

## Helping parents understand the national threshold/framework for penalty notice fines/prosecution for school attendance

From 19 August 2024, there is a National Threshold for legal action and a National Framework for Penalty Notice Fines which relate to unauthorised absences recorded by schools

### National Threshold

**There is a single consistent national threshold for when a penalty notice/prosecution under section 444 1/1A Education Act 1996 must be considered by ALL schools in England - this is:**

- 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period
- These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence, including lateness (arriving after the register has closed)
- For example, a single 5-day unauthorised holiday during term time would meet the national threshold
- Equally, 5 separate days or 10 separate sessions of absence recorded over a rolling ten school week period would meet this national threshold
- The 10-school week period can span different terms and school years
- In addition, where a pupil moves from one school to another and a total of 10 or more unauthorised absences are recorded by both schools over a rolling ten school week period, the national threshold will have been met

### Who may be fined/prosecuted?

- Penalty Notice Fines are issued to each parent who allows their child to be absent without authorisation from school. In exceptional circumstances, parents may not receive a penalty notice and may, instead, face prosecution as a result of their child's absence from school
- For example, 3 siblings absent for unauthorised leave during term-time would result in each parent receiving 3 separate fines or each parent facing three separate offence charges in court

### First Offence – where a penalty notice is issued

The first time a Penalty Notice is issued for unauthorised absence, the fine amount will be:

- £80 per parent, per child if paid **within 21 days**
- If **not paid within 21 days**, the fine will increase to **£160 per parent, per child**, payable between the 22<sup>nd</sup> and 28<sup>th</sup> day

### Second Offence (within 3 years) – where a second penalty notice is issued

The second time a Penalty Notice is issued for unauthorised absence, a reduced rate is not available. The amount therefore will be:

- £160 per parent, per child – payable within 28 days

### Third Offence and Any Further Offences (within 3 years)

The third time an offence is committed, a Penalty Notice WILL NOT be issued, and the case will be presented **straight to the Magistrate's Court**

- **Prosecution** can result in **criminal records** and **fines of up to £2,500**
- Cases found **guilty** in a **Magistrates Court** can show on the parent's future DBS certificate (Disclosure and Barring Service) due to a **'failure to safeguard a child's education'**