

Penalty Notices & Your Legal Rights (Years 7-11)

The government national average attendance for all students in secondary schools should be over 95%.

Fixed Penalty Notices are a way for Local Education Authorities (LA) 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 to avoid court prosecution. These fines are for £80 if paid within 21 days, going up to £160 if paid within 28 days.

The issuing of Penalty Notices is considered appropriate when:

1. In cases of absence from School/College/Academies when the student 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 student 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 (AO)/Education Welfare Officer (EWO) 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 student's absence in accordance with the school's procedures, or where the school has unauthorised a minimum of 5 absences.
4. Following notification from a School/College/Academy to the LA that a student 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 student 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/suspension 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 student's unauthorised absence. Within this Code of Conduct, a parent is defined as per Section 576 Education Act 1996.

Year 11 Protocol (Year 11 only)

This is to inform you that Swindon Local Authority issue Penalty Notices in some cases of poor attendance in Year 11. We can issue a Fixed Penalty Notice when there are 5 or more unauthorised absences i.e. Code O=Unauthorised Absence. U=late after the register has closed at 8.45am)

Penalty Notices can be issued for individuals up to three times during the academic year.

However, this does not include unauthorised absence due to holidays taken in term time i.e. Code G=Unauthorised Family Holiday, which will be dealt with separately. [Explanation of Attendance codes](#) and penalty procedures can also be found in the [attendance section](#) of the school website alongside the Year 11 protocol letter.

The Attendance Officer will be working closely with the Year 11 Progress Leader, to monitor and promote attendance and punctuality of Year 11 students.

Please ensure that your child attends school regularly and, if he/she is unable to do so, that the school is fully aware of the circumstances. If there are any difficulties which your child is experiencing then please contact the Attendance Team on 01793 822284 (option 1) or email: studentabsence@kingsdownschool.co.uk