

**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

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| **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
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| **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
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| **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 22nd and 28th day
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| **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
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| **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’**
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