

What is a Penalty Notice?

A Penalty Notice is a fine that the Attendance and Engagement Service may decide to issue instead of taking legal action through the Magistrates' Court system.

Why could a Penalty Notice be issued?

Under the terms of the education related provisions of the Anti-Social Behaviour Act, you as a parent/carer can now be issued with a Penalty Notice if:

- You fail to ensure that your child attends school, or other education provision regularly
- You allow your child to take holiday in term time without a school's authorisation
- You fail to return your child to school on an agreed date after an extended holiday
- Your child is found out of school, without permission, on two Truancy Sweeps, within the same school year.
- Your child persistently arrives late for school after the register is closed

How is a Penalty Notice for attendance issued?

In the case of non-school attendance, or lateness after the register has been closed, a warning letter would be sent to you explaining that the Penalty

Notice may be issued. You will then have 15 school days to improve your child's attendance and/or punctuality at school.

What happens if there is no Improvement in attendance or punctuality?

A Penalty Fine will be issued. On issue, the initial Penalty Fine is £50, but if it is not paid within 28 days, the fine is doubled to £100. If this is not then paid by the 42nd day after the issue of the original notice, legal proceedings under Section 444 of the Education Act 1996 can be taken, not for non-payment of the fine, but for an offence of failing to ensure a child accesses appropriate full-time education.

What happens if there is a Improvement in attendance or punctuality?

If there is a significant and sustained improvement in attendance or punctuality over 15 days after the Penalty Notice Warning has been given, the Penalty Notice will not be issued. In this event you will be sent a letter explaining that no further action will be taken at this stage, but if attendance falls again, another Penalty Notice may be issued.

How is a Penalty Notice for unauthorised holiday issued?

A Penalty Notice Warning will be issued following a first unauthorised holiday. If a second unauthorised holiday is taken within 12 months of the first holiday, a Penalty Notice will be issued in respect of unauthorised holiday absence. The reasons for the issuing of the Penalty Notice will be given, together with the issuing of the actual fine.

Can I make an appeal against the Penalty Notice?

No. A Penalty Notice can only be withdrawn if it ought not to have been issued in the first place, or where it has been issued to the wrong person. (If you feel that this is the case, you must contact your Attendance and Engagement Officer immediately (contact details overleaf) There is no statutory right of appeal against the issuing of a Penalty Fine.

Penalty notices are issued within the terms of a local code of conduct (a copy of which is available on request from the Attendance and Engagement Service)

Where can I find help?

Contact the Attendance and Engagement Service, the contact details are listed below:-

Central Area—(Oxford)

Knights Court
Cowley
Oxford
Tel: 01865 323444

North Area—(Banbury, Bicester, Chipping Norton, Witney, Eynsham,, Burford, Woodstock, Kidlington)

Samuelson House
Banbury
Oxon
Tel: 01865 816666

South Area—(Abingdon, Didcot, Faringdon, Wantage, Henley, Thames)

Foxcombe Court
Abingdon
Oxon
Tel:: 01865 323513

Information is also available on the Internet at
www.oxfordshire.gov.uk
Oxfordshire County Council's website

www.oxfordshireservicesdirectory.org.uk
Directory for parents/carers and people
working with children

Aug 2010

Attendance and Engagement Service

Penalty Notice

You and the law on School
Attendance
Children Act 1989
Section 36

Your questions answered