

Education Penalty Notices

School Non-Attendance - S444 Education Act 1996 Information for Parents¹

Introduction

The law empowers the Local Authority and other designated bodies to issue penalty notices when a parent fails in their legal duty to ensure their child attends school regularly.

Reducing school absences is a national and local priority because missing school harms a pupil's learning and disrupts the routines and education of other students.

What is a Penalty Notice?

Parents commit an offence if their child's absences are classed as unauthorised under Section 444 of the Education Act 1996.

A penalty notice is an alternative to prosecution. Paying the fine means you avoid being prosecuted and getting a criminal conviction.

Fine Amounts

First offence: £160 - Pay within 21 days to reduce to £80

Second offence (same child, within a rolling three-year period): £160 - with no discount option

Delivery of Penalty Notices

Penalty notices are sent by first-class post to your home address.

Each parent receives a separate notice for each child.

When Penalty Notices Apply

Schools must consider requesting a penalty notice when a pupil has **10 sessions** (equivalent to **5 school days**) of unauthorised absence in a rolling **10-school-week period**.

Types of Unauthorised Absence

- General unauthorised absence (marked **O** on the register)
- Arriving after the register has closed (marked **U**)
- Unauthorised holiday or leave (marked **G**)

Alternatives to Penalty Notices

After receiving a request for a penalty notice, the Local Authority may:

- Begin a different legal intervention instead of a penalty notice
- Prosecute if a parent has committed a third offence within three years
- Prosecute when the level of unauthorised absence is severe or excessive

¹ The expression "parent", in relation to a child/young person, is defined by the Education Act 1996 and includes any person who is not a parent of the child but who has parental responsibility for them, or who has care of the child.

Notice to Improve

If most of the absences are marked O or U, you'll receive a written Notice to Improve.

This notice:

- Includes your child's attendance details
- Sets a monitoring period with no further unauthorised absences
- Warns that a penalty notice will follow if issues continue

Notices to Improve are not issued for unauthorised holiday or leave.

Appeals

There is no statutory right of appeal once a penalty notice is issued.

You may make representations after receiving a Notice to Improve or penalty notice (see our Frequently Asked Questions for more information). Penalty notice timescales cannot be paused while representations are considered.

Payment Details

Payment instructions are on the penalty notice.

- Full payment may only be accepted - part-payments or instalments cannot be made
- No reminders will be sent
- You have 28 days from receipt to pay in full

Consequences of Non-Payment

If you do not pay within 28 days, the Local Authority will usually start court proceedings for the original attendance offence.

You will receive a letter about these proceedings. In some instances, you may not need to attend court in person - the court paperwork you receive will explain what will happen and what to do next.

Court outcomes can include:

- Fines up to £2,500
- Up to three months' imprisonment
- Parenting Orders or Community Sentences
- Additional court costs

Paying the notice discharges your liability for that specific period, but further poor attendance may still be prosecuted.

Need Help?

If you have concerns regarding your child's attendance, you should contact the school to discuss what help might be available.

PENALTY NOTICE FREQUENTLY ASKED QUESTIONS

My husband/wife/partner/any other person has also received a penalty notice for the same offence – does that mean we both have to pay the fine?

Yes. Each penalty notice is individually issued per parent, per child and all must be paid to avoid prosecution. All parents of a child may be served a penalty notice for not ensuring their regular attendance at school.

My partner has been issued with a penalty notice, but they are not the biological parent of my child – do they still have to pay?

Yes. The expression "parent", in relation to a child or young person, includes natural parents and any person who is not a natural parent of the child but who either has acquired legal Parental Responsibility for them, or who has care of the child i.e. lives with and has day to day contact with the child.

Three penalty notices have been issued in respect of my child – one to each natural parent and one to a step-parent – is this right?

Yes. As above, all parents may be served a penalty notice for not ensuring their regular attendance at school and the expression "parent", in relation to a child or young person, includes any person who is not a natural parent of the child but either has acquired legal Parental Responsibility for them, or who has care of the child. This means a number of people may be liable for a penalty notice for the same offence.

I am not the child's parent – why have I been issued with a fine?

As above, the expression "parent", in relation to a child or young person, includes any person who is not a natural parent of the child but who either has acquired legal Parental Responsibility for them, or who has care of the child i.e. lives with and has day to day contact with the child. You have received the penalty notices because you have been determined as a parent under the Education Act in respect of the child.

I have received a penalty notice for unauthorised leave, but I feel the leave should have been authorised as the circumstances are exceptional/my child's attendance is otherwise excellent/my child is a high achiever/this is the first time I have removed my child from school-how can I get the leave authorised?

Parents/carers should obtain permission from the headteacher before taking a child out of school for leave during term time for any reason. Parents must provide all relevant information at the point of making such requests as school cannot authorise leave retrospectively. It is the parent's responsibility to ensure that permission has been given in advance of taking leave.

Absences taken without permission will not be authorised by the school. Parents do not have the automatic right to insist that school absences are authorised, only the school may decide how to mark the register. Schools must follow the statutory Department for Education (DfE) guidance (Working together to improve school attendance) on applying the School Attendance (Pupil Registration) (England) Regulations 2024 when deciding whether to authorise a leave request. The DfE does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance.

My child was taken out of school for leave without my consent, but I have received a penalty notice. Is this right?

If the child lives with you then you are deemed to have influence over the absence and have been correctly issued with a penalty notice. If you have evidence that you were unable to prevent the leave eg a court order, please provide this to salt@lancashire.gov.uk. A member of the School Attendance Legal Team will review your case and be in touch.

If the child does not live with you, please email salt@lancashire.gov.uk explaining your circumstances. A member of the School Attendance Legal Team will review your case and be in touch.

My child was off sick – why have I been fined?

It is a decision for the school as to whether they authorise absences, however if you have medical evidence to support the absence as a result of illness, please provide this to salt@lancashire.gov.uk. A member of the School Attendance Legal Team will review your case and be in touch.

I am currently pursuing a complaint about my case. Will the penalty notice go on hold whilst the matter is dealt with?

No. The Penalty Notice Regulations do not allow for the payment timescales to be delayed or extended.

I believe that the penalty notice contains mistakes; do I still have to pay?

Yes. If you believe that the fine contains material errors, you must not ignore it as you will still be liable. You should contact salt@lancashire.gov.uk, who will be able to investigate the matter.

How do I pay the penalty notice fine?

You can pay your fine online using MasterCard, Maestro, Visa, Electron and Solo at www.lancashire.gov.uk/online/pn. You will need the penalty notice as you will be asked for the penalty notice number.

Alternatively, you can complete the slip at the bottom of the notice and send or deliver it to the Local Authority at the address given with a cheque or postal order for the relevant amount.

Do I need to send anything with my payment when paying by post?

You must send the pay slip from the bottom of the penalty notice or write your name and the pupil's name on the back of your cheque or postal order. If we cannot identify who has paid and which pupil the payment relates to, the offence will not be discharged, and you will be taken to court. You may find it more convenient to pay online at www.lancashire.gov.uk/online/pn. You will need your penalty notice as you will be asked for the penalty notice number.

What if I lose the penalty notice?

Email salt@lancashire.gov.uk with your child's details and you will be provided with details so you can pay online. If your penalty notice deadline has passed, you will not be able to make payment and you will be advised on next steps.

I have missed the deadline on the penalty notice. Can I still pay?

No. The Penalty Notice Regulations do not allow for late payments and fines should be paid in full within the specified deadlines on the penalty notice.

I cannot afford to pay the fine, can I pay in instalments?

No. The Penalty Notice Regulations do not allow for part payments and fines should be paid in full within the specified deadlines on the penalty notice.