

Information about Penalty Notices for Unauthorised Absence from School



Following the introduction of the new National Framework for Penalty Notices, the following changes will come into force for Penalty Notices issued for unauthorised absences recorded after 19 August 2024.

This information refers to penalty notices that are considered for both irregular attendance and unauthorised term-time leave.

What is a Penalty Notice?

A penalty notice is a fixed penalty fine issued to parents as an alternative to prosecution in relation to unauthorised school absence.

Who can be a Penalty be Issued to?

Penalty Notices can be issued to each parent or carer of each child whose unauthorised absence meets the national threshold.

For example, in a family with two parents and three children taking unauthorised term-time leave, each parent could receive a penalty notice for each child resulting in six penalty notices being issued.

The National Threshold

Schools are required to consider whether a penalty notice is appropriate when a child reaches 10 sessions of unauthorised absence within a rolling 10 school week period.

Absences do not have to be consecutive and can be a combination of any unauthorised absence codes (G, O, N or U).

The rolling ten school week period can span terms, school years and schools.

The First Offence

The first time a parent is issued with a penalty notice in relation to a child's absence, they will be able to pay the reduced amount of £80 if they pay within 21 days.

After 21 days, the full amount of £160 is payable within 28 days.

The Second Offence

If a parent is issued with a second penalty notice within three years the amount payable will be £160 within 28 days.

The reduced amount will not be available.

Further Offences

A parent cannot be issued with more than two penalty notices in relation to each child within a three-year period. Where this threshold is met and further offences occur, the Local Authority will consider other measures to address attendance concerns.

This may include prosecution, which could result in a fine of up to £2,500 and the parent having a criminal record. In rare cases, parents may receive a custodial sentence. If convicted, the offence will also show on any future DBS checks.

Appealing a Penalty Notice

There is no statutory right for parents to appeal penalty notices for unauthorised school absence.

If a parent believes a penalty notice has been issued in error, they should contact their child's school as quickly as possible. If an error has been made, the school may request a withdrawal.

Not Paying a Penalty Notice

If a penalty notice is not paid within the payment period, Somerset Council may prosecute the parent for failing to ensure their child's regular attendance at school.

The Law

Penalty notices are issued in line with Section 444 of the Education Act 1996 when a parent has failed to ensure their child's regular attendance at school.

Penalty notices can only be issued when:

- ✓ a child's absence meets the national threshold
- ✓ issuing a penalty notice is compliant with the Code of Conduct

The Code of Conduct

Every local authority has a Penalty Notice Code of Conduct that outlines how, and when, it will issue penalty notices relating to unauthorised school absence.

Somerset's Code of Conduct is available online and describes the circumstances when issuing a penalty notice is appropriate.

Penalty notices will only be issued in line with the Code of Conduct.

Useful Links

- Working Together to Improve School Attendance
- Somerset Council Penalty Notice Code of Conduct
- The Education Act 1996