

Dear Parents/Carers,

Penalty Notices for Non-School Attendance - Information Letter

We have been asked by Tameside Local Authority to share this information with parents.

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 a deterrent to prevent patterns of unauthorised absence developing.

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 10-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. Following the implementation of DfE legislation on 19th August 2024, there is a new national framework for Penalty Notices for school absence.

For the **first offence** committed under the new legislation, the rate of a **Penalty Notice is now £160 if paid within 28 days, reduced to £80 if paid within 21 days.**

For the **second offence** committed under the new legislation, the rate of a **Penalty Notice is now £160 with no option for the second offence to be discharged at the lower rate of £80.**

There is **now a limit of 2 Penalty Notices that can be issued to a parent for the same child within a rolling 3-year period.** If there is a third offence committed within this timeframe, another tool will be considered such as prosecution 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.

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 as detailed above. Please note the issuing of a Penalty Notice is an alternative to issuing proceedings at court.

Parents may also receive a Penalty Notice 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 10-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. Parents/carers of pupils registered at this school are reminded that they hold legal responsibility for ensuring that their child attends school regularly and punctually. Please note that a separate Penalty Notice may be issued to each parent/carer for each child as each parent/carer holds responsibility to ensure regular school attendance.

Dane Bank Primary School 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,
Joanne Lennon
Headteacher

