

# Frequently Asked Questions

## (Parents)

### 1. Why have I received a penalty notice?

The Head Teacher of your child's school has requested a Penalty Notice be issued to you for either unauthorised absence (i.e. a holiday in term time), persistent lateness and/or persistent irregular attendance.

### 2. I am worried about sending my child to school because of COVID – will I receive a penalty notice?

School attendance from the beginning of the academic year 2020 is mandatory. From that point, in line with the Government guidance, the usual rules on school attendance apply, including:

- parents' duty to secure their child's attendance regularly at school (where the child is a registered pupil at school and they are of compulsory school age)
- schools have a responsibility to record attendance and follow up absence with supportive measures, including involving the Local Authority (ESBAS) where appropriate for further support in improving school attendance.
- The schools have a range of options, including the ability to issue sanctions such as fixed penalty notices in line with the Local Authority's Code of Conduct.

### 3. Why have both parents been issued with a separate penalty notice?

Penalty notices are issued to each liable person separately, i.e. parents. Each parent receives a penalty notice for each child. A "parent" includes a step-parent or other carer and can include an absent parent. The Education Act defines "parent" as; all natural parents, whether they are married or not; *any* person who has parental responsibility for a child; and *any* person who, although not a natural parent, has *care* of the child. Having care of a child means that a person with whom a child lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a *parent* in education law.

**4. I do not live with my child, I did not book the holiday, or go on the holiday myself, so why have I still received a penalty notice?**

As the natural parent of the child you are liable as a person who has parental responsibility for the child, as outlined in number 2 above.

**5. If I don't agree with the absence being unauthorised who should I speak to?**

If an absence has been unauthorised by the Head Teacher, the local authority cannot override their decision. If you have any queries in relation to why your child's absence was unauthorised, you must refer these to the Head Teacher not to East Sussex County Council. The 'Leave of Absence Request' leaflet for parents outlines the process to request absence during term time and is available via the East Sussex County Council website.

**6. Holidays are cheaper in term time...**

Government guidance means that Head Teachers are no longer able to authorise any requests for children to be taken out of school unless there are exceptional circumstances. Family holidays do not fall into this category.

**7. Can a penalty notice be withdrawn?**

Legislation only allows for a Penalty Notice to be withdrawn if it ought not to have been issued to the person named or it contains material errors.

**8. How do I pay a Penalty Notice and how much is it?**

The Penalty Notice is £60 if paid within 21 days of receipt or £120 if paid after 21 days but within 28 days of receipt. Instructions on how to pay are on page 2 of the Penalty Notice document.

**9. What happens if I don't pay a Penalty Notice?**

If the Penalty Notice is not paid in full by the end of the 28 day period, unless withdrawn, the local authority will prosecute for the offence to which the notice applies. The prosecution relates to irregular school attendance under the Education Act 1996 Section 444. If a parent is found guilty by the Court of the offence they will be liable to a fine, costs and victim surcharge as set out by the Magistrates. This is likely to be a considerably higher amount than the original £60 penalty notice fine. The parent will also have a criminal conviction against their name.

**10. I am going to struggle to pay the penalty notice within the required timeframe, what can I do?**

Please contact us as soon as possible to discuss the situation on 01273 481967 or [legal.interventions@eastsussex.gov.uk](mailto:legal.interventions@eastsussex.gov.uk).