



November 2021

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Penalty Notices for Non-School Attendance

Information Letter

Headteacher

Mr S Logue BA (Hons), M.Ed., NPQH

Dear Parent,

Section 444(1) of the Education Act 1996 empowers the local authority to issue Penalty Notices in cases of unauthorised absence from school. This means that when a pupil has unauthorised absence of 10 sessions (5 days) or more, in a 12 week period (where no acceptable reason has been given for the absence) or if their child persistently arrives late for school after the close of registration, their parents may receive a Penalty Notice of £120, which is reduced to £60 if paid within 21 days. The Penalty Notice will need to be paid in full before 28 days of the Notice being served. Failure to pay a Penalty Notice may result in prosecution (a separate Penalty Notice may be issued to each parent for each child).

In law, an offence is committed if a parent fails to secure a child's regular attendance at school. Tameside Education Welfare Service, in conjunction with schools and Greater Manchester Police, will use these powers as an early deterrent to prevent patterns of unauthorised absence developing.

Parents may also receive a Penalty Notice without a warning letter for the offence of failing to secure regular school attendance under the following circumstances:

- Their child is stopped on a truancy sweep
- Where the absence is recorded as an unauthorised leave of absence for a minimum of 10 sessions (5 school days) in a 12 week period

The Education and Inspections Act 2006 also makes it an offence if a parent fails to ensure that their child is not in a public place during the first 5 days of a fixed term or permanent exclusion. Penalty Notices may be issued for such an offence.

The issuing of a Penalty Notice is an alternative to issuing proceedings at court. As a proportionate response, the Local Authority is likely to give parents the opportunity to discharge their liability to criminal proceedings by way of a Penalty Notice on the first occasion.

Once a parent has discharged liability by paying a Penalty Notice on at least one occasion and where there are further unauthorised absences, they may not be given the option of paying a further Penalty Notice, but may instead be summoned to appear before Tameside Magistrate's Court to answer an offence under Section 444 of the Education Act 1996: failure to ensure regular attendance. Conviction of an offence under section 444(1) may result in a fine of £1000. Under section 444(1A), convictions may result in a fine of £2,500, a community order, electronic tagging or a custodial sentence and a criminal conviction recorded.

Parents and carers of pupils registered at this school are reminded that they hold legal responsibility for ensuring that their child attends school regularly and punctually.

St Damian's shares the Government's determination to raise levels of pupil attendance and achievement in order to ensure the best possible start in life for our children.

Support and guidance on attendance is always available from our school and if you have any specific queries in relation to this letter, please contact me on the above number.

Yours sincerely,

Mr S Logue
Head Teacher

THE CATHOLIC COLLEGE OF ASHTON



St. Damian's RC Science College