

PENALTY NOTICE FINES FOR UNAUTHORISED ABSENCES

Information for Parents / Carers

In line with the Department for education National Framework for Penalty Notices which came into effect on 19th August 2024.

PENALTY NOTICES ARE ISSUED FOR:

Term Time Leave / Holiday Absence: Of 5* or more (consecutive or accumulative) school days.

10 Sessions of Unauthorised Absence within a 10 School Week Period.

*Please Note the Local Authority reserve the right to issue a Penalty Notice before the threshold of 10 sessions is met – please see the Penalty Notice Code of Conduct for further details.

PENALTY NOTICES ARE ISSUED PER PARENT/PER CHILD:

Penalty Notice Fines are issued to each parent responsible for the absence of each child.

For Example: 3 Siblings absent for Term Time Leave would result in each parent receiving 3 separate fines.

FIRST OFFENCE

The first time a Penalty Notice is issued (within a 3-year period) the Penalty Notice will be charged at:

£80 per parent, per child if paid within 21 days of issue, increasing to £160 if paid between days 21 day & 28**.

SECOND OFFENCE (within 3 years of the First Offence)

Where it is deemed appropriate to issue a second Penalty Notice to the same parent for the same pupil within 3 years of the first notice, a second Penalty Notice will be charged at:

£160 if paid within 28 days (no reduced fee for paying early).

(**Unpaid Penalty Notice's after 28 days may result in Parental Prosecution)

THIRD OFFENCE (within 3 years of the First Offence)

The Local Authority will not issue a Penalty Notice for a 3rd offence; the case will instead proceed to Parental Prosecution via the Single Justice Procedure. If found guilty of 'Failure to send a child to school' Magistrates can impose a fine of up to £1000, plus court costs & victim surcharge. For further offences an aggravated prosecution will be considered (Section 444 1a of the Education Act 1996).

Frequently Asked Questions:

1. Can I set up a payment plan?

No, the Education Welfare Service CANNOT set up payment plans. Penalty Notices must be paid in full.

2. If I am not the parent taking the child on holiday, will I be fined?

Only the parent taking the child on the term time holiday should receive a fine. Please note that if the school were not notified of the absence in advance the school will not know which parent was responsible for the absence and a penalty notice will then be issued to both parents. It would then be up to the parents to evidence which parent is responsible before the school / local authority can look to the withdraw the penalty notice that should not have been issued.

3. My child has an EHCP / SEND need, we can only go away at quieter times, will I be fined / can you withdraw the fine?

This is at the discretion of the Head Teacher.

4. Why have I received a reminder letter even though I have paid the fine?

If payment has not been received by day 21 the fine doubles and a reminder letter is posted out.

5. Can I appeal the fine?

There is no right of appeal. Should you believe that a penalty notice should not have been issued you would need to explain the reason why to the school in the first instance. If you're not happy with the outcome of your plea to school, you can obtain advice from the Education Welfare Service. This is not to say that the Education Welfare Service would overturn the decision of the school.

6. I cannot afford the £160, can I pay the reduced amount?

The fine amount is set and must be paid to avoid a parental prosecution.

7. I have received a letter from school, but I don't have the details to pay, can I pay now?

The letter from school is NOT the penalty notice. You will not be able to pay the penalty notice until you have received the notice itself from the Education Welfare Service.

8. Why should I have to pay a fine when school staff have taken time off for strike days?

Strike days are a separate matter and have no bearing on penalty notices.

9. Why has my partner received a fine when they are not the parent / do not have parental responsibly?

A stepparent is defined as a parent in Education Law.

10. Who receives the fine money?

The money is used by the Education Welfare Service to fund attendance services.

11. What happens if I don't pay the fine?

The case will proceed to the Magistrates Court for a Parental Prosecution.

Wakefield Council's Penalty Notice Code of Conduct can be found of the school and Wakefield Council's website.