

PENALTY NOTICES

For unauthorised
absences during
term-time

Education Support, Behaviour &
Attendance Service
East Sussex County Council
St Mark's House, 2nd Floor
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Eastbourne BN21 1EP
Phone: 01273 481967
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Email:
legal.interventions@eastsussex.gov.uk

Information for Families:
0345 60 80 192

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eastsussex.gov.uk



Any absence from school disrupts a child's learning, children miss out on the teaching that others and children returning from any absence require additional time from teachers to catch up on teaching they have missed. This has an impact on the education of other pupils in their class.

LEGISLATION

On 27th February 2004 Section 23 of the Anti-Social Behaviour Act came into force. This introduced powers to Local Education Authorities to issue Penalty Notices. East Sussex implemented these procedures from 1st September 2005 and these have been revised following amendments to the Education (Penalty Notices) (England) Regulations 2013.

East Sussex County Council's Code of Conduct in relation to the issue of Penalty Notices can be found at eastsussex.gov.uk

WHY HAVE I RECEIVED A PENALTY NOTICE?

- An absence has been taken during term-time of 10 consecutive sessions (5 days), or more;
- Lateness over a specified period;
- Unauthorised absence over a specified period

WHY WAS THE ABSENCE UNAUTHORISED?

By law, only a head teacher can make the decision whether to authorise an absence, not the Local Education Authority or a parent.

The Department for Education guidance clearly states an absence can *only* be authorised if the head teacher considers the reasons provided for the absence are "*exceptional circumstances*".

WHO RECEIVES A PENALTY NOTICE?

Where there is more than one person liable, a separate notice may be issued to each person i.e. parent.

Each parent* receives a Penalty Notice for *each* child. For example:

1 parent/1 child = 1 penalty notice
2 parents/1 child = 2 penalty notices
1 parent/2 children = 2 penalty notices
2 parents/2 children = 4 penalty notices

*parent includes a step-parent or other carer and can include an absent parent.

HOW CAN I PAY?

Full details are set out on Page 2 of the Penalty Notice – this can be by cheque, postal order or a debit card.

WHAT HAPPENS IF I DO NOT PAY?

A reminder letter *may* be sent after 14 days or a reminder telephone call *may* be made.

Regardless, if payment is not received after 28 days details will be forwarded to the Legal & Interventions Team to consider the instigation of an appropriate legal intervention.

CAN A PENALTY NOTICE BE WITHDRAWN?

Legislation only allows for a Penalty Notice to be withdrawn if it ought not to have been issued to the person named, or if it contains material errors.

If an absence has been unauthorised by the head teacher, the local authority cannot override their decision. If you have any queries in relation to why your absence was unauthorised you must refer these to the head teacher, not the issuing authority.

WHO RECEIVES THE MONIES PAID?

Monies received cover the cost of the administration process for issuing and enforcing the Penalty Notices as well as the costs of any subsequent legal action against recipients who do not pay.