

How can a Penalty Notice be paid?

Your Penalty Notice will include clear instructions on how to pay. Payment is made online and instructions to do this are included with the Penalty Notice. We cannot accept payment in part, by instalments or after the 28-day deadline.

What happens if I do not pay the fine?

You will have 28 days to pay the Penalty Notice in full. If you fail to pay the fine in this timeframe, the LA will usually initiate legal proceedings against you for failing to secure regular attendance for your child registered at a school.

If you are convicted of this offence, there are several possible sentences, including a fine of up to £1,000.

Is there an appeal process?

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 Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.

What happens if the Penalty Notice is paid, but my child still misses school?

Parents/carers are not liable for prosecution for their child's school attendance for the period in question once the Penalty Notice is paid. However, prosecution may be considered for further periods of absence not covered by the notice.

Prosecution will be considered if two Penalty Notices have been served in any single twelve-month period.

For more information, please contact the
Education Inclusion Service:
Telephone: 01452 427274
Email: attendance@gloucestershire.gov.uk
Website: www.gloucestershire.gov.uk/education-and-learning

Penalty Notices



Information for Parents and Carers

Updated May 2023

Penalty Notices and the Education Act 1996

Section 444 of the Education Act 1996 gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but has failed to secure their child's regular school attendance and/or punctuality.

Why are Penalty Notices used?

Missing school can impact on children's academic attainment, disrupt school routines, and affect the continuity of their learning. Missing school can seriously affect a child's longer-term life opportunities and their ability to reach their full potential.

If your child fails to attend school regularly and punctually, and the absence is recorded as unauthorised, you are guilty of a criminal offence under section 444 of the Education Act 1996.

What is a Penalty Notice?

A Penalty Notice is a fixed 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. Payment of a Penalty Notice means you avoid the potential danger of prosecution and subsequent conviction.

When might a Penalty Notice be issued?

You may face a Fixed Term Penalty for the following reasons:

- If your child is absent from school, without authorisation from the Headteacher, for the purposes of a holiday. There is no requirement for a school to issue a warning notice that a Penalty Notice may be issued for unauthorised holidays.
- If your child is persistently late for school, after the register has closed and does not have authorisation from the

headteacher. A warning letter would be sent by the school in this case, and it is expected that the school will have worked with you and your child to understand and support the reasons for the persistent lateness.

- If your child, following an exclusion, is found in a public place, without a justifiable reason for being there, during school hours on a school day during the first five days of a fixed term exclusion or a permanent exclusion. The school will have sent you a letter at the time of the exclusion detailing your responsibilities during this period.

How is a Penalty Notice issued?

Penalty Notices are issued by the LA at the request of the school. Fines are issued to each parent for each child.

A parent is defined in Education Law as:

- All natural parents, whether 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

The fact that you do not live with the child is not a defence against securing their attendance at school.

You will receive the Penalty Notice by post to your home address.

What is the cost of the fine?

The Penalty Notice allows you 21 days to pay a £60 fine. If you pay after the 21-day period, but within 28 days, the fine to pay is £120. If the fine remains unpaid at this stage, the LA will usually initiate legal proceedings against you.