

# PENALTY NOTICE AND PROSECUTION

## Penalty Notices may be issued for

**Term time leave:** Penalty Notice fines may be issued for term time leave of 5 or more days (10 sessions) in a 10-week period.

**10 Sessions of Unauthorised absence in a rolling 10-week period:** A Penalty Notices may be considered when there have been 10 sessions of unauthorised absence in a 10-week period.

However, school retain the discretion to request a Penalty Notice before the threshold is met. For example, where parents/carers are deliberately avoiding the national threshold by taking several term time holidays below the threshold.

## Per Parent/Per Child

Penalty Notice fines will continue to be issued per parent/carers per child. For example: 3 siblings absent for term time leave, would result in each parent/carers receiving 3 separate fines.

### First Offence

The first time a Penalty Notice is issued for term time leave or irregular school attendance the fine will be charged at:

£160 per parent/carers, per child if paid within 28 days of the issue, reducing to £80 per parent/carers, per child if paid within 21 days.  
(Unpaid penalty notices may result in a parental prosecution.)

### Second Offence

Where it is deemed appropriate to issue a second penalty notice to the same parent/carers for the same pupil within 3 years of the first penalty notice, for either term time leave or irregular attendance the second penalty notice will be charged at:

£160 if paid within 28 days. (Unpaid penalty notices may result in a parental prosecution.)

### Third Offence

On the third time that an offence is committed within 3 years of the first penalty notice for either a term time leave or irregular attendance a penalty notice will not be issued.

The Local Authority will decide on appropriate next steps which may include:

- Prosecution under s444 (1) or (1a) of the Education Act 1996 which may result in a fine of up to £1000 or £2500 respectively.
- Referral to other agencies.