

**SUFFOLK COUNTY COUNCIL ANTI-
SOCIAL BEHAVIOUR ACT 2003
PENALTY NOTICE
CODE OF CONDUCT**

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Version 14

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1. Legal Basis

- 1.1. The Anti-social Behaviour Act 2003, Section 23 empowers designated Local Authority (LA) Officers, Head Teachers (and Deputy and Assistant Head Teachers authorised by them) and the Police to issue penalty notices in cases of unauthorised absence from school.
- 1.2. The Act places specific responsibility on the LA for developing a Code of Conduct, within which all parties will operate.
- 1.3. The issuing of penalty notices must conform to the Code of Conduct and with all requirements of Human Rights and Equal Opportunities legislation. The scheme must therefore operate consistently across the Authority.
- 1.4. A new National Framework for penalty notices for school absence is being introduced through changes to secondary legislation and the regulations will come into effect from 19 August 2024.

2. Purpose of National Framework

- 2.1. **Regular school attendance is the essential foundation to positive outcomes for all pupils and can also be an important element in the safeguarding of these pupils.**
- 2.2. To make penalty notices more effective by ensuring they are only used in cases where they are the most appropriate tool to change parental behaviour and improve attendance.
- 2.3. Prioritise the support first approach by expecting support to be used in cases where it is appropriate and using penalty notices in cases where support is not appropriate (e.g. a term time holiday) has not worked or has not been engaged with.
- 2.4. Improve consistency in the use of penalty notices across England by introducing a new national threshold at which they are considered.
- 2.5. Improve the deterrent effect of a penalty notice by increasing the amount and introducing a new national limit of 2 penalty notices within a 3-year period to break cycles of repeat offending.
- 2.6. Parents have a legal responsibility (Education Act 1996, Section 7) for ensuring their children receive a full-time and efficient education, and LAs have a duty to enforce this where necessary.
- 2.7. 'Parent' is defined as someone who has parental responsibility for a child or who has the care of that child. (Education Act 1996, Section 576).

2.8. The penalty notice code of conduct is intended to supplement, not replace, the existing powers of enforcement under the Education Act 1996. Penalty notices are intended to be early deterrents to unauthorised absence. Their most effective use is likely to be for parents who are able but unwilling to ensure their children's regular attendance at school.

3. Circumstances where a penalty notice may be issued

3.1. A penalty notice can be considered in any of the following circumstances:

- Where a child of statutory school age has been identified as having unauthorised absence meeting the national threshold.
- Where a child of statutory school age, in the company of a parent or with parental knowledge, has been stopped under Section 16 of the Crime and Disorder Act 1998 (i.e. during a 'truancy sweep' conducted by Police and Education Welfare Officers) and the parent has failed to give a satisfactory explanation for the child's absence which the school has confirmed is unauthorised.

3.2. Penalty notices will not be used in the case of 'Unauthorised' absence' for children looked after by the LA (LAC). A referral needs to be made to the Education Welfare Officer and discussions had with all concerned to address the issues.

4. National Thresholds and considerations for issuing a penalty notice

4.1. The National Framework will introduce a national threshold for when a penalty notice must be considered from 19 August 2024.

4.2. The threshold is 10 sessions of unauthorised absence. This can be made up of a combination of any type of unauthorised absence (such as 4 sessions of holiday taken in term time plus 6 sessions of arriving late after the register closes) all taken within any 10-school week period. The unauthorised absence sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence in 1 week and 1 per week for the next 4 weeks).

4.3. The 10-school week period may span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer term and a further 8 within the Autumn term).

4.4. When an authorised member of school staff becomes aware that the threshold for the issue of a penalty notice has been met, they must consider whether to request the LA to issue a penalty notice or not. For each case, they should ask:

- a. Is support appropriate for this particular cause (or causes) of absence?

- i. If yes, staff should weigh up the specific circumstances of the case and decide which available tool is most likely to change behaviour and improve attendance.
 - ii. Continue to provide support without a penalty notice.
 - iii. Issue a Notice to Improve ([Appendix 1](#)) allowing parent/s a final opportunity engage in support and improve the attendance
 - iv. Request a penalty notice (e.g. where a parent has already had a Notice to Improve and not engaged in support), subject to the further considerations given in b) below.
 - v. If no, a penalty notice should be issued (e.g. a holiday in term-time) subject to the further considerations given in (b) below.
- b. In all cases, before a penalty notice is issued, the following questions should also be considered:
 - i. Is a penalty notice the best available improvement tool that is most likely to change behaviour and improve attendance for this particular family, or would further support or one of the other legal tools be more appropriate?
 - ii. If legal action is most appropriate, is a penalty notice the most appropriate legal intervention for this individual case?
 - iii. Is issuing a penalty notice appropriate in this case after considering any obligations under the Equality Act 2010, such as where a pupil has a disability?

4.5. If the answer is yes to i-iii (above) a penalty notice should be issued. If not, another tool should be used to improve attendance.

4.6. Whatever action is taken after the threshold has been met, schools and LAs should continue to monitor the impact of the action, and if it does not lead to improvement, they should review the decision and take alternative action. Where needed, cases can be discussed during Targeting Support Meetings.

4.7. If the LA or another authorised school member believes a penalty notice would be appropriate in an individual case, the LA retain the discretion to issue a penalty notice before the threshold is met. Examples may include, where parents are deliberately avoiding the national threshold by taking several term time holidays below threshold or for repeated absence for birthdays/family events.

4.8. The LA also retains the discretion to consider going straight to prosecution.

5. Procedure for issuing penalty notices

5.1. Penalty notices issued under the National Framework will be issued on behalf of the LA by Officers of the Education Attendance Service. These Officers will not issue a penalty notice unless:

- All terms of the Code of Conduct are applied.

- All relevant information required is supplied to them by the Headteacher (or member of staff delegated/authorised by them).
- Other strategies are not in place or being enforced at the same time.
- As an independent prosecutor, the LA are satisfied the case meets the Public Interest test.

5.2. A national limit of 2 penalty notices can be issued to a parent for the same child within a rolling 3-year period, at the 3rd (or subsequent) offence(s) another tool will be considered (such as prosecution or another attendance interventions).

5.3. In cases where the pupil has moved between LA areas since 19 August 2024, an additional check should be made by the school. Where the previous LA area is known, the authority for that area should be contacted to check whether a penalty notice has been issued to that parent for that pupil in the previous 3 years.

5.4. A Senior Attendance Officer or Fixed Penalty Notice Officer will be aware of all proceedings contemplated or commenced under Section 444 of the Education Act 1996 (the offence of failing to secure the regular attendance at school of a registered pupil).

5.5. Head Teachers (or a member of staff delegated/authorised by them) will notify the Senior Attendance Officer or Fixed Penalty Notice Officer of any child whose parent(s) they believe meet the criteria for the Penalty Notice Code of Conduct. These children may also be identified by Education Welfare Officers.

5.6. The Education Attendance Service will issue a penalty notice to the parent(s) if satisfied that the criteria are met. Head Teachers will need to demonstrate clearly that leave from school has not been granted.

5.7. The Police may refer to the Education Attendance Service any child whose parent(s) they wish to be considered for a penalty notice. The Education Attendance Service will examine those cases and issue penalty notices where the criteria are met.

5.8. Neighbouring LAs where Suffolk children might be registered at school or stopped on truancy sweeps, will be asked to refer to Suffolk Education Attendance Service for consideration of a Penalty Notice where the criteria is met.

6. Operation of the Code of Conduct

6.1. The issuing of penalty notices must conform to all requirements of Human Rights and Equal Opportunities legislation. The scheme must therefore operate consistently and equitably across Suffolk and therefore penalty notices will only be issued in accordance with Suffolk County Council's Code of Conduct.

6.2. Penalty notices will only be issued for cases of unauthorised absence. In all cases, it is important to ensure that schools have not authorised the absence, and do not so retrospectively (if this occurs the Notice is to be withdrawn).

6.3. Penalty notices will only be sent once the school has completed the online submission form. The Referrer remains responsible for the details provided on the submission form.

6.4. The submission form will collect details of the individual circumstances including support offered where appropriate.

6.5. Once received through the online portal, LA Officers (appointed to do so) will decide if the referral meets the criteria and except for processing.

6.6. Schools are required to submit referrals to Suffolk County Council within an appropriate time of the last unauthorised absence (with the expectation it is within 15 schools' days of the unauthorised absence) and this may be extended in exceptional circumstances. The LA will aim to process the penalty notice within 14 school days of submission of the referral.

6.7. All correspondence and outcomes will be recorded on a central database which can be viewed by the school. The submission form and electronic copies of the penalty notice will be held securely on the portal.

6.8. Penalty notices will be issued by post to a parent(s)' home by first class post. Penalty notices will be considered to have been served on the parent on the third day after the date of posting.

6.9. Each penalty notice issued will be given a unique identifier code to ensure against the issue of duplication.

6.10. If the penalty is not paid in full after 28 days (it is not permissible to be paid by instalments), Officer's authorised by Suffolk County Council must either institute court proceedings for non-attendance against the parent or mark the notice withdrawn under criteria 'D'.

6.11. Prosecution following non-payment of a penalty notice will follow the Suffolk County Council Attendance Enforcement Policy.

7. Escalation in cases of repeat offences

7.1. The first penalty notice issued to the parent for that pupil will be charged at £160 if paid within 28 days, reducing to £80 if paid within 21 days.

7.2. Where it is deemed appropriate to issue a second penalty notice to the same parent for the same pupil within 3 years of the first notice, the second notice is charged at a flat rate of £160 (if paid within 28 days).

7.3. A third penalty notice must not be issued within a 3-year period. Therefore, in cases where the threshold is met for a third (or subsequent) times within those 3 years, a penalty notice cannot be issued, and alternative action should be taken instead. This will often include considering prosecution but may include other tools such as one of the other attendance legal interventions.

7.4. If a pupil has moved school within the LA area in the previous 3 years, the process of referring to or checking with the LA (as set out in the Local Code of Conduct) will allow a check of whether a penalty notice (or notices) have been issued in the previous 3 years, without any additional checks being required.

7.5. In these cases, once 3 years has elapsed since the first penalty notice was issued to the parent, a further penalty notice can be issued if appropriate.

7.6. For the purpose of the escalation process, previous penalty notices include those not paid (including where prosecution was taken forward if the parent pleaded or was found guilty) but not those which were withdrawn. See [Appendix 2](#) for more detail.

7.7. If a pupil has moved school within the LA area in the previous 3 years, the penalty notice data base will identify previously issued Fixed Penalty Notices (FPNs).

8. Withdrawal of penalty notices

8.1. A penalty notice will be withdrawn in the following circumstances:

- A. The Notice was issued outside the terms of the schools' attendance policy.
- B. The penalty notice should not have been issued or was issued to the wrong person.
- C. The penalty notice contained material errors.

8.2. If the Notice is to be withdrawn, Officers of Suffolk County Council must write to the parent giving notice of the withdrawal and arrangements must be made to repay any monies paid.

8.3. There is no statutory right of appeal against the issuing of a penalty notice.

9. Payment of penalty notices

9.1. The penalty is payable to Suffolk County Council (details for payment will be contained in the penalty notice).

9.2. The **first** penalty notice issued to the parent for that pupil will be charged at:

- £160 if paid within 28 days.
- Reducing to £80 if paid within 21 days.

9.3. Where a **second** penalty notice to the same parent for the same pupil is issued within 3 years of the first notice, the second notice is charged at a **flat rate of £160** if paid within 28 days.

9.4. Payment of a penalty notice cannot be made by instalments.

9.5. Payment of a penalty notice discharges the parent's liability for the period to which the Notice relates.

9.6. Non-payment of a penalty notice is likely to result in further action being taken, to address the child's unauthorised absence including prosecution.

9.7. Penalties will be payable to Suffolk County Council. Any revenues collected will first be used for administration of the penalty notice system and prosecutions. Any surplus monies will be ring fenced for attendance support in line with the Working together to improve school attendance guidance.

10. Guidance for Educational Establishments

10.1. The Suffolk County Council Code of Conduct may be accessed by all schools, academies and free schools within the county of Suffolk.

10.2. Penalty notice referrals need to be submitted using the [FPN Portal](#):

10.3. Penalty notice referrals must be completed fully including all relevant data on the known parents and pupil.

10.4. Schools need to set and publish their own attendance policy which includes their own process for referrals for a penalty notice.

10.5. When establishing whether a previous penalty notice has been issued in another LA, schools can use cross border enquires by emailing: crossborder.penaltynotice@laname.gov.uk (replacing 'laname' with the issuing LA for the child's previous school).

Review of the Penalty Notice Scheme

The Penalty Notice Scheme will be reviewed at regular intervals (at least every 2 years) with amendments made as applicable at the review.

Appendix 1 - Notice to Improve template and process

School Attendance Notice to Improve

(Please read this letter carefully)



Address Starts Here]

School attendance is hugely important. For your child to gain the full benefit from their education, for their learning, wellbeing, and wider development, they need to attend on time, every day possible.

If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school, the child's parent may be guilty of an offence under s.444 Education Act 1996.

You, «**FORENAME**» «**SURNAME**» are a parent/carer of «**Students_Name**», (called in this notice "the pupil") who is a registered pupil at «**School_Name**».

The school have offered support to you and your family to try and help improve «**Students_Name**»'s attendance, including:

1. **Telephone calls.** The school contacted you when your child was absent to understand why your child was absent and to offer their support with any issues your child may be having.
2. **An Attendance Overview Letter.** The school wrote to you, letting you know about «**Students_Name**»'s attendance, the impact of their continued absence, and inviting you to contact the school to discuss the situation further.
3. **An Attendance Support Meeting Invite.** The school invited you to a meeting to discuss your child's unauthorised absences and to offer support to ensure that their attendance improved. You were notified of the consequences should your child continue to have unauthorised absence and you did not effectively engage with the support offered.

Unfortunately, despite the support that was offered to your family, attendance remains a cause for concern. Between «**WARNING_START_DATE**» and «**WARNING_END_DATE**» the pupil failed to attend regularly at «**School_Name**»,

which resulted in 10 sessions (half days) or more of unauthorised absences being recorded. Please see the attached registration certificate for details.


You now have thirty school days (6 weeks) in which to improve your child’s attendance. During this time your child must show significant improvements in attendance and avoid having any unauthorised absences from school during this period. Should we not see sufficient improvement and further unauthorised absences take place during this period, a penalty notice may be issued.

NB – If unauthorised absences are recorded, a penalty notice may be issued before the end of this improvement period.

More information regarding this notice can be found on Suffolk County Council website School Attendance page [School attendance - Suffolk County Council](#). If you wish to discuss this notice, or discuss what further support is available within school, please contact:

Contact Name: Preferred school contact name
Telephone: contact number
Email: email address for preferred school contact

Yours sincerely

<p><i>Signature</i></p> <p>Name Head Teacher «School_Name».</p>	 <p>Angela Coote Head of School Attendance Suffolk County Council</p>
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Appendix 2 – Escalation Process

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

Scenario	Counts towards the limit?
Penalty notice issued by any authorised officer and paid within 21 days.	Yes
Penalty notice issued by any authorised officer and paid within 28 days.	Yes
Penalty notice issued by any authorised officer but later withdrawn.	No
Penalty notice issued by any authorised officer. The penalty notice was not paid and the local authority prosecuted for the original offence but the Court found the parent not guilty.	No
Penalty notice issued by any authorised officer. The penalty notice was not paid and the local authority prosecuted for the original offence and the Court found the parent guilty.	Yes

The three-year period begins from the date of the first penalty notice issued on or after 19 August 2024. For example, if the first penalty notice is issued on 18 September 2024, a second penalty notice issued to that parent in respect of that child on or before the 17 September 2027 would be charged at £160. A third penalty notice could not be issued within that time frame and so in cases where the national threshold is met for a third or subsequent time, another action should be taken instead.

Appendix 3 – Frequently asked questions and illustrative examples

1. Do we have to issue a penalty notice every time the threshold is met?

No, when a school becomes aware that the national threshold has been met a penalty notice must be considered. A penalty notice should only be issued if it is the best tool for the individual circumstances of the case. Even then, it should only be used when support is not appropriate or where support is appropriate, has been provided and has not worked or not been engaged with.

2. What happens with existing cases and when do the new thresholds and escalation processes apply from?

The new rules only apply to offences committed from 19 August 2024-25. This means that any penalty notice issued for an offence prior to that date, must follow the existing rules in rules in the LAs current code of conduct. The 3-year rolling period can only be counted from 19 August 2024, therefore only penalty notices issued from that date will be counted in the escalation process. I.e. a penalty notice issued in the Summer term 2024 would not count regardless of the fact it was issued within the last 3 years. Similarly, the 10-school week period can only be counted from 19 August 2024 i.e. offences committed at the end of the Summer term 2024 will not count regardless of the fact they are in the last 10 school weeks.

3. If a pupil misses 10 sessions in a short time frame, do we have to wait until 10 school weeks have passed to issue a penalty notice?

No, it is a rolling period so a penalty must be considered as soon as the threshold is met. For example, a week of unauthorised holiday will itself normally meet the national threshold and there is no reason to wait to see if any further offences are committed.

4. Should a penalty notice be issued to one parent or all parents?

All parents can commit an offence under section 444 of the Education Act 1996 and therefore all parents liable for the offence may be issued a penalty notice in line with regulation 13 of the Education (Penalty Notices) (England) Regulations 2007. Usually, in deciding which parents to issue a penalty notice to, the LA should include all parents involved in failing to secure the pupil's attendance (e.g. who they were living with on the dates of the offences or which parents went on the unauthorised holiday.) The meaning of parent in relation to a child includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996.

5. I'm worried about how prosecution at the third offence will work in practice. Could a prosecution be taken forward if the previous offences were longer than 6 months ago?

LAs can prosecute whenever they feel there is sufficient evidence that the offence has been committed and it is in the public interest to do so. The Department is clear, that whilst LAs are independent prosecutors and must make the final decision, a third

offence following two out of court settlements shows that parental behaviour has not changed, and prosecution is a possible next step. The prosecution is for the latest offences committed regardless of whether this was a continuous or sporadic set of absences and not for those that contributed to the previous penalty notices. Since it is only the latest offence(s) being prosecuted and that must have happened within the 6 months before bringing the case to court it is unlikely that there will be an issue with timescales.

6. Hasn't a parent discharged any liability through paying a penalty notice – can prosecution be taken forward based on previous penalty notices?

If the prosecution is being taken forward because the parent has already reached the limit of penalty notices, the LA cannot raise previous out of court disposals before the parent has been found guilty. They should prosecute solely for the third (or subsequent) offence. If the LA wishes to set out the history of offending, they should submit any information regarding previous convictions or out of court settlements to assist the Magistrates in sentencing in line with existing procedures.

7. Can a penalty notice be issued to a parent of a pupil at an independent school?

No, parents of pupils at independent schools cannot be issued with penalty notices but can be prosecuted under section 444(1) or (1A).

8. Is there an upper threshold where a penalty notice is not appropriate? Should penalty notices be used as an early intervention tool or a last resort?

The National Framework does not set an upper threshold, but an assessment should always be made on a case-by-case basis whether a penalty notice is the best tool available to improve attendance in the specific case. The Department is clear that a penalty notice is unlikely to be effective where absence(s) are significantly higher than the national threshold e.g. where a pupil is absent from school for a prolonged period or in cases of persistent or severe absence, where a multi-agency response is required. Feedback suggests that they are most effective when used as a tool to encourage parents' engagement in support where progress is not being made without the Notice to Improve/penalty notice.

9. Who sends the 'Notice to Improve' letter and does it need to be a physical or can it be a digital?

The National Framework does not prescribe the process for issuing a Notice to Improve as LAs will want to coordinate this in different ways to suit their local contexts. LAs are expected to set out in their local code of conduct, how the Notice will be issued including whether it should be issued by the school or LA, or co-signed by both, and in what format.

10. Can a LA retain a threshold below the national threshold?

LAs can choose to issue a penalty notice for any offence. LAs are discouraged from setting an additional threshold to help improve consistency across areas of the country. However, LAs that wish to retain flexibility for individual cases are therefore advised to include a provision in their code of conduct to be clear, that although a penalty notice must be considered when the national threshold is met, authorised officers retain discretion to issue a penalty notice earlier.

11. Who makes the decision about whether sufficient support has been provided?

Whoever is issuing the penalty notice must decide whether proportionate support has been provided and whether that support has worked or not. Where there is dispute, authorised officers are expected to defer to the LAs judgement about whether sufficient support has been provided before issuing a penalty notice.

12. Does a penalty notice issued for a pupil found in a public place during the first 5 days of an exclusion count towards the escalation process or national limit?

No.

13. What should we do if a pupil is absent because they are waiting for support e.g. from an external agency? Would it ever be appropriate to issue a penalty notice in that case?

Decisions should always be made on a case-by-case basis by asking if a penalty notice is the best available tool to improve attendance for this family. If a pupil's absence requires support from an outside agency which is not provided quickly (e.g. subject to a waiting list) schools are expected to quickly consider other avenues of support or other temporary solutions whilst waiting. If a parent does not engage in the available support provided, the national threshold is met, and the school believes that a penalty notice or prosecution would change behaviour in this particular case, then that route can be taken. In complex cases such as these it would be important for the school and the LA to discuss the case before taking action.

14. Why did you decide on a threshold of 10 unauthorised sessions in 10 school weeks rather than 8 sessions in 8 school weeks?

Following analysis of the latest absence and penalty notice data, we estimated that a national threshold lower than 10 sessions of unauthorised absence in 10 school weeks, could result in an increase in prosecution rates (following unpaid penalty notices) that would be difficult for all LAs to implement. We think this is the right compromise, providing national consistency that all LAs can deliver. The department has committed to keeping this under review as national absence rates change in the future and the National Framework beds in.

15. Does the penalty notice escalation and limit on number that can be issued to a parent apply when the offences are in relation to different children?

No. The escalation and limit on penalty notices applies to a parent in respect of offences relating to an individual child. This means that a parent could receive a penalty notice for one child, and then one for a different child within 3 years, without the penalty notice amount increasing or the 2 penalty notice limit being reached.

Illustrative examples

In these examples the LAs issues penalty notices and the Notice to Improve but this does not have to be the case.

Example 1: A Y7 pupil has sporadic unauthorised absences at the start of the Autumn term. The school picks this up early and the head of year has a phone call with the parent to ask if any support is needed, particularly around the transition to secondary school, and the importance of good attendance habits. The parent says that it is just a matter of getting used to new routines. The absence continues and the national threshold is met. The school invites the parent to a meeting, but the parent does not attend. The school considers a Notice to Improve setting out a 4-week period of improvement with no unauthorised absences is likely to improve attendance. The LA sends the Notice to Improve, and no further unauthorised absences are taken over the monitoring period. The school monitors the pupil's absence closely to swiftly pick up any drop off in attendance for the remainder of the term.

Example 2: A pupil with attendance of 88% meets the national threshold in the Spring term. Prior to this, the school has had a number of conversations with the parents about attendance concerns and the parents have said that they are struggling with routines and boundaries at home. There are also some financial and housing issues that are barriers to attendance. As the barriers are complex, school offer and the family accept an early help assessment. No legal action is taken.

Example 3: A Y10 pupil is absent every Friday for 5 weeks for unauthorised reasons, meeting the national threshold. The parent says that it is because the pupil is tired and they cannot get them out of the house. The parent is willing to work with the school and asks for support in motivating their child to attend. The school considers that a penalty notice would not be helpful in this situation because support can be provided but that a formal agreement such as a parenting contract is likely to be effective. The LA and the school meet with the parents and pupil to agree actions through the parenting contract.

Example 4: A parent applies for a week's leave of absence for a family holiday in term time. The school refuses the request and talks to the family about their legal duties for ensuring their child's regular attendance, the impact of absence, and the important topics that would be missed. The school also sends a letter to confirm the refusal and sets out the risk of legal action if the holiday is taken. The family takes the holiday, and the absence meets the national threshold. The school considers that

a penalty notice may change future behaviour and prevent further term-time holidays and so requests that the LA issues one. The LA reviews the request, issues the penalty notice to the parent and warns the parent that future offences may result in a higher penalty amount or prosecution. The LA keeps a record of the action and informs the school of the outcome (i.e. whether it is paid/withdrawn etc) (this applies in all examples).

Example 5: A pupil is absent for 4 weeks due to visiting family abroad and this absence is recorded as unauthorised by the school. A similar length of absence was also taken in the previous school year for the same reason and a penalty notice was issued and paid. Following this, the school attempted to explain the parents' legal duty and the impact on learning, but the family refused to attend a meeting or answer the phone. The school considers that another penalty notice, even at the higher amount for a second offence, is not likely to change the parents' behaviour due to the severity and pattern of the absence. The school discusses the case with the LA who agrees to prosecute the case.