**Penalty Notice – Issuing Guidance (September 2025)**

**Purpose of Penalty Notices**

Penalty Notices (PNs) are issued to parents as an alternative to prosecution where parents have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or, in certain cases, at a place where alternative provision is provided.

The Hampshire Code of Conduct for issuing Penalty Notices sets out the principles for issuing penalty notices in relation to school attendance. It ensures that notices are applied consistently and fairly across local authorities, used appropriately as an alternative to prosecution, and administered transparently with clear procedures and thresholds. The framework aligns with national legislation, including the Education Act 1996 and associated regulations, to support regular school attendance and safeguard children's right to education.

Copies of the Code of Conduct and all templates mentioned below can be found here: [Moodle link](https://hias-moodle.mylearningapp.com/course/view.php?id=303)

**Managing parental queries**

If the parent to whom the Penalty Notice has been issued has any questions or wishes to raise concerns regarding the Penalty Notice, these should be addressed within the school in the first instance, as the Penalty Notice was issued at the school's request. If the parent wishes to pursue the matter further, they should be directed to the guidance for parents provided on the reverse of the Penalty Notice.

If the guidance does not resolve the query, the school should escalate the matter to the Local Authority on the parent's behalf using the [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms) ‘Ask for Advice’ form. The school should not advise the parent to contact the Local Authority directly, unless the Penalty Notice has already been paid or the parent has received legal documentation and requires referral to Legal Services.

**Requesting a Penalty Notice number**

All requests for a Penalty Notice Number should be requested via the [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms) platform – selecting ‘Request a Penalty Notice Number’ from the drop down.

A separate [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms) form must be submitted for each parent or adult for whom a Penalty Notice is requested. We anticipate updating the system by the October 2025 half term to allow multiple adults to be included on a single form for family group submissions.

When submitting a Penalty Notice request, please ensure the uploaded attendance certificate clearly indicates the unauthorised absences, that the coding is accurate, and that the thresholds outlined below are met.

**Issuing criteria**

**Holiday absences:**

Where a pupil has been absent for 10 or more sessions out of the last 100 possible sessions due to an authorised holiday, these absences should be recorded using the 'G' code. A Leave of Absence Request Form (LOAF) is not required to apply the 'G' code; however, the school must have a reasonable belief, supported by evidence, that the pupil was on holiday. This may include information provided directly by the pupil, even if the parent has stated otherwise. In such cases, the responsibility lies with the parent to prove the absence was not holiday-related, rather than with the school to prove it was. If no LOAF has been submitted, the school should instead complete a 'No LOAF' form. Please note that for holiday-related absences, a Penalty Notice can only be requested once the pupil has returned to school and received a present mark, thereby closing the period of absence.

**Holiday absences plus other unauthorised absences:**

Where a pupil has been absent for a holiday of less than 10 G coded sessions but has further O or U coded absences within the same 100 session period, the O/U codes can be combined to reach the threshold of 10 so long as the G codes are the majority. That means at least 6 G codes plus 4 or more other unauthorised absences.

Where the G codes are not the majority – where there are 5 G codes or less plus 5 or more O/U codes, the Notice to Improve process should be used instead.

**O/U coded absences only**

Where a pupil has accrued 10 or more unauthorised absence sessions, coded as ‘O’ (unauthorised absence) or ‘U’ (late after registration closed), the Notice to Improve process should be initiated. This intervention is intended to serve as a prompt and impactful measure to address emerging attendance concerns. It is not designed for cases involving persistent or entrenched non-attendance, which require more sustained and intensive support. For detailed procedures and expectations, please refer to the separate [Notice to Improve Guidance](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fhias-moodle.mylearningapp.com%2Fpluginfile.php%2F5095%2Fmod_resource%2Fcontent%2F2%2FNotice_to_Improve_Guidance%2520September%25202025.docx&wdOrigin=BROWSELINK) document.

**Issuing a Penalty Notice below national threshold**

For pupils who have been absent for less than 10 unauthorised sessions a Penalty Notice may be applicable in some circumstances:

1. Where a parent is repeatedly keeping a child from school for family events or special occasions, despite having been previously warned to stop this. A written warning should be given to the parent, with the letter submitted to the Local Authority when the Penalty Notice number is requested.
2. Where a parent is taking a term time holiday but has deliberately attempted to avoid the issuing of a Penalty Notice by only declaring 9 sessions on a LOAF or is taking the holiday during the week of an INSET day so only 6-8 sessions of G coded holiday are recorded.

In these instances, the parent should have been warned by return of the LOAF form, which has been amended to include this. Where no LOAF has been submitted, it should be clear in the school attendance policy that under these circumstances a Penalty Notice will be issued. Parents should be routinely advised of this policy in school newsletters/attendance reminders.

**Subsequent holidays**

A second Penalty Notice may be issued for further holidays taken within a rolling three-year period, with effect from August 19th 2024. Any Penalty Notice issued before this date cannot be included for the purpose of this process.

Second Penalty Notices should be requested in the same way as a first, using the [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms) form, but with the Second Penalty Notice option selected, and the details of the first Penalty Notice added to the relevant section.

Second Penalty Notices are charged at £160 and do not have an early pay discount. They must be paid within 28 days.

If a third (or further) offence is committed within the rolling three-year period, a Legal Intervention Team referral should be completed via [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms) for a prosecution. A Third Penalty Notice cannot be issued within the rolling three-year period.

**Excluded/suspended child seen in a public place**

If a child has been excluded or suspended from school, their parent may be issued with a Penalty Notice if the child is seen in a public place during school hours within the first five days of the exclusion or suspension. This provision is permitted under Section 105 of the Education and Inspections Act 2006.

These Penalty Notices are charged at £120, with a £60 early payment discount if paid within 21 days.

Please note this lower rate is only to be used for this offence. All other offences carry the higher fee.

**Hub document uploads**

Once a Penalty Notice has been issued (for any of the reasons above), it is a requirement that a copy of the Penalty Notice, the school certificate of service, a LOAF/No LOAF form and an attendance certificate are uploaded to the information Hub. This should be done on the same day as you issue the Penalty Notice to avoid documents getting lost and allows the Local Authority to track payments. Delays can lead to compliance issues or the case ‘timing out’ for further action.

If you do not have access to the Hub to upload your documents, please contact csd.business.support@hants.gov.uk for assistance.

**Unpaid actions**

It is equally important that if the Penalty Notice goes unpaid, documents are returned when requested. If the school has used any other method to communicate refusal of a leave of absence, this should also be submitted to the Hub (e.g. if school has written to the parent instead or/as well as completing their half of the LOAF).

**Frequently asked questions**

Below is a series of frequently asked questions. If you cannot find the answer to your question below, or require further advice, please complete an ‘Ask for Advice’ [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms) form.

**Q) Mum and dad live separately. Only one of the parents is going on the holiday. Who should be issued with a fine?**

A) The law is grey here. On the one hand it states that the fine should only be issued to the parent who has committed the offence of allowing the absence. As such, an absent parent could be said to have not allowed the absence if they had no ability to stop it. The school must make the decision based on your knowledge of the family and whether school feel the parent not attending the holiday could have stopped it.

**Q) The parent attending the holiday has a new partner who is also going on holiday. Should they be fined?**

A) Under Section 444A of the Education Act 1996, as amended by the Education (Penalty Notices) (England) Regulations, a Penalty Notice may be issued to any adult who is considered liable for a child’s unauthorised absence from school. This includes individuals beyond the biological parents, such as stepparents, parental partners, and other adults with parental responsibility or involvement in the offence—provided the school or local authority holds sufficient identifying information, including a name and address, to serve the notice.

Where an unauthorised absence is linked to a holiday taken during term time, any adult accompanying the child and deemed to have contributed to or permitted the absence may be subject to enforcement action. This is contingent on the school’s ability to demonstrate that the individual played a role in allowing the absence and that the necessary contact details are available to issue the Penalty Notice.

Schools and local authorities must assess each case individually, ensuring that enforcement is proportionate and in line with the national framework

**Q) This parent has not provided us with an address, we only have an email for them, can we still issue?**

A) No, the law states that the Penalty Notice must be posted first class, or hand delivered to the recipient. Email is not counted as served to the receiver. School must find an address for the parent/carer. If an address is not forthcoming, then a Penalty Notice cannot be issued.

**Q) Can we send an email or text message to a parent as well as sending the Penalty Notice by first class mail?**

A) Yes, you certainly can. As long as you are confident in your contact data being accurate, there is nothing to stop school providing parents with notification that a Penalty Notice has been issued, or providing an additional copy by email in support of the one sent by First Class mail or hand delivered.

**Q) My headteacher has allowed me to sign documents using a scanned signature, is this ok?**

A) Yes. Previously we asked for ‘wet’ signatures and for these to then be scanned in on documents. However, we have now had confirmation that affixing scanned signatures to documents is ok as long as the headteacher has still seen and approved the documents. It is best practice for them to affix their own digital signature. ‘PP’ signatures are not allowed.

**Q) We have issued a Penalty Notice to a family for a holiday and now wish to issue a Notice to Improve related Penalty Notice, is this a first or second Penalty Notice?**

A) This would be a second Penalty Notice. Although the reason for issuing is different, the offence is the same. If they are part of the same rolling three-year period they should be counted together. However, Penalty Notice’s issued for children seen in a public place do not count in the rolling total.

**Q) We have two children in our school and are aware of a sibling in another school. They are all going on holiday. Should we seek to take a joint approach?**

A) Yes. It is useful if parents are given the same advice from all schools. If one school is issuing a Penalty Notice, it is best practice for a sibling’s school to do the same. Where headteachers do disagree about this, then the school who wishes to issue may do so, but should the matter progress to court in the event they are unpaid, we may require additional information about why these decisions were made.

**Q) My Headteacher is away from school. Can I sign the Penalty Notice and documents?**

A) All Penalty Notices must be signed by the headteacher or nominated deputy/assistant headteacher. The certificate of service should be signed by whomever posted the Penalty Notice or handed them to parents. If documents are not signed and dated, this can lead to the Penalty Notice being withdrawn or lead to us asking you to reissue the Penalty Notice and effectively start the process again.

**Q) We have issued a Penalty Notice, and it has gone unpaid. The parents are being prosecuted, but the child now has poor attendance. Can the school now complete a LIT referral?**

A) No. You will need to wait for the Penalty Notice unpaid process to complete before you can refer to LIT in most cases. However, if it has been over 12 months since the Penalty Notice was issued, LIT may accept the case. You should seek guidance from LIT before completing a referral via [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms). Please note that second Penalty Notices and subsequent holiday referrals can still be completed while a first is in process.

**Q) A parent has come to school requesting we withdraw the Penalty Notice as they cannot afford it. We would now like to withdraw – how can we do this?**

A) Penalty Notices can only be withdrawn if there is a material error (e.g. it has been sent to the wrong address or named recipient) or if it should not have been issued (e.g. issued outside of the code of conduct). The headteacher must make sure before issuing the Penalty Notice that they are happy to see the process through. There is no right of appeal to a Penalty Notice once issued, and instead parents will need to proceed to court and make their case there.

**Q) A child has been off ill for several weeks. We have had no medical evidence. Can we switch the coding from I to O and issue a Notice to Improve?**

A) If school have been I coding for a significant period, it is advised that school complete a [Mendix](https://educationforms.apps.hants.gov.uk/p/school-forms) request for advice form, selecting Attendance as the reason. Please outline the full circumstance and then advice will be forthcoming around next steps.

**Q) My colleague posted the documents but is now not in school until next week. Can I sign the certificate of service instead?**

A) No. The certificate of service must be signed by the staff member who posted or handed the Penalty Notice to the named recipient. The purpose is signing to say it was done – if you didn’t do it, as much as you may trust your colleague – you did not post or hand it over, and the certificate of service is a court document that verifies the Penalty Notice was served correctly.