Penalty Notice

Section 103/105 Education & Inspections Act 2006

 **Please read the notes attached carefully**

If a child of a compulsory school age who is a registered pupil at a school is present in a public place during school hours whilst excluded on disciplinary grounds whether for a fixed period or permanently, a parent/carer is guilty of an offence under section 103(3) of the Education and Inspections Act 2006.

To: [Title] [Forename] [Surname]

Of: [Address]

 [Postcode]

As a parent/carer of [Name, address and date of birth of child] (called in this notice “the pupil”) who is a registered pupil at [name of school].

On [insert date/s and time/s] the pupil was seen in a public place, namely [insert location including street and village/town/city]

**This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above**. The amount of the Penalty is £60/£120. If you pay this Penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this Notice.

Payment of £60 should be made within 21 days of ’deemed service’ (2nd working day after postmark on the envelope and receipt of posting). If paid after 21 days but within 28 days the Penalty is £120. Payment should be made to Hampshire County Council.

Late or part payments will not be accepted and no reminders will be sent. **If payment is not made within 28 days of ‘deemed service’ (two working days after this notice was posted), you will be prosecuted for the original offence under section 103(3) of the Education and Inspections Act 2006. Prosecution could result in a fine of up to £1,000.**

This PN is issued by [name], [Headteacher or if authorised by the head, a deputy or assistant Headteacher] of [school and address]

**Signature:**

**Date of issue:** [Date]

**Penalty Notice Reference No: APN**  **you must copy this number onto all payment methods (see notes attached)**

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**PENALTY NOTICE NOTES FOR PARENT & CARERS**

**FINE AMOUNT: £60 if paid within 21 days of deemed service. £120 if paid after 21 days of deemed service but before 28 days of deemed servicehave expired. Keep evidence of postage. We will use the date of the postmark to confirm when your payment was made. Any late or part payments will be refunded.**

**PAYMENT OPTIONS:**

1. Pay the full amount of the penalty notice directly using the online banking.  The bank details are as follows: Bank: NatWest Sort code: 622849 Account number: 00000000 PN Reference Number: APN **It is essential that you include the full PN reference number as a reference so that we can ensure your payment is processed efficiently and avoid prosecution for non- payment. PLEASE NOTE the account number 00000000 is correct.**

2. Send this page together with your crossed cheque made payable to ‘Hampshire County Council’ to The County Treasurer, Hampshire County Council, The Castle, Winchester, SO23 8UB. **Please enter the Penalty Notice reference number on the back of the cheque.**

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| **If you are paying by cheque** please complete the details in this box and return this page with your payment to The County Treasurer, Hampshire County Council, The Castle, Winchester, SO23 8UBName: ………………………………..………………………………………………………….Address: …………………………………….…………………………………………………..I attach a payment in the sum of £………… **Penalty Notice Reference No** : Signed: ………………………………………………………… Date: …………………….… |

**If you do not have a bank account there is a third option:**

**POSTAL ORDER:** Complete a Postal Order form at any Post Office, to credit ‘Hampshire County Council’, and present it with your payment to the Post Office Cashier. The Post Office will charge for this service. **You must enter the Penalty Notice reference number on the back of the Postal Order form.**

**QUERIES:**

**1. Contact details**

If you have any queries about the Penalty Notice please contact the [name], [designation] [address/phone no.] who issued the penalty notice. This Notice is issued in accordance with the Hampshire County Council’s Code of Conduct which can be found at [Attendance guidance for parents/carers | Hampshire County Council (hants.gov.uk)](https://www.hants.gov.uk/educationandlearning/behaviour-attendance-parents)

**2. Withdrawal**

This Notice may only be withdrawn if it is shown that it should not have been issued to you or breaches Hampshire’s Code of Conduct. If you believe that the Notice was wrongly issued you must contact the school as soon as possible to ask for it to be withdrawn, stating why you believe the Notice has been issued incorrectly. Either the school or a Hampshire County Council officer will consider your request and will contact you. If the Notice is not withdrawn and you do not pay within the required timescales, you will be prosecuted for the offence that your child has failed to attend school regularly

**3. Prosecution**

If you do not make payment and are prosecuted you will receive a separate summons, which will give you notice of the time and date of the court hearing. You will be entitled to defend yourself and you would be advised to seek legal representation. In such circumstances you may be entitled to public funding. For

information and assistance regarding publicly funded legal advice, please contact the Community Legal Services (tel: 0845 345 4345) or visit [www.clsdirect.uk](http://www.clsdirect.uk)



 SERVICES FOR SCHOOLS

**Information on Penalty Notices
for non-attendance at school**

Education Act 1996, section 444A

**Advice for parents and carers**

Applied from 19 August 2024

**Penalty Notices and the Education Act 1996**

Section 444A of the Act gives powers to the local authority, and headteachers to issue Penalty Notices in circumstances where it is believed that a person has committed an offence under Section 444(1); that is, where a child fails to attend regularly at their registered school.

**Penalty Notices and the Education and Inspections Act 2006**

Section 105(1) of the Education and Inspections Act 2006 gives powers to the local authority, headteachers and the police to issue Penalty Notices where it is believed that a person has committed an offence under Section 103(3) of the Education and Inspections Act 2006: that is, where a child is seen in a public place in the first five days of a fixed term or permanent exclusion from school.

**What is a Penalty Notice?**

A Penalty Notice is a fine which may be issued as an alternative to prosecution. If it is paid it does not require a court appearance and does not result in a criminal record.

**Who can be issued with a Penalty Notice?**

Where absence warrants the issuing of a Penalty Notice, anyone with Parental Responsibility, or having day to day care of the child can be issued with one Penalty Notice for each of the children with unauthorised absence. If two parents have two children this may result in four Penalty Notices, 2 Penalty Notices per parent.

**How is a Penalty Notice issued and how much is the fine?**

Penalty Notices are either posted to your home or delivered to you by hand. If you have received a First Penalty Notice, you either have up to 21 days to pay £80 or failing that a further 7 days to pay £160. If you have received a second Penalty Notice because you previously received a Penalty Notice in respect of the same child in the preceding three-year period, you have up to 28 days to pay £160 with no option for this second offence to be discharged at the lower rate of £80.

If you receive a Penalty Notice as your child was seen in a public place in the first five days of a fixed term or permanent exclusion, you either have up to 21 days to pay £60 or failing that a further 7 days to pay £120. If you fail to make any payment within the timescales provided the local authority will consider commencing proceedings in the Magistrates’ Court for the original offence..

**What if my child has further unauthorised absence from school?**

If you pay the Penalty Notice and your child has further unauthorised absences additional legal action may be taken. For example, in the event that a Penalty Notice has previously been served to you at a higher rate of £180 due to unauthorised holiday, should your child have any future unauthorised leave this may result in further legal action for you, such as prosecution or an Education Supervision Order.

**When are they issued?**

As set down by the Department for Education, Penalty Notices can be issued for unauthorised absence. In Hampshire, Penalty Notices are issued when a pupil has had 10 or more half-day sessions (equivalent to five school days) of unauthorised absence, in the last 10 school week period, which may span different terms or school years. The authorised person retains the discretion to issue a Penalty Notice before the threshold is met under certain circumstances.

*Unauthorised absence* is absence not approved by the school and will be coded on your child’s attendance record as one of the following:

*O* – unauthorised absence

*U* – late after close of registration

*G* – non-approved leave of absence (holiday).

**What if my child is excluded from school?**

If your child is excluded from school for a fixed term or permanently, a Penalty Notice may be issued if you allow your child to be present in a public place during school hours without reasonable justification during the first 5 days of a fixed term or permanent exclusion**.** This Penalty Notice fine is £60 if paid within 21 days of the date of posting and £120 if paid after this but within 28 days of the date of posting**.**

**Is a warning given?**

If your child has an **ongoing** pattern of unauthorised absence then you will normally receive a Notice to Improve letter. This Notice will advise you about the extent of your child’s absence and set out the support that is being offered. It will also warn you that if your child’s attendance does not show a significant improvement within a three-week period and if this improvement is not maintained thereafter, a Penalty Notice may be issued without further warning.

**Further support, advice and guidance is available from:**

**The Department for Education**

· [www.gov.uk/school-attendance-absence/overview](http://www.gov.uk/school-attendance-absence/overview)

· [Working together to improve school attendance (applies from 19 August 2024)](https://assets.publishing.service.gov.uk/media/65f1b048133c22b8eecd38f7/Working_together_to_improve_school_attendance__applies_from_19_August_2024_.pdf)

**Hampshire County Council**

· <https://www.hants.gov.uk/educationandlearning/behaviour-attendance-parents>

**Is there an appeal process?**

There is no statutory right of appeal. Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.

**How do I pay?**

Details of payment arrangements are included in the Penalty Notice. You must ensure that you include your Penalty Notice reference number on any payment method so the payment can be tracked. Failure to do so may result in the Penalty Notice being recorded as unpaid. Full payment is required within prescribed timescales - see *‘What Happens If I Do Not Pay?’* below. Payment in part or by instalments is not possible. Late payments will not under any circumstances discharge criminal liability for the offence and you may be liable for prosecution. Any late payments received will be refunded.

**What happens if I do not pay?**

If you fail to make any payment within the timescales provided, the local authority will consider commencing proceedings in the Magistrates’ Court for the original offence of failing to ensure regular attendance under s444 Education Act 1996.

If convicted there are a number of possible sentences, including a fine of up to £1,000 (in the case of a prosecution under section 444(1)) or a fine of up to £2,500 and/or a period of up to three months’ imprisonment (in the case of a prosecution under section 444(1A)).

In respect of exclusion Penalty Notices, if you fail to make any payment within the timescales provided, the local authority will consider commencing proceedings in the Magistrates’ Court for an offence under Section 105(1) Education and Inspections Act 2006.

If convicted there are a number of possible sentences, including a fine of up to £1,000.

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

Yes. The school is available to provide advice and support and signpost you to other support agencies in the locality.