

## Southwark Council Early Help Service

### Penalty Notices

#### Penalty notices - Irregular attendance and term time leave

##### **What is the Education Act 1996?**

This Act allows the local authority to prosecute parents for failing to ensure the child attends school regularly. It also allows the Local Authority to issue Penalty Notices to parents as an alternative to prosecution.

##### **What is a Penalty Notice?**

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

##### **What is the fine?**

The fine is £60 to be paid within 21 days. The 21 day period begins 2 days after the date shown on the Penalty Notice. If the fine is not paid within 21 days, it rises to £120 for a further 7 days. If it is still not paid, the matter may then be sent for prosecution, not for the unpaid fine but the original offence.

##### **Why has the power been introduced?**

Absences from school can damage your child's learning and impact on their opportunities for training and working later in life. It can also leave children at risk of anti-social behaviour and crime.

##### **What are my responsibilities as a parent?**

Unless you can show that you are making your own arrangements for your child to be educated other than at school, you must ensure your child attends school regularly. You will be committing an offence if your child fails to attend school regularly without good reason or without the Headteacher's permission. Only your child's school can authorise an absence.

##### **Is a warning given?**

Warnings will be issued directly by schools. The number of warnings may vary from school to school. Please contact your child's school for further details.

##### **Can my children take term-time leave?**

Parents are not entitled to take their children on leave during term-time. Leave may be taken only with written approval from the Headteacher. A Penalty Notice may be issued for any term-time leave which has not been authorised by the Headteacher.

##### **Can I appeal?**

There is no right of appeal once the Penalty Notice has been issued. You may face a prosecution in the Magistrates' Court for your child's non-attendance should you fail to pay the Penalty Notice fine.

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

All payments are to be paid directly to Southwark Council as outlined on the Penalty Notice form. Cash, cheques and debit/credit cards are accepted.

##### **Can I be prosecuted if I pay and my child still does not attend school?**

You cannot be prosecuted for the period stated on the Penalty Notice. You may be prosecuted for any further periods of irregular attendance.

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

You should ask for help from your child's school or contact the Local Authority's Early Help Service Duty Desk on 0207 525 2714.

##### **Who is the person identified as being responsible for ensuring a child's regular school attendance?**

In the 1996 Act, a parent is defined as:

- i) any natural parent
- ii) anyone who is not the natural parent of the child but has parental responsibility for the child
- iii) any person, who although not a natural parent, has care of a child

***For any further information or clarification please contact your child's school directly or the Early Help Service Duty Desk - 0207 525 2714.***