

Education penalty notices FAQs

<http://www.swansea.gov.uk/educationpenalty>

What is a penalty notice?

A penalty notice is a fine, which can be used as an alternative to prosecuting parents/carers who do not ensure their child attends school regularly.

The penalty notice is £60 if paid within 28 days of receipt of the notice.

This rises to £120 if paid after 28 days but within 42 days of receipt.

What is a penalty notice for?

The purpose of the penalty notice is to improve school attendance.

A child that attends school regularly will get a lot more from the opportunities that school provides than a child that doesn't.

The law says that parents/carers should ensure that a child in their care attends school regularly, and arrives on time.

Who does it affect?

Parents of children who are aged between 5 years and 16 (compulsory school age) who have regular unauthorised absences. Fixed penalty notices can apply to these children. They will not be used for nursery age children or pupils who are in a sixth form (years 12 and 13).

There are many valid circumstances for which a school can give permission for a child to be absent, such as an illness, school trips or religious festivals (if approved these may be authorised absences).

When will a penalty notice be issued?

Swansea Council is proposing (along with the other Councils in the ERW partnership) that a penalty notice will be issued when:

- A pupil has not attended for 10 sessions (5 school days) (or more) and these absences have been 'unauthorised' (the school has not given permission).
- The 10 sessions (5 school days) of unauthorised absence are within the current school term and they bring the overall pupil's attendance to below 90% (in the school year to date).
- The 10 sessions (5 school days) do not have to be consecutive (one after the other).

and/or

- A pupil has not attended for 10 sessions (5 school days) (or more) and these absences have been for unauthorised 'holidays in term-time'.
- The 10 sessions (5 school days) of unauthorised absences are within the current school year and they bring the overall pupil's attendance to below 90% (in the school year to date).
- The 10 sessions (5 school days) do not have to be consecutive (one after the other).

and/or

- The pupil has arrived at school late (after the register has closed) for 10 sessions (or more).
- Late arrival at 10 sessions (or more) are within the current school term and they bring the overall pupil's attendance to below 90% (in the school year to date).
- The 10 sessions do not have to be consecutive (one after the other).

Will I have a penalty notice for taking my child on holidays?

The headteacher has the discretion to authorise holidays. If the holiday is not authorised then you may receive a penalty notice if the holiday means your child misses 10 school sessions and your child's attendance falls below 90% in the school year to date.

How many penalty notices can be issued to me in a year?

Three, more than three may mean you are liable to prosecution for non-attendance at school under the Education Act 1996.

How much is a penalty notice fine?

£60 in the first instance and if not paid within 28 days it rises to £120 to be paid within 42 days of original receipt.

What if I do not pay?

Then you may be liable to prosecution under the Education Act 1996 for 'failure to attend school' not for non-payment of the penalty notice.

Will I get a notice for each of my children?

Yes, if their unauthorised absences meet the criteria above.

Could I receive a penalty notice for sending my child to school late?

Yes, if your child's lateness meets the criteria above.

Punctuality is important and if your child arrives after the close of registers, which is 30 minutes after the start of the school day, then your child is late and receives a late mark in the register.

Who decides whether an absence will be authorised or unauthorised?

A school's headteacher has the legal responsibility to decide whether a pupil's absence should be authorised or unauthorised. Welsh Government has produced guidance to help this decision making.

What if my child is ill and misses school? Will I get a penalty notice?

If your child is ill make sure you inform the school. The headteacher has the discretion to authorise absences in the line with Welsh Government guidance. If they do not authorise the absence, then you may receive a penalty notice if the absence meets the criteria above. If you have medical evidence such as medicine bottle or prescription to prove the illness then make sure the school sees it, the illness may then be authorised.

What if I did not realise that my child's attendance was that bad?

It is a parent's responsibility to be aware of their child's attendance.

All schools in Swansea ensure that parents are aware of their child's attendance and if you are in doubt then ask them for your child's attendance record.

Can I appeal against the issuing of a notice?

There is no formal right to appeal under the legislation. We advise families to be aware of their child's attendance in order not to receive a penalty notice in the first place.

Will both parents receive a penalty notice?

The legislation states that if more than one person is liable then separate penalty notices may be issued.

What if I do not know that my child has not arrived in school?

All Swansea schools contact any parents/carers of absent children that have not phoned them to let them know why their child is not in school. If a pupil is truanting the parents will be informed and it is then their responsibility to find the pupil and return them to school.

Why is Swansea using penalty notices?

Welsh Government has stated that Local Authorities in Wales are required by law to implement penalty notices within the academic year 2014/2015. Penalty notices are another tool to support the improvement in school attendance in order for every child to reach their educational potential.

What is the definition of a parent?

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

"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, 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, irrespective of what their relationship is with the child, is considered to be a parent in education law).

Who can issue a penalty notice?

Only the Local Authority can issue a penalty notice.