

What is a Penalty Notice?

A Penalty Notice is a fine issued to parents or carers for their child's unauthorised absence from school. A Penalty Notice is an alternative to being prosecuted under Section 444 of the Education Act 1996. In Kirklees, Penalty Notices are most often used for unauthorised holidays in term time.

Penalty Notices are sent through the post. The Penalty Notice contains information explaining how and where to pay.

All Penalty Notices must be issued within the local Code of Conduct. You can get a copy of the Kirklees Code of Conduct from the Attendance & Pupil Support Service - contact details are on the back of this leaflet.

Who is responsible for paying the Penalty Notice?

The parent/carer named on the letter and on the invoice is responsible for paying the Penalty Notice. If Penalty Notices have been issued to two parents at the same address, each individual parent is responsible for paying their own Penalty Notice.

On most occasions, Penalty Notices are issued to each individual parent/carer of each individual child separately.

Under Section 576 of the Education Act 1996 a parent is defined as:

- All natural parents, whether they are married or not;
- Any person who, although not a natural parent, has parental responsibility for a child or young person;
- And any person who, although not a natural parent, "has care" of a child or young person. "Having care" of a child or young person means that a person with whom the child lives and who looks after the child, is considered to be a parent in education law.

What are the costs?

The Penalty Notice is for £60 if paid within 21 days, it will increase to £120 if it is not paid within 21 days. It must be paid in full within 28 days.

You must pay the whole of the amount owing in one payment – you cannot pay in instalments and you cannot pay part of the Penalty Notice.

If the Penalty Notice is not paid in 28 days, and it has not been withdrawn, you will be prosecuted (under Section 444 of the Education Act) for the offence of failing to ensure your child's regular attendance at school.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.

Can a Penalty Notice be withdrawn?

A Penalty Notice can only be withdrawn if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local Code of Conduct.

If you believe that a Penalty Notice has been wrongly issued to you as a result of a term time holiday, you should raise this with the school in the first instance.

If you believe that a Penalty Notice has been wrongly issued to you as a result of general poor attendance, you must contact the Attendance & Pupil Support Service in writing, stating why you believe the Penalty Notice to have been incorrectly issued. We will consider your request and let you know whether the Penalty Notice will be withdrawn.

If a Penalty Notice is not withdrawn and you do not pay it, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

Is there an appeal process?

There is no statutory right of appeal once a Penalty Notice has been issued. A Penalty Notice may be withdrawn as described above.

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

Yes. You should contact the school first to see if they can help you to resolve any issues that are preventing your child from attending regularly.

You can also contact the Attendance and Pupil Support Service. An Attendance & Pupil Support Officer linked to the school may be able to give you advice and support to improve your child's attendance.

Contact details:

The Attendance & Pupil Support Service,
The Deighton Centre – East Wing,
Deighton Road,
Deighton,
Huddersfield
HD2 1JP

Tel: 01484 221919
Fax: 01484 225162

E-mail: attendance.pupilsupport@kirklees.gov.uk



Attendance & Pupil Support Service

Information and advice for parents about Penalty Notices for school absence