

Penalty Notices for School Absence

The National Framework came into effect on the 19th August 2024.

Penalty Notices can be issued for:

Leave of Absence - Penalty Notices can be requested by schools for leave of absence in term time for 5 or more days. This can be consecutive absence, or non- consecutive. The LA retains discretion to issue a penalty notice before the threshold is met. For example, when parents/carers are deliberately avoiding the national threshold by taking multiple term time holidays below threshold, or for repeated absence for birthdays or other family events, or a combination of non-attendance due to leave of absence and unauthorised absence.

Unauthorised Absence - Penalty Notices can be requested by schools when there have been 10 sessions of unauthorised absence in a 10-week period. In these circumstances a Notice to Improve may be sent to the parent by the Local Authority on behalf of the school prior to the notice being issued.

First Offence – The first time a Penalty Notice is issued the amount will be: £80 per parent, per child paid within 21 days. This increases to £160 per parent, per child if paid after day 21, until day 28. Any non-payment of the Penalty Notice may be referred to the Magistrates Court.

Second Offence (within three years) – The second time a Penalty Notice is issued the amount will be £160 per parent, per child paid within 28 days. Any non-payment of the Penalty Notice may be referred to the Magistrates Court.

Third Offence and any further offences (within 3 years) – if a third offence or any further offences are committed, a penalty notice will not be issued and the case may be presented straight to the Magistrates' Court under s.444(1) or s.444(1A) of the Education Act 1996 or other legal interventions considered. The Magistrates' Court can order fines up to £2500 per parent, per child and may make an order for legal costs, a community order, or a jail sentence of up to three months.

Further information can be found in our [5 Minute Guide](#)