



# Penalty Notices

Revised April 2013  
Last Reviewed September 2019

## **Telford & Wrekin Council**

### **Penalty Notice Protocol**

#### **Legal Framework:**

Section 23 of the Anti-social Behaviour Act 2003 empowers designated Council Officers, Headteachers (Deputy and Assistant Headteachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2004 came into force on 27<sup>th</sup> February 2004.

The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and all Equal Opportunities legislation.

Telford & Wrekin Council designated the responsibility for developing the protocol within which all partners named in the Act will issue notices.

Section 576 of the Education Act 1996, the definition of a parent under education law defines "parent" as:

- (a) All natural (biological) parents, whether they are married or not;
- (b) Any person who, although not a natural parent, has parental responsibility for a child or young person;
- (c) Any person who, although not a natural parent, has care of a child or young person.

#### **Rationale:**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

In law an offence occurs if a parent/carer fails to secure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school.

Penalty Notices supplement the existing sanctions currently available under Section 444 of the Education Act 1996 or Section 36 of the Children's Act 1989 to enforce attendance at school where appropriate.

The Attendance Support Team (AST) enforces the responsibility for Telford & Wrekin Council.

Parents and pupils are supported at school and Borough level to overcome barriers to regular attendance through a range of assessment and intervention strategies.

Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem. They are used as a means to support parents to meet their responsibility in law, where there is a reasonable expectation that their use will secure an improvement.

#### **There are three types of Penalty Notice**

- 1 (Unauthorised Absence) Penalty Notice
- 2 Leave in term time Penalty Notice
- 3 Exclusion Penalty Notice

1. Circumstances where an (Unauthorised Absence) Penalty Notice may be issued:

- A Penalty Notice can only be issued in cases of **unauthorised absence**.
- In the case of unauthorised absence a **Warning** will be sent to the parent, giving 15 school days where there must be no unauthorised absence.
- Use of these Penalty Notices will be restricted to **one per pupil per academic year**.
- In cases where there is more than one poor attending pupil in a family, multiple notices may be issued. This decision will involve careful consideration and consultation with schools by AST regarding current circumstances.
- There will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of Penalty Notices.
- At least 20 sessions (10 school days) lost to unauthorised absence by the pupil during one term.

2. Circumstances where a Leave in term time Penalty Notice may be issued:  
(Please note – amendments will take effect from 1<sup>st</sup> September 2016)

- A Leave in term time Penalty Notice will be issued, without warning, for each leave in term time, if a pupil is absent for a period not agreed or authorised by the Headteacher, and
- At least 10 sessions (5 consecutive school days) are lost to unauthorised absence.
- Each unauthorised leave of absence in term time may result in the issue of a Leave in term time Penalty Notice and is not restricted to one per academic year.
- If Penalty Notices issued for unauthorised leave in term time are unpaid it may result in parents being prosecuted under Section 444 (1) or 444(1)(A) of the Education Act 1996
- It is suggested that schools adopt a standard authorisation of leave in term time protocol as part of their attendance policy and with advice from the AST. Information should be available to all parents regarding the school's leave in term time/attendance policy. Where parents fail to comply with the request procedure, a Leave in term time Penalty Notice may be considered. The legislation does not allow for retrospective permission to be granted

3. Circumstances where an Exclusion Penalty Notice may be issued:

- For a child of compulsory school age who is a registered pupil at a school and is excluded from that school, either for a fixed period, or permanently, his/her parent/carer is guilty of an offence under *Section 103 of the Education and Inspections Act 2006*.
- If that child is present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion.
- The parent must have been notified by the school at the time of the exclusion of their duty and the days it relates to.

**Procedure for Issuing Penalty Notices:**

- The Attendance Support Team will issue Penalty Notices in Telford & Wrekin.
- This will ensure consistent and equitable delivery, retain school/home relationships and allow cohesion with other enforcement sanctions.

- Penalty Notices will only be issued by post and never as an on the spot action i.e. during a Truancy Sweep. This will ensure that all evidential requirements are in place and meet Health & Safety requirements for Telford & Wrekin Council employees.

Where schools, West Mercia Police and neighbouring LA's consider the issuing of a Penalty Notice appropriate, this request will be investigated and actioned by the AST provided that:

- all relevant information is supplied in the specified manner,
- the circumstances of the pupil's absence meets all the requirements of this protocol,
- reasonable expectation that their use would improve attendance,
- the issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.

The Attendance Support Team will respond to all requests within 10 school days of receipt and will issue Penalty Notices as above where all criteria are met.

### **Procedure for withdrawing Penalty Notices:**

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- proof has been established that the Penalty Notice was issued to the wrong person,
- the use of the Penalty Notice did not conform to the terms of this protocol,
- the parent can show that they did not receive the notice e.g. it was delivered to the wrong address,
- the absence becomes authorised by the Headteacher because of evidence submitted.

### **Payment of Penalty Notices:**

- Arrangement for payment will be detailed on the Penalty Notice.
- Payment of a Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.
- From 1<sup>st</sup> September 2013, payment of a Penalty Notice within 21 days is £60 and payment after this time, but within 28 days, is £120.
- Telford & Wrekin Council retains any revenue from Penalty Notices to cover administration and enforcement costs (collection or prosecuting in the event of non-payment) and the costs of training to school staff to ensure procedures and protocols are maintained in the issuing of any Penalty Notice.

### **Non Payment of Penalty Notices:**

- Non payment of a Penalty Notice will result in pursuance of the prosecution process under the provision of Section 444 of the Education Act 1996.

### **Policy and Publicity**

- Issuing of Penalty Notices as a sanction is included in the Authority's Attendance Policy.

- All school Attendance Policies will include information on the issuing of Penalty Notices and this will be brought to the attention of all parents.
- The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional/public information material.
- The Attendance Support Team will deliver training to school staff in the process of enforcement of the Penalty Notice Protocol.

## **Reporting & Review:**

- The Attendance Support Team will report to the Senior Management Team on attendance matters and will include the deployment of Penalty Notices, outcomes and related data.
- The Attendance Support Team will review Penalty Notice use at regular interviews and amend the general enforcement strategy as appropriate.

Parent's Name  
Parent's Address

**Attendance Support Team**  
Darby House  
Lawn Central  
Telford  
TF3 4JA

Tel: 01952 385220

Our ref: ASTPNW/  
Date

Dear Parent

### **WARNING NOTICE**

Penalty Notice Section 444A Education Act 1996 – School Attendance – Penalty Notices

**It has come to my attention that your child (Name) (DoB) has failed to attend (School Name) regularly.**

Section 444(1) of the Education Act, 1996 says:

“If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at that school, his/her parent is guilty of an offence”.

**If the reasons given for your child's irregular school attendance are not satisfactory, then the Local Authority may issue you with a Penalty Notice for failure to comply with the law.**

**On receipt of this letter, you are being given the opportunity to take such steps as to ensure your child's attendance at school. The Telford & Wrekin protocol allows 15 school days from Date to Date in which time (Child's Name) must have no unauthorised absence. Failure will result in a Penalty Notice being issued to you.**

In pointing out the law to you in this way, it merely serves to reinforce your obligation to your child and I hope most sincerely that you will take such steps as would render such a course of action unnecessary.

Yours sincerely

Mrs K. Burford  
Attendance Support Team Leader

Ref No.: ASTPN/

**PENALTY NOTICE**  
Section 444A Education Act 1996

**Name**  
**Address**

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his/her parent/carer is guilty of an offence under s.444 Education Act 1996.

**You are the parent of (Child's Name) born on (DoB) who is a registered pupil at (School Name) School.**

**During the period from Date to Date the pupil failed to attend regularly at the school.**

**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 in accordance with the table overleaf. 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 set out in this notice.**

**Payment should be made within 21 days. If paid after 21 days but within 28 days the penalty is doubled to £120. Payment can be made by post, Cheque/Postal Order payable to Telford & Wrekin Council, at the address overleaf together with the return of the remittance slip. Please do not send cash in the post.**

**Late or part payments will not be accepted and no reminders will be sent.** If payment is not received by (Date), you will be prosecuted for this offence and you may be subject to a fine of up to £2,500 and/or imprisonment of up to three months. *You will then have a criminal record.*

This Notice is issued by Telford & Wrekin Council, Attendance Support Team.

Date of issue:

**Mrs K. Burford**  
**Attendance Support Team Leader**



**1. Contact Details**

If you have any queries about this Notice, please contact the Attendance Support Team, Floor, Darby House, Lawn Central, Telford TF3 4JA. Tel: 01952 385220.

**2. Payments**

Cheques should be made payable to Telford & Wrekin Council and forwarded for the attention of the Attendance Support Team, Floor, Darby House, Lawn Central, Telford TF3 4JA. Alternatively you can contact the Attendance Support Team on 01952 385220 and pay by debit/credit card during office hours.

| When Paid                    | Date Payment Must be Received By | Amount Due |
|------------------------------|----------------------------------|------------|
| If paid within 21 days       |                                  | £60        |
| If paid between 22 & 28 Days |                                  | £120       |

**3. Code of Conduct**

This Notice is issued in accordance with a local code of conduct drawn up by Telford & Wrekin LA. Any questions or correspondence about the code should be addressed to the Attendance Support Team at the above address.

**4. Withdrawal**

This Notice may be withdrawn by the Attendance Support Team if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local code of conduct. If you believe that the Notice was wrongly issued you must contact the LA to ask for it to be withdrawn as soon as possible, stating why you believe the Notice to have been incorrectly issued. The LA will consider your request and will contact you to let you know whether the Notice is withdrawn. If the Notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

**5. Prosecution**

If you do not pay the penalty and the Notice is not withdrawn, you will be automatically summonsed to appear in court for the offence of failing to ensure your child's regular attendance at school under Section 444 of the Education Act 1996. If you are convicted of the offence you are liable to be fined a maximum of £2,500 and/or imprisonment of up to three months, you will then have a criminal record. You are advised to seek legal advice.

PENALTY NOTICE

Ref No ASTPN/

Name Parent's Name  
Address Parent's Address

I attach payment in the sum of £ \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

*(Please detach and return this slip with your remittance)*

| Date Payment Must be Received By | Amount Due |
|----------------------------------|------------|
| _____                            | _____      |

For office use only:  
Cost Code R9299GBAHGBAAZ99

**PENALTY NOTICE**  
**(Leave in Term Time Not Authorised)**

Section 444A Education Act 1996

Ref No.: ASTHPN/

Parent's Name  
Parent's Address

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his/her parent/carer is guilty of an offence under s.444 Education Act 1996.

You are the parent/carer of (Child's Name) born on (DoB) who is a registered pupil at (School Name) School.

During the period from Date to Date the pupil failed to attend School due to unauthorised leave in term time.

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 in accordance with the table overleaf. 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 set out in this notice.

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Late or part payments will not be accepted and no reminders will be sent. If payment is not received by (Date), **you will be prosecuted for this offence and you may be subject to a fine of up to £2,500 and/or imprisonment of up to three months, you will then have a criminal record.**

This Notice is issued by Telford & Wrekin Council, Attendance Support Team.

Date of issue:

**Mrs K. Burford**  
**Attendance Support Team Leader**

### 1. Contact Details

If you have any queries about this Notice, please contact the Attendance Support Team, Floor, Darby House, Lawn Central, Telford TF3 4JA on 01952 385220 or fax 01952 385230.

### 2. Payments

Cheques should be made payable to Telford & Wrekin Council and forwarded for the attention of the Attendance Support Team, Floor, Darby House, Lawn Central, Telford TF3 4JA. Alternatively you can contact the Attendance Support Team office on 01952 385220 and pay by debit/credit card during office hours.

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.....  
PENALTY NOTICE

Ref No ASTHPN/

Name Parent's Name  
Address Parent's Address

I attach payment in the sum of £ \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_  
(Please detach and return this slip with your remittance)

| Date Payment Must be Received By  | Amount Due |
|-----------------------------------|------------|
|                                   | £60        |
| <b>For office use only:</b>       |            |
| <b>Cost Code R9299GBAHGBAAZ99</b> | £120       |

**Ref No.: AST/FPNE000**

## **PENALTY NOTICE**

Section 103 The Education and Inspections Act 2006

(Parents Name)  
(Address)

For a child of compulsory school age who is a registered pupil at a school and is excluded from that school either for a fixed period or permanently, his/her parent/carer is guilty of an offence under s.103 of the Education and Inspections Act 2006 if that child is present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion.

You are the parent of **(Child's Name)** born on **(DOB)** who is a registered pupil at **(School)**.

On (date), a specified day of exclusion from (school), (name of child) was present in a public place during school hours without reasonable justification during the first five days of the exclusion.

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 in accordance with the table overleaf. 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 set out in this notice.

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This Notice is issued by Telford & Wrekin Council, Attendance Support Team.

Date of issue:

**K. Burford**  
**Attendance Support Team Leader**

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PENALTY NOTICE

Ref No AST/FPNE

Name Parent's Name  
Address Parent's Address

I attach payment in the sum of £ \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_  
(Please detach and return this slip with your remittance)

| Date Payment Must be Received By  | Amount Due |
|-----------------------------------|------------|
|                                   | £60        |
| <b>For office use only:</b>       |            |
| <b>Cost Code R9299GBAHGBAAZ99</b> | £120       |