

How is a Penalty Notice paid?

Penalty notices can be paid by card by calling the office on 01872 324201. Alternatively, payment can be made by cash or cheque at any Cornwall Council Information Service. If the 21st/ 28th day for payment falls on a weekend or bank holiday, payment will be accepted at the same rate on the following working day.

What happens if a Penalty Notice is not paid?

If a Penalty Notice is not paid within the 28 days of issue (as per the dates listed on the Penalty Notice), Cornwall Council will progress the matter to the Magistrates' Court, for the offence of failing to ensure regular attendance, NOT for failure to pay the fine.

If found guilty:

- under section 444(1), it can result in the parent being fined up to £1000
- under section 444(1A), it can result in the parent being fined up to £2,500 and/or receiving a custodial sentence of up to 3 months

Cornwall Council may also apply for costs incurred in taking the matter to court.

Contact us

Education Welfare Service, New County Hall, Treyew Road, Truro, TR1 3AY

educationwelfare@cornwall.gov.uk

01872 324298

If you would like this information in another format or language please contact:

Cornwall Council, County Hall,
Treyew Road, Truro, TR1 3AY

e: customerservices@cornwall.gov.uk

t: 0300 1234 100



Together 
for Families

Penalty Notices

A guide to Education Welfare Services
for parents and carers



www.cornwall.gov.uk/togetherforfamilies

What is a Penalty Notice?

A penalty notice is a fine that can be issued under section 444A and section 444B of the Education Act 1996. The fine is issued per parent, per child for:

- Leave of absence of 10 school sessions/5 days or more within any rolling 10 school week* period during term time, without authorisation from the school. This can include unauthorised absence for a holiday.
- Unauthorised absence of 10 or more sessions/5 days within any rolling 10 school week* period where a parent fails to provide an explanation for the absence, or where an explanation is provided but the school consider it insufficient to authorise the absence.
- Unauthorised lateness of 10 school sessions within any rolling 10 school week* period, whereby a child arrives at school after the registers have closed.

NB a penalty notice can be issued for any combination of the above reasons where there are 10 sessions/5 school days or more of unauthorised absence within any rolling 10 school week period. The unauthorised absence can be consecutive or non-consecutive and can span over two terms (including between academic years).

Or when

- A pupil is observed in a public place during school hours in the first five school days of a period of exclusion from school, without reasonable justification.

* a school week is any week in which a school meets at least once.

Who can be issued with a Penalty Notice?

Parents and carers of a child can be issued with a Penalty Notice. The definition of a 'parent' as set out in section 576 of the Education Act 1996: By virtue of this section 'parent' includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989) and any person who, although not a natural parent, has care of a child. Having care of a child means a person who lives with and looks after a child, irrespective of what their relationship is with said child.

How much is a Penalty Notice fine?

As of the 19th of August 2024, a penalty notice is £80 if paid within 21 days. If the fine is not paid in 21 days, it will rise to £160 if paid within 28 days of being issued.

If a second penalty notice is issued to the same parent for the same child within a three-year rolling period, the fine will automatically rise to £160 with no option to pay the lower rate of £80.

If a parent then commits a third offence in a three-year rolling period, Cornwall Council will need to consider other enforcement optional options available. This could include prosecution under section 444(1) or section 444(1A) of the Education Act 1996. If found guilty a parent would receive a criminal record and substantial fine.

Penalty Notices are issued per parent, per child.

Therefore, if there are two parents and two children, the fines will total £320 if paid within 21 days or £640 if paid after 21 days but within 28 days (or for a second offence).

Can a Penalty Notice be paid in instalments?

No. Penalty Notices must be paid in full, within the designated dates. However, if a parent has more than one child and is therefore issued with more than one fine, they can pay the fines separately if they wish.

Who is responsible for issuing Penalty Notices?

It is a Headteacher's decision whether or not to authorise an absence and, if their decision is not to authorise, they have the right to request a Penalty Notice in line with their attendance policy process. Cornwall Council's role is to check that the evidence submitted is compliant with Cornwall Council's Code of Conduct for Education Related Penalty Notices and, if so, to issue as appropriate.

Can a parent appeal a Penalty Notice?

There is no statutory right of appeal once a Penalty Notice has been issued. If you believe that the Penalty Notice should not have been issued, you should make contact with the school or academy that your child attends at your very earliest convenience after receiving the Penalty Notice. If you wish to discuss the Penalty Notice procedure, you can contact Cornwall Council's Education Welfare Service on **01872 324298**, or email **educationwelfare@cornwall.gov.uk**