

Information for Parents 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 irregular attendance and unauthorised term-time leave.

All penalty notices are issued within the [Somerset Penalty Notice Code of Conduct](#).

Who can be fined?

Penalty Notices can be issued to each parent/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 absent from school, resulting in six penalty notices being issued.

The National Threshold

Schools are required to consider whether a penalty notice is appropriate when a child has 10 sessions of unauthorised absence within a rolling 10 school week period. 10 sessions would typically be the equivalent of five days.

These sessions 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, otherwise 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.

The Third Offence

If a parent becomes eligible for a third (or more) penalty notice within three years of the first being issued, a penalty notice can not be issued and 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. If convicted, the offence will also show on any future DBS checks.

Not Paying a Penalty Notice

Penalty notices are only issued to parents when they have committed the offence of failing to ensure their child's regular attendance at school.

A penalty notice gives the parent the chance to write the offence off without needing to go to court.

It is not an offence not to pay a penalty notice, but the Local Authority may then prosecute the parent for the original offence.

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
- ✓ Support has been attempted (if appropriate)
- ✓ Issuing a penalty notice is compliant with the Somerset Penalty Notice Code of Conduct