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Education Penalty Notice Warning for Non-School attendance

Under the Education Act 1996, parents and carers have a duty to make sure their children regularly attend school. If parents or carers fail to do this, they can be prosecuted. Working within a Code of Conduct the Local Authority can issue a penalty notice to parents or carers if a child has missed a number of sessions without permission from the school.

If your child falls within one or more of these categories within a 12 week period

- 10 sessions (5 days) of unauthorised absence with under 90% attendance
- 20 sessions (10 days) of unauthorised absence
- persistently arrives late for school after the close of registration

then you could receive a Penalty Notice. Failure to pay a penalty notice may result in prosecution. With effect from the 19 August 2024, the law changed and penalty notices have increased. Penalty charges are £160 if paid within 28 days reducing to £80 if paid within 21 days per parent/carers per child (a separate penalty notice may be issued to each parent for each child).

A new national limit of two penalty notices can now be issued to a parent for the same child within a rolling three year period. If a second Education Penalty Notice is issued to the same parent for the same child, within three years of the first Fixed Penalty Notice, the second Fixed Penalty Notice is charged at a flat rate of £160 if paid within 28 days. Once two Education Penalty Notices have been issued, if a third unauthorised leave of absence occurs within a three year period, the Local Authority is able to move to prosecution immediately.

In law, an offence is committed if a parent fails to secure a child's regular attendance at school. Wigan Council Attendance Service, in conjunction with schools, will use these powers as an early deterrent to prevent patterns of unauthorised absence developing.

You may also receive a Penalty Notice for the offence of failing to secure regular school attendance under the following circumstances:

- Your child is stopped on a truancy sweep
- You fail to ensure that your child is not in a public place during the first 5 days of a fixed term or permanent exclusion.

The Local Authority and schools are committed to providing the best possible future for your child. If you have concerns about your child's attendance at school or if you are experiencing any difficulties please contact your school and ask for support.

Yours sincerely,

Mr J. Randle - Headteacher



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