

## Penalty Notices for unauthorised absence – Information for parents

### What is a penalty notice?

Penalty notices for unauthorised absence were introduced by the government as part of the Anti-Social Behaviour Act 2003 to support schools to improve attendance. They are an alternative to prosecution and allow parents to discharge their potential liability for an offence of failing to ensure their child's regular attendance at school by payment of a penalty.

### When are penalty notices used?

Penalty notices may be issued once a pupil has 15 or more sessions (a session is a half day) of unauthorised absence in the current and/or previous school term. The absences may have occurred in a block or a series of odd days and/or unauthorised holiday. It is the school/academy who decides whether or not to authorise absences.

### Who issues penalty notices?

In Hertfordshire the Local Authority issues penalty notices on behalf of schools and academies. All requests to issue penalty notices must meet the requirements of the Hertfordshire Code of Conduct\*, which details the circumstances in which a penalty notice may be issued.

### Is a warning given?

You will have received a letter from your child's school/academy warning that you were at risk of receiving a penalty notice. It will have explained that if the threshold for unauthorised absence was reached a notice would be issued. In cases of unauthorised holidays the school/academy would have made clear that taking an unauthorised holiday would result in a penalty notice being issued.

### Is there an appeal process?

There is no statutory right of appeal once a notice has been issued. The Local Authority may withdraw a notice if it has been issued incorrectly. **This does not mean that a notice will be withdrawn because you disagree with it.** If the penalty notice has been issued in accordance with Hertfordshire's Code of Conduct there is no facility to overturn the school/academy's decision to ask for a penalty notice to be issued. If you believe the notice was wrongly issued please follow the advice given on the penalty notice.

### What are the costs?

If payment is received within 21 days the cost is £60, rising to £120 if paid after 21 days but within 28 days. Penalty notices are issued to each parent for each child. For example if notices were issued to a mother and father in respect of 2 children the total payable would be £120 each parent if paid within 21 days and £240 each parent if paid within 28 days.

### How do I pay?

Full details about how to pay are included on the penalty notice. Part payment or payment by instalments is not accepted.

### What happens if I do not pay?

If the Penalty Notice remains unpaid after 28 days the Local Authority will prosecute you for the original offence of failing to ensure your child's regular attendance at school. You need to be aware that this is a criminal offence and upon conviction you may receive a fine of up to £2,500 (each parent) and will have a criminal record.

\*You can see the Code of Conduct at [www.hertsdirect.org](http://www.hertsdirect.org) – type 'penalty notices' into the search box