 unauthorised absence sessions in any 12 week
- A pupil has been absent from school due to an unauthorised holiday or leave of absence in term time amounting to 10 school sessions or more (see Guidance for Schools on Pupil Leave of Absence in Term Time).
- A pupil has accrued 12 or more lates (and the school have marked the sessions 'U') (after the close of registration) in any 6 week period.

- A pupil has been late 12 or more times (and the school has marked the sessions 'U' after the close of registration) in any six week period.

The LA will return to the school or academy the 'Notice to LA of Intention to issue a Penalty Notice' with the Penalty Notice QSP Reference number so that the Notice can be issued. Schools must use the Penalty Notice proforma provided in Appendix V.

### **C. Following the Issue of a Penalty Notice by School**

- a) The Local Authority will alert the school in cases where Penalty Notices remain unpaid after the 28<sup>th</sup> day of issue.
- b) Schools should monitor the pupil's attendance regularly and send the Local Authority the appropriate paperwork for court action where Penalty Notices remain unpaid after 28 days;
- c) the Local Authority will maintain a record of all notifications and make an assessment of individual circumstances at the PACE meeting in cases where Penalty Notices are paid by the 28<sup>th</sup> day and attendance continues at an unacceptable level;
  - The Local Authority will alert the school in cases where Penalty Notices remain unpaid after the 28<sup>th</sup> day of issue.
  - Schools should monitor the pupil's attendance regularly and send the Local Authority the appropriate paperwork for court action where Penalty Notices remain unpaid after 28 days.
  - The Local Authority will maintain a record of all notifications and make an assessment of individual circumstances at the PACE meeting in cases where Penalty Notices are paid by the 28<sup>th</sup> day and attendance continues at an unacceptable level.

## **14. Good Practice for Schools**

Before a Penalty Notice or Penalty Notice QSP reference number is issued, Headteachers and Principals should ensure that:

Parents are aware of the school's policy on leave of absence and the AES are sent a copy of the notification.

Each request for leave of absence is considered on its merits.

Due regard is paid to religious issues, and family situations requiring special consideration.

They inform the AES if they decide to opt into the option of issuing their own Penalty Notices.

Parents are informed of the reasons for refusal of leave in term time and a copy of the decline letter is sent to the AES.

Where schools decide to issue their own Penalty Notices, the parents are sent a court warning letter as per the template in Appendix I.

Exclusion correspondence reminds parents of their duty to supervise their excluded child during the first five days of exclusion.

Where schools decide to issue their own Penalty Notices, only headteachers or principals or those authorised by them (assistant or deputy headteachers or principals), may sign Penalty Notices; School registers have the appropriate registration absence code as an extract from the register is required in the event of court action

Attendance Record forms signed by the headteacher or principal are sent to the AES as per the template in Appendix IV.

Requests for the Local Authority to issue Penalty Notices are made within 10 school days of the child's return to school following unauthorised term time leave.

Notice of the school's intention to issue a Penalty Notice is made within 10 school days of the child's return to school following unauthorised term time leave – Appendix II.



Penalty Notices for poor school attendance should be issued not more than 3 months after the first unauthorised absence – Appendix III.

Where schools decide to issue their own Penalty Notices, the template in Appendix V should be used and a copy sent to the AES.

## 15. Review

This code of conduct will be reviewed on a regular basis and may be amended depending on the outcome of the previous year's operation and changes in legislation

## References

[www.dfe.gov.uk](http://www.dfe.gov.uk)

Children Act 1989

Education and Inspections Act 2006

Education (Pupil Registration) (England) Regulations 2006

Anti-social Behaviour Act 2003

Education Act 1996

The Education (Penalty Notices)(England) Regulations 2007 as amended by

The Education (PenaltyNotice)(England)(Amendments) Regulations 2013

# Appendix I – Court Warning Letter

## *School Header*

Date:

Name: **[Insert name]**

Address of Parent: **[Insert address]**

Dear: **[Name of Parent]**

### **Failure to Secure Regular School Attendance, Education Act 1996**

- Name of Child: **[Insert name]**
- Date of Birth: **[Insert date of birth]**
- Attendance: **[Insert in percentage]**
- No. of Unauthorised Absences: **[Insert number of days]**

Your child is a registered pupil at school and has not been attending regularly.

It is the duty of parents and carers to ensure that their children attend school regularly and arrive on time. The purpose of this letter is to warn you that you may receive a Penalty Notice if **[insert name of child's]** attendance does not improve.

'Information for Parents/Carers about Legal Action' is attached to this warning letter outlining the law around regular school attendance and the consequences should attendance remain unacceptable.

The matter of non-school attendance is taken very seriously and I hope that after serving this warning, your child's attendance will improve.

Yours sincerely,

Name: **[insert name]**

Job Title: **[insert job title]**

cc: Access and Engagement Service

## **Information for Parents/Carers about Legal Action**

In law an offence occurs if a parent fails to secure their child's attendance at school and that absence is not authorised by the school. There are now a number of sanctions and courses of action available to enable the Education Authority to address the non-attendance:

### **Penalty Notices**

A Penalty Notice is an alternative to prosecution, which does not require an appearance in Court whilst still securing an improvement in a pupil's attendance. Payment of a Penalty Notice enables parents to discharge potential liability for conviction.

A Penalty Notice may be issued if a pupil has had 10 or more unauthorised absence sessions in any 12 week period and the LA is satisfied that there is evidence that an offence has been committed under s444(1) or S444(1A) of the Education Act 1996.

The penalty notice carries a fine of £60 if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of issue.

If the penalty notice is not paid in full by the end of 28 days the LA must prosecute for the offence of non-attendance or withdraw the notice.

There is no statutory right of appeal once the notice has been issued. Withdrawal of the notice only occurs in very limited circumstances when it has been served to the wrong person or issued in error. The notice must still be paid even if your child returns to school.

If you pay the Penalty Notice fine and your child continues to have unsatisfactory attendance, prosecution in the Magistrates Court or an Education Supervision Order under Section 36 of The Children Act 1989 may then be considered for the period not covered by the notice.

### **Police and Criminal Evidence Act (PACE) Meetings**

A PACE Meeting is held when a pupil's attendance is not satisfactory and the Local Authority must decide whether statutory action is appropriate. At this meeting you will have an opportunity to state the reasons why your child has not attended school regularly and anything you may rely on in court as your defence or mitigating factors. The meeting is held for everyone involved to discuss the concerns and agree on a plan which will enable your child to receive their education. It is arranged by the Access and Engagement Service (AES) and will be attended by school staff and anyone else who is able to contribute to the discussion. Those present will also discuss and be advised on what will happen if the attendance does not improve.

The Chair of the meeting, usually the AES Manager, will explain the two types of court action that are possible. A decision will be made at the PACE meeting about which kind of action will be taken.

If you have been served with a Penalty Notice and your child's attendance continues to be unsatisfactory, a PACE Meeting will still go ahead to try to resolve the difficulties. Court action will be taken if the fine is not paid within the time limits.

# Court Proceedings

## Family Proceedings Court

The PACE meeting will consider applying to the Family Proceedings Court for an Education Supervision Order (ESO). An ESO makes the Local Authority (LA) responsible for advising, supporting and 'giving directions' to the supervised child and his/her parent to ensure the child receives efficient full-time education suitable to his age, ability and aptitude and any special educational needs he or she may have. These directions must be defined by the LA and should aim to be helpful in bringing about an improvement in the child's attendance. (e.g. the LA could direct a parent/child to attend meetings at the school over the period of the ESO, require the parent/child to keep the LA informed of their address, or require the parent to attend parenting classes.)

If a parent persistently fails to comply with directions given by the supervisor, usually AES Officer they may be guilty of a criminal offence and the parent/carer can be taken back to court.

If a child persistently fails to comply the supervisor is obliged to refer the matter to social services who have a duty to investigate under the Children Act 1989.

## Magistrates Court

Alternatively or in addition to an ESO, the LA could bring criminal proceedings against a parent under s444 (1) Education Act 1996 where it appears that a parent is failing in their duty to ensure the regular school attendance of their child.

There is also a more serious offence with increased penalties for parents failing to send their child to school (s444 (1A) Education Act 1996). Under this section if a registered pupil does not attend school regularly, parents can be fined a maximum of £2,500 and/or imprisoned for up to 3 months. The higher penalty applies to parents who know their child is failing to attend regularly at school but still take no reasonable action to ensure their child attends.

As a matter of good practice, in interviews with parents, the AES Service will act in accordance with the spirit of the Codes of Practice set out in the Police and Criminal Evidence Act 2000 (PACE) ensuring that the parent understands the basis for the interview, their needs are taken into account, their rights are explained and the interviews are conducted fairly.

The AES will be able to answer any questions you have about court action and the PACE meeting is an opportunity for you to raise these

## Appendix II

### Notice to Local Authority of Intention to Issue a Penalty Notice for Term Time Leave

**Under Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006**

To: Access and Engagement Service

We have complied with the Local Authority Penalty Notice Code of Conduct. We attach a signed Certificate of Attendance. Please issue a Penalty Notice QSP reference number so that the school/academy can issue the Penalty Notice. The pupil has returned to school in the last ten school days and we have coded the absence 'G'.

Specifics	Details about the child
School/Academy	
Full Name of Child	
Date of Birth of Child	
School Year	
Full Names of Parents/Carers to be issued	
Home address	
Overall attendance % for academic year	
Actual absence dates for unauthorised holidays (this should not be more 10 school days after the pupil has returned to school?)	
Siblings names and attendance details	
Signed:	
Date:	
Job Title:	

#### Office Use

Information for PN	Complete or Incomplete
Home/school distance check <ul style="list-style-type: none"> <li>• up to 8 years: 2 miles</li> <li>• over 8 years 3 miles</li> </ul>	
Attendance Certificate for holiday period only	
Warning letter re term time leave	
Decline letter	
Missing details	
PN QSP Reference No.	
Reason for not issuing	

## Appendix III

### Notice to Local Authority of Intention to Issue a Penalty Notice for Poor School Attendance

**Under Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006**

To: Access and Engagement Service

We have complied with the Local Authority Penalty Notice Code of Conduct. We attach a signed Certificate of Attendance. Please issue a Penalty Notice QSP Reference Number. The absences to be referred to in the Penalty Notice are within the last 10 weeks.

Specifics	Details of child
School/Academy	
Full Name of Child	
Date of Birth of Child	
School Year	
Full Names of Parents/Carers to be issued	
Home address	
Reason for issuing Penalty Notice	<input type="checkbox"/> Poor school attendance (more than 10 sessions of unauthorised absence in a 12 week period) <input type="checkbox"/> Persistent lateness (arrival after close of register more than 12 sessions in a 6 week period)
Overall attendance % for academic year	
Period of attendance/absence to be referred to in Penalty Notice (within last 10 weeks)	
Siblings names and attendance details	
Signed:	
Date:	
Job Title:	

#### Office Use

Information for PN	Complete or Incomplete
Home/school distance check (up to 8 years: 2 miles, over 8 years 3 miles)	
Attendance Certificate	
Court Warning	
Missing Details	
PN QSP Reference No.	

# Attendance Record Form (EA1996 s. 566) 2020/2021

Extract from school attendance register – S 566 The Education (Pupil Registration) Regulations (England) 2006

<b>CHILD'S NAME:</b>	DOB:	Yr:	M/F
School:	Class:		

W/C	AUTUMN						C	SPRING						C	SUMMER				
	Mo	Tu	We	Th	Fr	Mo		Tu	We	Th	Fr	Mo	Tu		We	Th	Fr		
31/08/15							21/12/15							11/04/16					
07/09/15							28/12/15							18/04/16					
14/09/15							04/01/16							25/04/16					
21/09/15							11/01/16							02/05/16					
28/09/15							18/01/16							09/05/16					
05/10/15							25/01/16							16/05/16					
12/10/15							01/02/16							23/05/16					
19/10/15							08/02/16							30/05/16					
26/10/15							15/02/16							06/06/16					
02/11/15							22/02/16							13/06/16					
09/11/15							29/02/16							20/06/16					
16/11/15							07/03/16							27/06/16					
23/11/15							14/03/16							04/07/16					
30/11/15							21/03/16							11/07/16					
07/12/15							28/03/16							18/07/16					
14/12/15							04/04/16							25/07/16					

	Unauthorised Absences	Attendance / Auth absence	Possible Attendance	Percentage Attendance
Autumn				
Spring				
Summer				

I, the undersigned, certify that this is an extract from the school attendance register

Head teacher signature:

Date:



# PENALTY NOTICE

## Appendix V: Penalty Notice

*SCHOOL HEADER*

### **S444 Education Act 1996 The Education (Penalty Notice)(England)(Amendments) Regulations 2013**

Address of Parent

Date of Issue: DD Month YYYY

Dear Name of parent,

A parent/carer is guilty of an offence under S444 Education Act 1996 if their child, of compulsory school age, who is a registered pupil at a school, fails to attend regularly.

You are the parent/carer of: Child's First Name, Surname, (DD Month YYYY).

Who is a registered pupil at Name of School.

Between DD Month YYYY and DD Month YYYY your child failed to attend school regularly.

Due to your child's unsatisfactory attendance you are being issued with a Penalty Notice under the Anti-Social Behaviour Act 2003. This gives you an opportunity to discharge your liability under the Education Act 1996. Please note that each parent/carer has a duty to ensure their children's regular attendance at school and will be issued with a separate Penalty Notice.

The amount of the penalty is £60 if paid within 21 days of receipt of this notice. This rises to £120 if paid after the 21 days but within 28 days. Payment instructions are overleaf.

If you pay the fine within the time limits no further action will be taken against you in connection to the offence set out in this notice. Late, part payments or instalments will not be accepted.

**If £60 payment is not received by DD/MM/YY the fine will rise to £120.**

**If £120 payment is not received by DD/MM/YY you will be prosecuted for the original offence of failing to ensure your child's attendance and could be subject to a range of fines or other disposals in the Magistrates' Court.**

Yours sincerely

Head teacher or principal's signature

Job Title

cc: Access and Engagement Servic



## HOW TO PAY: EDUCATION PENALTY NOTICE (NON-ATTENDANCE)

### IMPORTANT:

If £60 payment is not received by **DD/MM/YY** the fine will rise to £120.

If £120 payment is not received by **DD/MM/YY** you will be prosecuted for the original offence of failing to ensure your child's attendance and could be subject to a range of fines or other disposals in the Magistrates' Court.

### 1. WEBSITE DETAILS

Your payment should be made online at [www.islington.gov.uk/educationpenaltynotice](http://www.islington.gov.uk/educationpenaltynotice)

You will need the following information to hand:

### 2. PARENT/CHILD DETAILS

Name of Parent: **First name, Surname**

Address: **Address, Address, Postcode**

Name of child: **First Name, Surname**

Name of School: **XXXX**

Date of issue of PN: **DD/MM/YY**

### 3. PENALTY DETAILS

QSP Code: **EC410 TF08**

QSP Reference: **0XXXX**

### 4. DEBIT OR CREDIT CARD

Have your Credit or Debit card with you so that you are able to enter the required details to make the payment.

## **Notes**

**Code of Conduct** – This notice has been issued in accordance with the local code of conduct drawn up by Islington Council. Any correspondence about the code should be addressed to the Access and Engagement Service to the address overleaf.

**Withdrawal of the Notice** – This notice may be withdrawn by Islington Council if it is shown that it should not have been issued to you or has not been issued in accordance with the code of conduct. If your child has further unauthorised absences within one year of this Notice being issued, the matter may be referred to the Magistrates' Court for prosecution i.e. you will not be issued with a second Penalty Notice within 12 calendar months of the current Notice. If the notice is not withdrawn and you do not pay, you will be liable to prosecution (see below).

**Prosecution** – If you do not pay the penalty and the notice is not withdrawn you will be prosecuted for the offence of failing to ensure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You may defend yourself and you would be advised to seek legal representation. In some circumstances you may be entitled to legal aid.