

## What happens if you don't pay the Penalty Notice?

If you don't pay a Penalty Notice within 42 days of receipt, the Education Welfare Service can take you to court (the Magistrates court) under the Education Act for the original offence of poor attendance by your child.

If proven, you may be fined anything up to £2500 and/or 3 months in prison. In addition, you may be subject to a court order, for example, a Parenting Order.

## Will I be taken to court if I pay the Penalty Notice but my child is still missing school?

If you pay the Penalty Notice within 42 days of receipt, you won't be taken to court for the period of absences covered in the Penalty Notice.

If, however, your child continues to have periods of unauthorised absences which are not covered in the Notice after the payment of the Penalty Notice, you may be taken to court – depending on the circumstances.

## If you're worried about your child's attendance...

Please get in touch with your child's school or the Education Welfare Service as soon as possible. They can offer you help and support to work with your child to improve and maintain their attendance before any formal action needs to be taken.

**For more information** on the issues covered by this leaflet or to receive a copy of any of our other leaflets, please contact us at:

Education Welfare Service  
Wigan Council  
Children and Young People's Services  
Waterside Drive  
Wigan  
WN3 5BA  
Tel: 01942 705405

### Other leaflets available:

- Holidays in term time
- Legal proceedings for school non-attendance
- The importance of your child's attendance at school



We can make this information available in other formats and other languages on request. Contact us at the above address for more details.

## Penalty notices for non attendance at school

Information for parents and carers



## What is a Penalty Notice?

A Penalty Notice is a fine issued to parents or carers and can be either £50 per parent or carer (if the payment is made with 28 days of receipt) or £100 per parent or carer (if paid after this, but within 42 days). Penalty Notices are issued by first class post to your home and will explain how and where to send your payment. You must pay the whole of the amount owing in one payment – you can't pay in installments or just pay part.

In Wigan, unauthorised absences which may result in the issuing of a Penalty Notice include:

- Where pupils are openly truanting (this includes pupils found during truancy sweeps by Education Welfare Officers and the police).
- Absences from school which parents or carers are aware of but aren't authorised by the school.
- Holidays taken in term time which the school has not authorised.
- An unacceptable delayed return from an extended holiday if the parents or carers haven't got permission beforehand from the school.
- Regular late arrival at school (after the Register has closed).

## Regular absences from school can affect:

- attainment levels – the quality of school work, qualifications gained
- school routine – disrupting your child's learning and that of other pupils
- the chances of children and young people being involved in anti-social behaviour
- a child or young person's general well-being and long term life opportunities.

Improving regular attendance at school is therefore a key priority, both locally and nationally.

## What does the law say about non-attendance?

- Under Section 444 of the Education Act 1996, parents or carers may be taken to court and prosecuted if their child does not attend school regularly and their absences are unauthorised (or in other words, the school cannot or has not given permission for them to be off school).
- In 2003, the Anti-Social Behaviour Act, provided an alternative means of tackling non-attendance in schools. Under Section 23 of the Act, Local Education Authorities and other designated bodies were given the powers to issue Penalty Notices to parents or carers who are considered capable of, but unwilling to work towards improving their child's attendance.

## Before Penalty Notes are issued - the work of the Education Welfare Service and issuing of warnings

- Each primary and secondary school in Wigan has an Education Welfare Officer who works with school staff, children and young people and their parents and carers to improve and maintain regular school attendance and offer advice and support around issues such as bullying etc.
- Education Welfare Officers will do their best to help you and your child to improve their attendance prior to taking any formal action.
- Before Penalty Notices are issued, you will receive a written warning which will explain the extent of your child's non-attendance and the possibility of you receiving a Penalty Notice if their attendance does not improve in 15 days. During this period, your child must not have any further unauthorised absences from school.
- There is no limit to the number of times a formal warning of a possible Penalty Notice issue may be made in any particular case.

## How many absences will result in the issuing of a Penalty Notices?

- A minimum of 10 sessions (or 5 school days) which are classed as unauthorised absences during the current term  
Or
- A minimum of 10 sessions (or 5 school days) for taking leave during the current term without the permission of the school.

## Can you appeal against a Penalty Notice?

- There isn't a legal right of appeal after a Penalty Notice has been issued. You can, however, contact us if you have an issue if, for example, you believe that the Penalty Notice has been issued to the wrong person. **Please see the contact details at the back of his leaflet.**