

**Plymouth Cast Academy Trust**  
**St Joseph's Catholic Primary School**

Head Teacher: Mr Neil McDermott BEng (Hons) Med



'Together we will do  
our best for Jesus'

### **Fixed Penalty Notices**

The governing body have signed up to the BCP Council Penalty Notice Code of Conduct produced by the Local Authority. The Headteacher will request a Fixed Penalty Notice for persistent unauthorised absence or unauthorised holidays taken during term time and any other absence defined in the code as qualifying for a Penalty Notice.

Under existing legislation, parents/carers commit an offence if a child fails to attend regularly and the absences are categorised as unauthorised (the school viewing reasons provided as unacceptable; or no explanations received; or 'truancy').

Depending on circumstances such cases may result in prosecution under Section 444 of the Education Act 1996. However, legislation allows the Local Authority to issue a Penalty Notice under Section 23 of the Anti-Social Behaviour Act 2003 to each parent/carer with responsibility for a child in respect of the offence.

Penalty Notice is seen as a simpler sanction to focus parents on their responsibilities and does not require an appearance in Court. Payment of a Penalty Notice offers a person the opportunity of discharging any liability to conviction of the offence under section 444(1) to which the notice relates.

A Penalty Notice under Section 23 of the Anti-Social Behaviour Act. If a Penalty Notice is issued, the fine for each parent/carer for each child, would be £60 if paid within 21 days or £120 if paid within 28 days.

Section 444 of the Education Act 1996 allows the Authority to issue a Penalty Notice under Section 23 of the Anti-Social Behaviour Act 2003 to each parent/carer with responsibility in respect of the offence. A penalty notice is a notice offering a person the opportunity of discharging any liability to conviction for the offence under section 444(1) to which the notice relates by payment of a penalty in accordance with the notice. Where a person is given a penalty notice he/she cannot be convicted of the offence to which the notice relates if he/she pays the penalty notice in accordance with the notice. Prosecution In cases where there is persistent failure to secure good attendance and offers of support have been unsuccessful in creating change, we may refer to the use of legal prosecution under section 444 of The Education Act 1996 and refer to BCP council to progress to prosecution. Wherever possible, we hope to avoid such action.