

# Penalty notices for non-attendance at school

## Advice for all parents and carers of children attending Hillingdon schools



**School attendance and the law** Education (Penalty Notices) (England) (Amendment) Regulations 2024 gives powers to Hillingdon Council to issue penalty notices where a parent/carer is considered capable of, but is unwilling to, secure an improvement in their child's school attendance.

### Why is intervention necessary?

Increasing school attendance is a key priority nationally and locally because missing school damages a pupil's achievement chances, disrupts school routines and the learning of others and can leave a pupil vulnerable to anti-social behaviour and youth crime.

Above all, missing school seriously affects children's longer term life opportunities.

### What is a penalty notice?

Under existing legislation, parents/carers commit an offence if a child fails to attend regularly and the absences are unauthorised by school. Depending on circumstances such cases may result in prosecution under section 444 of the education act 1996.

A penalty notice is an alternative to prosecution which does not require an appearance in court whilst still seeking to secure an improvement in a pupil's attendance.

Payment of a penalty notice enables parents to discharge potential liability for conviction.

**A child would need to have missed 10 sessions of school in a 10 week period and the absence would need to be recorded as unauthorised. The 10 week period can span two terms. Only two penalty notices can be issued per child, per parent in the space of three academic years.**



## What are the costs?

First penalty notices are £160, reduced to £80 if paid within the first 21 days. There is a total time of 28 days to make payment. Penalty notices are issued per parent, per child and posted to your home address.

Second penalty notices are charged at £160 per parent, per child to be paid within 28 days.

Two penalty notices for non-attendance at school.

## When are they used?

Hillingdon considers regular attendance at school is of such importance that penalty notices may be used in a range of situations where unauthorised absence occurs:

- Overt truancy (including pupils found during truancy sweeps)
- Parental condoned absence
- Leave during term time that school know or suspect is due to a family holiday being taken during the school term. Headteachers have discretion to consider exceptional leave and look at each case on its personal merit
- Persistent late arrival at school (after the register has closed)
- All pupils who are suspended or permanently excluded from school are required not to be in a public place, during school hours, without justification. This includes being accompanied by their parents.

In every case (except exclusion) a pupil will have had a minimum of 10 school sessions (i.e. five school days) lost to unauthorised absence before a penalty notice is considered.

The authority never takes such action lightly and would far rather work with parents/carers to improve attendance without having to resort to any enforcement actions.

## Is a warning given?

A notice to improve is sent to parents before legal action is taken to give a final opportunity to work with the school to improve school attendance. This is not in every case, such as a holiday taken during term time where a notice to improve would not be applicable.

You are responsible for knowing the whereabouts of your child and their school attendance.

## Is there an appeal process?

There is no statutory right of appeal once a notice has been issued, but on receipt of a warning you can make representation should you wish in writing to [attendancesupport@hillingdon.gov.uk](mailto:attendancesupport@hillingdon.gov.uk). Representations cannot be made over the phone.

You will need to outline error occurred with the process of issuing. The local authority decision is final in all penalty notice situations.

## How do I pay?

Details of payment arrangements will be included on the penalty notice. You need to be aware that payment in part or by instalment is not an option with penalty notices.

## What happens if I do not pay?

You have up to 28 days from the date of issue to pay the penalty notice in full, after which the authority is required under the act to commence proceedings in the magistrates' court for the original offence of poor attendance by your child. If proven, this can attract a range of fines up to £2,500 and/or parenting orders, community sentences or custody, depending upon circumstances.

## 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. However it may be the case that a prosecution might be considered for further periods of poor attendance not covered by the notice, depending upon the circumstances. In that case, it is vital you work closely with your child's school and support agencies such as the Attendance Support team.

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

Yes, the local authority and your child's school will give you advice if you need help to secure an improvement in your child's attendance.

It is very important you speak with the school or with the Attendance Support team at the earliest opportunity if you have any worries at all about securing your child's attendance.

You will be given the support required and agreed, either in an informal or a formal plan which will be reviewed at three weekly intervals.

### For more information

✉ Attendance Support team,  
Hillingdon Council, 4E/09 Civic Centre,  
High Street, Uxbridge, UB8 1UW

☎ 01895 250858

@ [attendancesupport@hillingdon.gov.uk](mailto:attendancesupport@hillingdon.gov.uk)