

## Can I be prosecuted if I pay the Penalty Notice but my child is still missing school?

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. A prosecution might be considered for further periods of poor attendance not covered by the Penalty Notice, depending on your circumstances.

If the poor school attendance persists the Local Authority may also consider prosecution under Section 444 (1A) of the Education Act 1996, which can carry a fine of up to £2500 and/or imprisonment.

If this is an issue it is really important that you work closely with your child's school and support services like the Early Intervention Service.

## Can I get help if my child is not attending regularly?

Yes. Bolton Council and your child's school will provide you with advice and support.

**Every lesson counts  
Improving attendance,  
raising attainment**

## Contact

If you are experiencing problems with your child's attendance at school, in the first instance you should contact the school to discuss this further. Alternatively, for further guidance and support you can contact:

**Child Employment and  
Enforcement Officer  
Early Intervention Service  
2nd Floor, BASE  
Marsden Road  
Bolton  
BL1 2PF  
Tel: 01204 338173**

**Bolton  
Council**

# Penalty Notices

## to address poor attendance at school



Information for parents and carers

**Bolton  
Council**

# Your child's education is really important

## Regular attendance at school:

- Improves your child's chances of getting good qualifications and a good job
- Reduces the chances of your child becoming vulnerable to anti-social behaviour and youth crime

If your child is absent from school for a minimum of 20 school sessions (10 school days) during a school term, without permission, then you are committing an offence. This leaflet explains what counts as an unauthorised absence and what happens if your child's attendance at school is considered poor.

## What counts as unauthorised absence?

- Any absence from school that the school has not permitted or cannot give permission for
- Truancy from school, with or without parent's knowledge (including pupils found during truancy sweeps)
- Inappropriate parentally-condoned absence (ie, you know your child is absent from school and you do nothing about it)
- Delayed return from a period of leave of absence which has been approved by the school
- Late arrival at school (after the register has closed)

The legal definitions of 'parent' are:

- Any natural parent, whether married or not
- Any parent who although not a natural parent, has parental responsibility as defined in the Children's Act (1989)
- Any person who, although not a natural parent, has care of a child or young person

## Is a warning given?

Yes. The school will send you a formal letter of warning telling you that a Penalty Notice may be issued. This warning letter will also include details of your child's absences. If you receive a warning letter this is an opportunity for you to work with the school to improve your child's attendance and avoid the need to issue a Penalty Notice.

Your child must have no further unauthorised absences from school from the date of the letter. If your child's unauthorised absence continues and reaches 20 sessions (10 school days) or more, a Penalty Notice will be issued.

There is no limit to the number of times a formal warning may be issued. This depends on each individual case.

However, the school is not required to send a warning letter where the absence is due to an unauthorised holiday during term time.

## What is a Penalty Notice?

A Penalty Notice is an alternative to prosecution. You have to pay a fine but you do not have to appear in Court. You also have to make sure that your child's attendance at school improves.

Payment of a Penalty Notice enables parents to discharge potential liability for conviction.

## What are the costs?

£60 if you pay within 21 days of receipt of a Penalty Notice or £120 if you pay after this but within 28 days. (Per parent, per child).

## How are Penalty Notices issued?

They are posted to your home.

## Is there an appeal process?

There is no right of appeal by parents against a Penalty Notice.

## How do I pay?

This information is on the Penalty Notice. You need to be aware that payment in part or by instalment is not an option.

## What happens if I don't pay?

If you don't pay the fine in full, within 28 days Bolton Council is required to commence proceedings in the Magistrates' Court under Section 444 of the Education Act 1996 for the original offence of poor attendance by your child.

If proven this can attract a range of fines up to £1,000 and/or a range of disposals such as Parenting Orders or Community Sentences depending on individual circumstances.