

# Issue of a Penalty Notice for unauthorised term time leave

## Information for Parents and Carers

### **Why have I received this leaflet?**

You have been issued with a penalty notice(s) as you have removed your child/ren from school without the permission of the school for the purpose of a holiday. Your child/ren's attendance has been recorded as "G" – non-approved leave of absence (holiday) and therefore you have been issued with a Penalty Notice.

### **My child attends school regularly and has only missed school whilst we have been on holiday?**

The Supreme Court has clarified what is meant by "attend regularly" at school for the purposes of section 444 of the Education Act 1996: "in accordance with the rules prescribed by the school". Regulations made under the Education Act 1996 specify requirements for schools to register attendance, including the very limited circumstances in which a school may authorise a pupil's absence. Schools provide warnings that a Penalty Notice could be issued in their school policy, or through letters, newsletters, the school website, and the leave of absence request form.

### **Why have both my partner and I received a Penalty Notice for the same child/ren?**

Penalty Notices are issued to each parent or carer as defined in S576 Education Act 1996; as it would be discriminatory to issue to only one parent or carer. Each notice issued has a unique PDPEN number and the parent named on the notice is liable to pay the fine.

### **Why have I received two notices?**

Penalty Notices are issued to each parent for each child. Therefore two parents with two children; each parent would receive two separate penalty notices. Which would mean the parents would be required to make four separate payments.

### **I am not the mother/father of the child, why have I received a Penalty Notice?**

Section 576 Education Act 1996 defines a 'parent' as:

- Any natural parent, whether married or not
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person
- Any person who, although not a natural parent, has care of a child or young person

### **What options do I have?**

The time frame of the payment and the amount payable are stated in law and cannot be amended therefore part payments or instalment payments are not possible and cash should not be sent through the post.

Once you have received a Penalty Notice you have the following options:

**OPTION 1:** Pay £80 within 21 days of the date of issue as stated on the Penalty Notice. Payment details are given on the reverse of this leaflet.

**OPTION 2:** Pay £160 between 22 and 28 days of the date of issue as stated on the Penalty Notice. Payment details are given on the reverse of this leaflet.

Please note that Sunderland City Council reserves the right to refuse to accept and/or return any late or part payment of a penalty notice.

**OPTION 3:** You can decide not to pay the Penalty. In such cases you will be automatically summonsed to appear in Court for the offence under Section 444(1) Education Act 1996 of failing to ensure the regular attendance at school of a child/ren of compulsory school age.

### **If I pay the Penalty do I have to go to Court?**

If you pay the Penalty as stated in Option 1 or Option 2, this then discharges all liability on your behalf concerning the non-attendance of your child/ren for the period quoted in the Penalty Notice(s). This means statutory enforcement action will not be taken and you will not have a criminal conviction recorded against you.

### **What happens if I do not pay the Penalty?**

If you do not pay the Penalty as stated in Option 1 or Option 2 and the time period of 28 days expires, the Local Authority is required to commence proceedings in the Magistrates Court for the original offence relating to your failure to ensure your child/ren attend school. Each parent would receive a Single Justice Notice in respect of each child as each penalty notice represents a separate offence.

### **What if I cannot afford to pay?**

There is no mechanism within the legislation to pay by instalments. You will have the opportunity to explain your situation. If you either plead guilty or you are found guilty, the Courts have a wider range of sentencing options, which could include a maximum fine of up to £1,000.

### **Can I appeal against the Notice?**

There is no statutory right of appeal. Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown it was issued in error.

### **How can I pay the Penalty?**

When making a payment, ensure you include your PDPEN reference number. This can be found in the top right hand corner of the notice or alternatively on page 4 of the notice.

- You can pay by telephone by contacting 0191 520 5560. Ensure you have your penalty reference number.
- You can pay online at [www.sunderland.gov.uk](http://www.sunderland.gov.uk) click on Pay (you may have to click on view all to expand the options) click on School Non-Attendance- ensure you have included your penalty reference number (PDPEN) when making the payment

If you believe your child's absence has been classified incorrectly, you need to contact the school directly, as schools determine how an absence is classified.

If you have any questions regarding the Penalty Notice process, please contact:  
Email [FPN@sunderland.gov.uk](mailto:FPN@sunderland.gov.uk)