

# Every school day matters

As part of the criminal investigation, parents or carers may be interviewed under caution. In accordance with the Police & Criminal Evidence Act 1984, this may be recorded and could be used as evidence in court.

Failure to pay the Penalty Notice may result in prosecution for the original offence of failing to secure a child's regular attendance at school. If found guilty, the parents or carers could be liable to pay a fine of up to a maximum of £2,500 and a term of imprisonment not exceeding three months, plus substantial legal costs. If convicted, parents/carers could get a criminal record.

## Can parents or carers be prosecuted if they pay the Penalty Notice but their child is still missing school?

Prosecution may be considered for further periods of poor attendance not covered in the Fixed Penalty Notice.

- If you would like a copy of the full code of conduct, please call the Attendance Team on 01273 291378 or email [attendanceteam@brighton-hove.gov.uk](mailto:attendanceteam@brighton-hove.gov.uk).
- Please contact your child's school to get advice and support in improving your child's attendance.

**We would like to emphasise that Local Authority only uses legal proceedings as a last resort.**

## Further information

If you have any questions regarding Fixed Penalty Notices, please contact the Attendance Team by emailing [attendanceteam@brighton-hove.gov.uk](mailto:attendanceteam@brighton-hove.gov.uk) or by calling 01273 291378.

## Fixed Penalty Notices for unauthorised absence

A guide for parents and carers



## What is a Fixed Penalty Notice?

Upon the request of a school, the local authority has the power to issue parents or carers with a fine for unauthorised absence, under section 23 of the Anti-Social Behaviour Act 2003.

A Penalty Notice is an alternative to prosecution. It doesn't require the parent or carer to appear in court for the period detailed in the notice, as long as the Penalty Notice is paid within the time limits specified.

## When will a Fixed Penalty Notice be issued?

If a parent or carer fails to secure their child's regular attendance at school, they are committing a criminal offence.

A Penalty Notice may be issued in cases of 'Unauthorised Absence' including:

- Unauthorised leave during term time, including holidays or excessive delayed return from holiday.
- Pupils found during truancy patrols.
- Persistent late arrivals at school (after the register has closed).

Parents and carers need to get the Head teacher's permission before a holiday is taken during term time. If the Head teacher doesn't agree to the request, the absence will be considered unauthorised.

**A leave of absence will only be granted in 'exceptional circumstances'.**

## Will parents receive a formal written warning before receiving a Fixed Penalty Notice?

Yes, the school will send parents or carers a written warning before a Fixed Penalty Notice is issued.

## What are the fines?

The fine is:

- £60 per parent per child, if payment is made within 21 days from the date of issue of the Fixed Penalty Notice.
- Increasing to £120 per parent per child if paid after 21 days but within 28 days.

## How are Fixed Penalty Notices issued?

Fixed Penalty Notices are issued by first class post to the parents' or carers' last known home address.

If both parents or carers are deemed to be in a position to exercise control or guidance over the child, they may both be issued with separate Penalty Notices.

Fixed Penalty Notices will be issued in accordance with the code of conduct.

There is no right of appeal once a Fixed Penalty Notice has been issued.

## How to pay Fixed Penalty Notices?

Arrangements for payment will be detailed on the notice.

Payment discharges a parents' or carers' liability for the period detailed in the notice. They cannot subsequently be prosecuted for this period.

## What happens if a Fixed Penalty Notice is not paid?

This could trigger Prosecution under Section 444 of the Education Act 1996.

No decision to proceed with court action will be taken until the 28 day deadline has passed.