City of Stoke-on-Trent

Stoke-on-Trent City Council

Local Code of Conduct for Issuing Penalty Notices for School Absence

Academic Year 2026–2027

Document purpose	To set out Stoke-on-Trent City Council's local arrangements for issuing penalty notices for school absence in a fair, consistent and support-first way. Legal Enforcement is only considered as a last resort when all supportive measures have been exhausted or deemed not to be appropriate.
Consultation	Schools, governing bodies, local authority officers.
Scope	Penalty notices relating to unauthorized school absence and related statutory attendance procedures.

1. Purpose

The purpose of this Local Code of Conduct is to ensure that penalty notices for school absence are issued in a fair and consistent manner across Stoke-on-Trent City Council. The Code sets out the arrangements for administering penalty notices and complies with all relevant regulations and DfE guidance 'Working Together to Improve School Attendance'. Legal enforcement should always be a last resort when all supportive measures have been exhausted or deemed not to be appropriate.

2. GDPR

For data protection purposes, the school requesting the issuing of the Penalty Notice is the data controller and must take all steps to confirm the information they hold is accurate and up to date. The LA is the data

processor that acts on the information provided by school. The LA will also check their case-load system prior to issuing Penalty Notices. Should a data breach occur the fault lies with the school who have supplied the information. The data breach will be reported to the school for them to follow their data breach processes and will also be referred to the Data Protection Team in the Local Authority for their information only.

3. Consultation

This Code has been reviewed in consultation with headteachers, governing bodies of state-funded schools and the local police force.

4. Rationale

Research demonstrates a clear link between attendance and attainment. Regular attendance is a key protective factor, and a support-first approach must always be taken prior to Legal Action being taken.

5. Legal Basis

Penalty notices may be issued under Section 444 of the Education Act 1996 as an alternative to prosecution. They apply to pupils of compulsory school age in relevant educational settings and follow the Education (Penalty Notices) (England) Regulations 2024. In Stoke-on-Trent penalty notices are issued by authorised officers from the Local Authority.

A parent is defined as any person who is a parent and not a parent, but who has parental responsibility for the child or who has care for the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent or parents with day-to-day responsibility for the pupil's attendance or the parent or parents who have allowed the absence. In terms of leave of absence in term time, it will generally be issued to the parent who has taken the child away.

6. When a Penalty Notice May Be Issued

A penalty notice may be issued when a pupil has 10 unauthorised sessions within 10 school weeks, or in other specific circumstances such as being in a public place during exclusion.

If in an individual case, the local authority (or other authorised officer) believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

Should it be found that a parent/carer is taking more than one leave of absence during an academic year but is staying below the 10 unauthorised sessions threshold then schools can ask the Local Authority to consider the issuing of a Penalty Notice.

Penalty Notices will not be issued in respect of children in the care of the Local Authority, with whom other interventions will be considered; but may be issued if the child remains in the care of parents/carers/kinship carers while being supported by the Local Authority.

The national framework for penalty notices is based on the principles that penalty notices should only be issued in cases where:

Support is not appropriate (e.g., leave of absence in term time) or where sufficient support has been given and is not engaged with or has not worked.

They are the most appropriate tools to change parental behaviour and improve attendance for that family.

Issuing is appropriate after considering any obligations under The Equality Act 2010.

Penalty Notices are now issued via an automated online portal. Every AALIS Officer is responsible for the checking and issuing of these notices. Should a Penalty Notice remain unpaid then it will be laid at court by a member of the Attendance, Assurance & Legal Intervention Service (AALIS).

7. Limits and Charges

Only two penalty notices may be issued per parent per child within a three-year period. Charges range from £80 to £160 depending on timing.

If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be considered. This might include prosecution or one of the other attendance legal interventions available to the Local Authority.

For the escalation process, previous penalty notices include those not paid (including where prosecution was not taken forward, or if the parent pleaded or was found guilty) but not those which were withdrawn.

In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for each child and each parent.

Any outcomes from the issuing of Penalty Notices will be communicated to schools via Stoke-on-Trent Local Authority Penalty Notice online portal.

8. Notice to Improve

Notice to Improve letters provides a final opportunity for parents to engage before Penalty Notices/Statutory Action are considered. The standard improvement period is 20 school days.

These notices to improve will be issued jointly by the Local Authority and the School.

The Local Authority will quality assure requests for the issuing of these letters and determine that the level of support offered is sufficient

Where there is a dispute, schools are expected to defer to the LA's judgement about whether sufficient support has been offered.

The LA can, if it wishes to, use a flexible improvement period so that it can be varied in individual cases.

Sufficient improvement will be no further unauthorised absences in the improvement period.

An authorized officer can choose not to issue where they do not expect a notice to improve would have any impact on a parent's behaviour (e.g. because the parent has already received one for a similar offence).

9. Withdrawal and Appeals

Penalty notices may be withdrawn in limited circumstances such as errors or new evidence. There is no statutory right of appeal.

In relation to applications for leave of absence in term time, schools have the discretion to authorize the leave for exceptional circumstances. Once issued however, the Notice cannot be withdrawn unless new evidence is produced.

If a parent believes one of the above criteria to withdraw a penalty notice has been met, in the case of leave of absence in term time, they should contact the school. In cases where material errors are present this should be raised with the LA immediately, by contacting: AALIS@stoke.gov.uk.

10. Payment

Payments must be in full according to the instructions on the notice. Payment discharges liability for the period. They cannot subsequently appeal the Penalty Notice as the matter is then considered closed.

LA retains any revenue from Penalty Notices to cover enforcement costs and other functions of the local authority which serve to support regular attendance.

11. Representation

If unpaid, cases may proceed to the Magistrates' Court where parents can present their case.

Non-Payment of a Penalty Notice is a Strict Liability Offence.

12. Cross-Border Protocol

Where pupils move between local authority areas, Stoke-on-Trent City Council can be contacted on crossborder.penaltynotice@stoke.gov.uk to find out if penalty notices have been issued previously.

Where pupils attend school in Stoke-on Trent City Council, but live in a different LA, Stoke-on-Trent City Council will inform the home authority via the cross- border email address as detailed above.