

# Penalty Notices & Your Legal Rights

The government national average attendance for all pupils in secondary schools should be over 92%.

Fixed Penalty Notices are a way for Local Education Authorities to deal with cases where children miss school for reasons which cannot be approved by the school. The issuing of a Fixed Penalty Notice will give a parent the opportunity of paying a fine instead of going to court. These fines are for £60 if paid within 4 weeks, going up to £100 if paid between 4 and 6 weeks.

The issuing of Penalty Notices is considered appropriate when:

1. In cases of absence from School/College/Academy when the pupil has been taken on a holiday during term time and the absence has not been authorised by the school. In such a case, each parent will receive a separate Penalty Notice for each child taken out of school. Should a parent fail or refuse to pay any Penalty Notice issued for this reason, then the evidence provided by the school/college will be the only information laid before the court.
2. Following a Truancy Watch Sweep, enquiries will be undertaken with the School/College/Academy of any pupil stopped. In cases where the absence is recorded as unauthorised then a Penalty Notice will be issued.
3. In the early stages of casework, an Attendance Officer/Education Welfare Officer might form an opinion that the issuing of a Penalty Notice is appropriate e.g. in cases where a parent continually fails to provide an explanation for a pupil's absence in accordance with the school's procedures, or where the school has unauthorised a minimum of 10 absences.
4. Following notification from a School/College/Academy to the LA that a pupil has had an unauthorised absence from school and the circumstances of which appear to have been avoidable. (e.g. too tired after a late night, a birthday treat, family friends/relatives visiting etc.,).
5. When a pupil on the 'Fastrack to Prosecution' scheme fails to achieve the required improvement in attendance.
6. Following a referral from the Wiltshire Police, procedures as at (2) above will be followed.
7. When a child is found to be in a public place during school hours without reasonable justification during the first 5 days of a fixed period or permanent exclusion from school. (Section 103/105 Education & Inspections Act 2006). Reasonable justification may include a pre-arranged medical appointment or a medical emergency.

In all cases listed above in sections 1, 3, 4, 5, 6, 7, a Penalty Notice will only be issued to a parent(s) if they have been informed that a Penalty Notice might be issued for a pupil's unauthorised absence.

Within this Code of Conduct, a parent is defined as per Section 576 Education Act 1996.

If there is anything in the booklet below that you don't understand or if you would like more information, please call the free A.C.E. advice line on 0808 8005793.

**A Practical Guide To Parent's Legal Rights :**

<https://www.kingsdownschool.co.uk//Documents/attendance/SchoolAttendance-ParentsGuide.pdf>