



www.notfineinschool.co.uk

Fines and prosecution data 2023-2025

An exploration of the key themes and localised variance in use of Fixed Penalty Notices for irregular school attendance

Background

In August 2024 new legislation was implemented in a bid to remove variances across England¹ in the issuing of fines for irregular school attendance. Called the National Framework for Penalty Notices, its aim was to standardise the number of missed sessions for which a penalty notice could be issued, and the circumstances in which this could apply, in order to align with the Department for Education's 'Support first' approach.

It was introduced because the Department for Education (DfE) had observed that some local authorities (LAs) were fining parents more regularly for shorter absences, whilst others levied far fewer fines overall, or only issued a fixed penalty notice (FPN) after a much longer period of absence. In a memorandum² issued to explain the new legislation, it states:

5.3 "Each local authority in England previously set its own circumstances in which a penalty notice was considered appropriate, and this led to significant variation across the country and unfairness for parents. In the last full year of data before this instrument this meant that 22 out of 153 local authorities issued over half of all penalty notices for absence. This instrument introduces a standard national threshold of 10 sessions of absence in 10 school weeks, at which penalty notices are considered by all schools regardless of local authority area so the rules are clear for parents and unfairness is reduced."

The most recent data available at the time was for the 2022/23 academic year, during which a total of 398,796 fines were issued, with 89% of those issued for term-time holidays (see figure 4).

When the new Framework came into effect, there were around 60,000 members in the Not Fine in School (NFiS) peer support group. Discussions around threats of fines and prosecution for non-attendance for reasons other than term-time holidays came up

¹ Education is devolved in Scotland and Wales.

² https://www.legislation.gov.uk/uksi/2024/210/pdfs/uksiem_20240210_en_001.pdf



S Q U A R E P E G

frequently, and there was a great deal of trepidation about the forthcoming Framework, and what it would mean for families with children who were experiencing barriers to school attendance, leading to sometimes intermittent, sometimes extended, absences.

A common theme – both then and now – in the group is parents reporting that their child's absences are being marked as unauthorised. This was evidenced in a detailed survey undertaken a year earlier³, with 70% of families reporting that they had experienced absences marked with code O: Absent from school without authorisation.

Unauthorised absences of any kind leave NFIS families exposed to the risk of fines and prosecution.

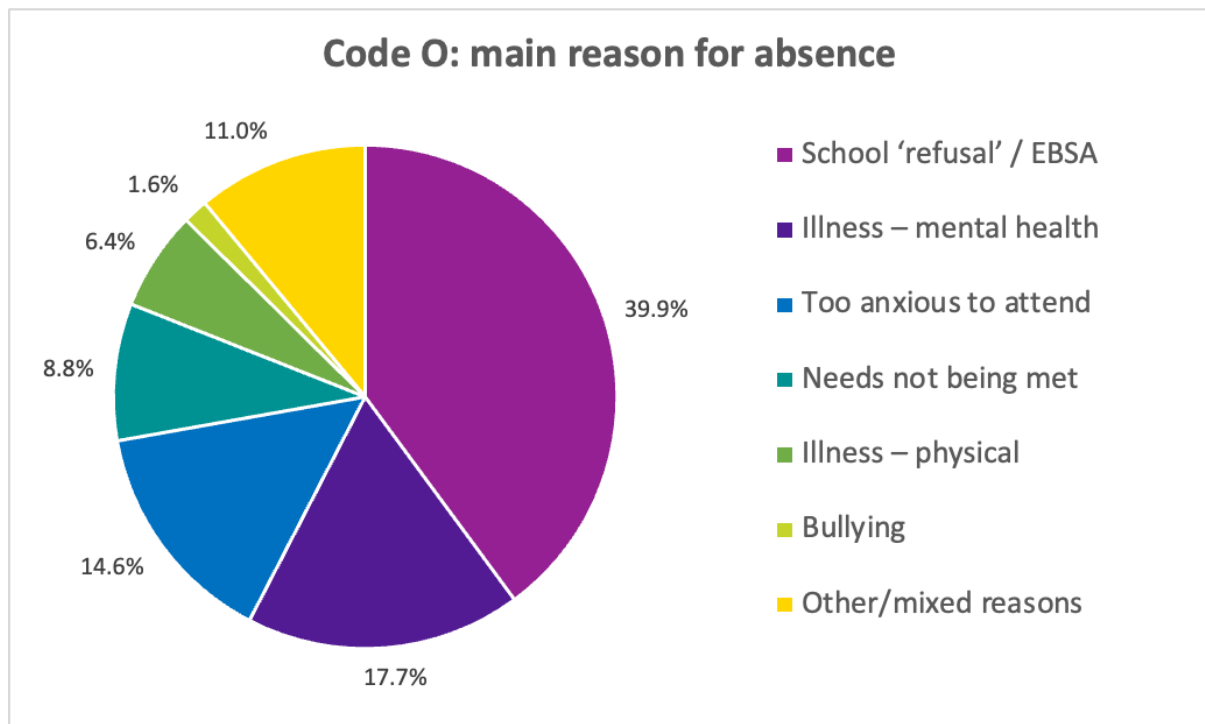


Figure 1 – main reason given by parents for their child's absence from school, where absences have been marked with Code O

In July 2025, Square Peg held a round table discussion in Doughty Chambers to consider the nature of the current penalty system for school non-attendance, including the Strict Liability offence of Section 444 (1) of the Education Act 1996⁴ (Failure to secure regular attendance) and the paper-based Single Justice Procedure (SJP), a streamlined legal process designed to handle minor criminal offences more efficiently and which is also used for anti-social behaviours such as parking fines and speeding tickets.

³ <https://notfineinschool.co.uk/home/f/unauthorised-absences>

⁴ Section 444 of the Education Act 1996 in England is the primary legislation that determines the legal consequences for parents who fail to ensure their child's regular attendance at school. It outlines the specific offences and potential penalties.

Initial findings for 2023/24 data

As part of the original research ahead of the Doughty Chambers event, the publicly available data for Parental Responsibility Measures was accessed for the 2023/24 academic year. Areas of interest were the local variations reported by the DfE, as well as the reasons recorded for the penalty notices. In that period, 91% of fines issued were for term-time holidays, a 2-point increase on the previous year. However, that still meant that 9% of fines were being issued for reasons other than term-time holidays.

As a result of the analysis it was found that there was significant variation in 1) the rate of penalty notices issued per pupil enrolment, and 2) the ratio between penalty notices issued for unauthorised term-time holidays and those issued for other unauthorised reasons across England. This was clear from the regional data, but there was significantly greater variation at a local authority level. The analysis supported the Department for Education's rationale for introducing the new Framework, but also raised some concerns about why there was such variation and whether the new Framework would improve the situation for Not Fine in School families.

The Education Policy Institute (EPI) has recently released some interesting analysis on the published penalty notice figures for the academic year 2024/25, in an article titled 'The postcode lottery of absence fines'⁵. There is inevitably some overlap between the EPI's report and this one, and similar findings in terms of local variation; however, the EPI includes analysis of absences per area and whether higher rates of absenteeism lead to higher rates of penalty notices, which this report does not cover.

Penalty notice data

The data lags, so is only available for previous full academic years, and only around six months after the academic year has ended.

Total number of penalty notices (PNs) for unauthorised absences issued 492,825 in 2024/25 academic year. Increased from 487,344 in 2023/24. What are penalty notices? 	Total number of penalty notices (PNs) for unauthorised absences issued 487,344 in 2023/24 academic year. Increased from 398,796 in 2022/23. What is this? 
Main reason for issue: Unauthorised family holiday absence 459,288 in 2024/25 academic year. Increased from 443,322 in 2023/24 What are penalty notices for holiday absence? 	Main reason for issue: Unauthorised family holiday absence 443,322 in 2023/24 academic year. Increased from 356,181 in 2022/23. What is this? 

⁵ [The postcode lottery of absence fines - Education Policy Institute](#)

Figures 2 and 3: headline stats taken from the DfE's latest data releases for Parental responsibility measures, for 2024/25 (left) and 2023/24 ⁶

The headline data certainly paints a convincing picture: for the 2024/25 academic year, 93% of penalty notices issued were for unauthorised family holidays taken during term time. This is an increase from the previous two academic years where 91% (2023/24) and 89% (2022/23) were issued for the same reason⁷.

However, is this consistent at regional and local authority levels, and what impact has the new Framework had?

• Penalty notice categories

There are three possible categories available to local authorities when recording penalty notices for irregular school attendance, as shown in figure 4 (below):

- 1) Unauthorised family holiday absence
- 2) Arriving late
- 3) Absence due to other unauthorised circumstances.

Penalty notices issued for lateness are negligible, with a national average of just 0.2%. Most regions have rates between 0.1% and 0.4% of all fines levied in both academic years, except for the outlier of London (see figure 6); the bulk of fines issued which do not fall into the first category come under the third.

Penalty notices by main reason in England between 2018/19 and 2024/25

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Main reason for issue: Unauthorised family holiday absence	288,239	x	34,933	186,281	356,181	443,322	459,288
Main reason for issue: Arriving late	1,164	x	82	1,269	985	1,086	1,424
Main reason for issue: Absence due to other unauthorised circumstances	43,985	x	10,794	30,685	41,630	42,936	32,113

⁶ [Release home - Parental responsibility measures - Explore education statistics - GOV.UK](#)

⁷ Note that in 2022/23 and 2023/24 it was also possible for family holidays in term time to be authorised by a school, albeit in exceptional circumstances. However, Code H was not included in the list of authorised absence codes when [The School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#) were introduced.

Figure 4: Summary data table⁸ from the Department for Education showing the split of reasons for penalty notices between 2018 and 2025.

For Not Fine in School families, the interest lies in this same category; Absence due to other unauthorised circumstances is as non-descript as code O in the school attendance register. It's often referred to as 'truancy', but in principle covers a number of circumstances for which there is no data.

- **Penalty notice data by region**

There are nine regions⁹ included in the data, with notable variances in both the rates of issue of penalty notices as well as the rates for each category. Yorkshire and The Humber consistently has the highest rate of penalty notices per pupil enrolment in every academic year for which there is data, with this peaking in 2023/24 at 10.7% (nearly 3 percentage points more than the next highest region, East Midlands). This compares to the lowest rate in London – 3.5% – for the same period.

Of the notices issued during the same academic year (2023/24) in Yorkshire and the Humber, 94.1% were for holidays; for London this figure was 93.1%. These are very similar, and compare well to the national average of 91%.

At first glance a similar pattern emerges for the 2024/25 academic year, where Yorkshire and the Humber remains high, with 10.3% of pupil enrolments receiving a penalty notice, with 94.3% issued for holidays. London is the lowest again at a rate of 3.6% of all pupil enrolments incurring a fine, but during this period only 80.8% of penalty notices issued in London were for term-time holidays. London was also one of five regions which increased in its rate of penalty notices issued per pupil enrolment (see figure 5).

⁸ [Release home - Parental responsibility measures - Explore education statistics - GOV.UK](#)

⁹ The 2023/24 data actually includes ten regions, with London split into two (Inner and Outer). However, this is presented as one region in the 2024/25 data. Therefore in this report the 2023/24 figures for Inner and Outer London have been aggregated into a single London figure.)

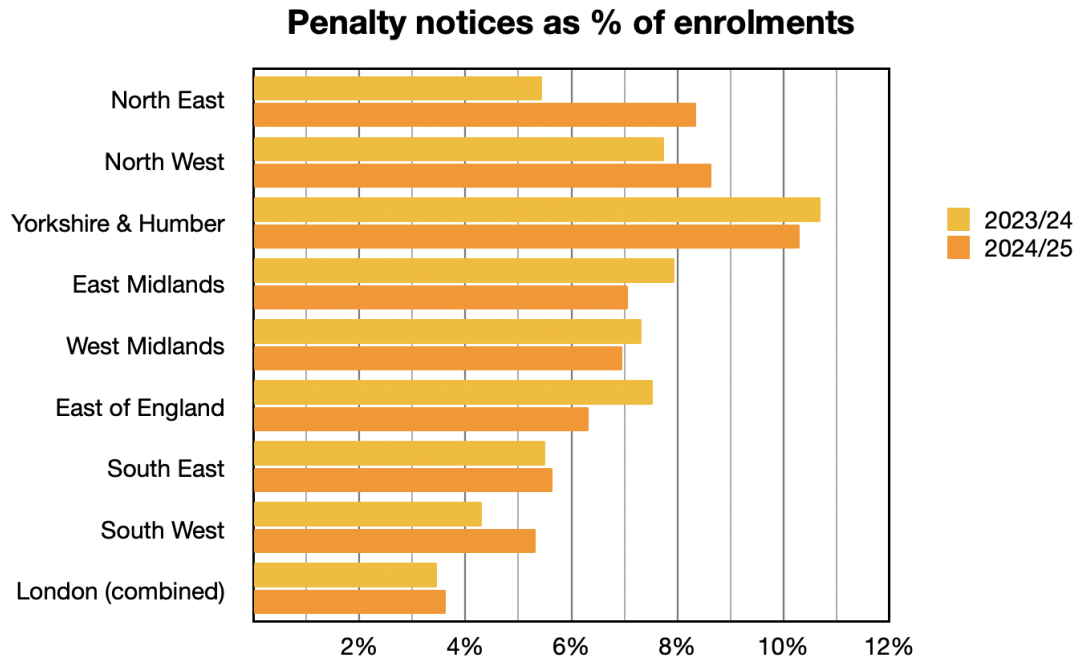


Figure 5, showing penalty notices issued as a percentage of total enrolments in each region for 2023/24 and 2024/25.

This variance in the reasons behind the penalty notices raises questions. How can one region shift its approach so significantly from one academic year to the next, bucking the overall trend of an increase in penalty notices for term-time holidays?

In the 2023/24 data, penalty notices issued for Other reasons shows marked variation, with a range between 3.8% (West Midlands) and 23.3% (East of England). The National Framework introduced in 2024 appears to have had an impact at a regional level, as the range reduces to between 3.6% (West Midlands) and 16.3% (London). East of England has reduced its rate of issuance for Other reasons to the second lowest of all regions in 2024/25, to just 4.2%. This is a noticeable change in either policy or application of the new framework, as prior to this the East of England had consistently issued one in four fines for Other Reasons since 2021/22.

	Holiday		Other		Lateness	
	2023/24	2024/25	2023/24	2024/25	2023/24	2024/25
NATIONAL	91.0%	93.2%	8.8%	6.5%	0.2%	0.3%
North East	93.6%	95.0%	6.4%	4.9%	0.0%	0.1%
North West	91.8%	95.4%	8.1%	4.6%	0.1%	0.0%
Yorkshire & Humber	94.1%	94.3%	5.9%	5.6%	0.0%	0.0%
East Midlands	93.1%	93.1%	6.9%	6.9%	0.0%	0.0%
West Midlands	96.1%	96.3%	3.8%	3.6%	0.1%	0.1%
East of England	76.7%	95.7%	23.3%	4.2%	0.0%	0.0%
South East	92.1%	91.9%	7.5%	8.0%	0.4%	0.1%
South West	89.8%	91.4%	10.0%	8.5%	0.2%	0.2%
London (combined)	93.1%	80.8%	5.3%	16.3%	2.6%	2.9%

Figure 6, table showing regional variation in rates of issue for penalty notices for 'Other' reasons.

• Penalty notice data by local authority

16 local authorities had a penalty notice issuance rate of 1% or less in 2023/24. At the other end of the scale, 30 local authorities had an issuance rate of 10% or higher, with Barnsley top of the pile at 19.5% – that's one fine per five pupil enrolments.

Local authority data, lowest rates of issue 2023-24

	Holiday	Other	Lateness	Overall PN rate
Warrington	0.0%	0.0%	0.0%	0.0%
Greewich	0.0%	100.0%	0.0%	0.0%
Cumberland	72.5%	27.5%	0.0%	0.2%
Southwark	100.0%	0.0%	0.0%	0.3%
Westmorland and Furness	82.0%	18.0%	0.0%	0.3%

Local authority data, highest rates of issue 2023-24

	Holiday	Other	Lateness	Overall PN rate
Barnsley	93.8%	6.2%	0.0%	19.5%
Doncaster	90.9%	9.1%	0.0%	17.6%
Rochdale	87.4%	12.6%	0.0%	17.0%
Bolton	87.3%	12.6%	0.1%	16.5%
Wakefield	97.5%	2.5%	0.0%	16.5%

Figures 7 & 8, showing lowest and highest rates of issue for penalty notices at local authority level in 2023/24, with overall rates as well as breakdown between categories. Note that two other LAs also registered a 0% FPN rate, but both have sub-300 pupil enrolments, so have been omitted from this table

In 2024/25 only seven local authorities had an issuance rate below 1%, and 25 had a rate higher than 10%. Barnsley once again had the highest rate of 17.1%, albeit nearly 2.5 percentage points lower than the previous year.

Local authority data, lowest rates of issue 2024/25

	Holiday	Other	Lateness	Overall PN rate
Warrington	100.0%	0.0%	0.0%	0.5%
Enfield	96.8%	3.2%	0.0%	0.6%
Kensington & Chelsea	96.1%	3.9%	0.0%	0.7%
Richmond upon Thames	98.9%	1.1%	0.0%	0.7%
Kingston upon Thames	92.0%	8.0%	0.0%	0.8%

Local authority data, highest rates of issue 2024-25

	Holiday	Other	Lateness	Overall PN rate
Barnsley	98.0%	2.0%	0.0%	17.1%
Oldham	96.0%	4.0%	0.0%	15.4%
Hartlepool	93.6%	5.2%	1.2%	14.6%
Rochdale	85.1%	14.9%	0.0%	14.1%
Blackpool	99.8%	0.2%	0.0%	14.0%

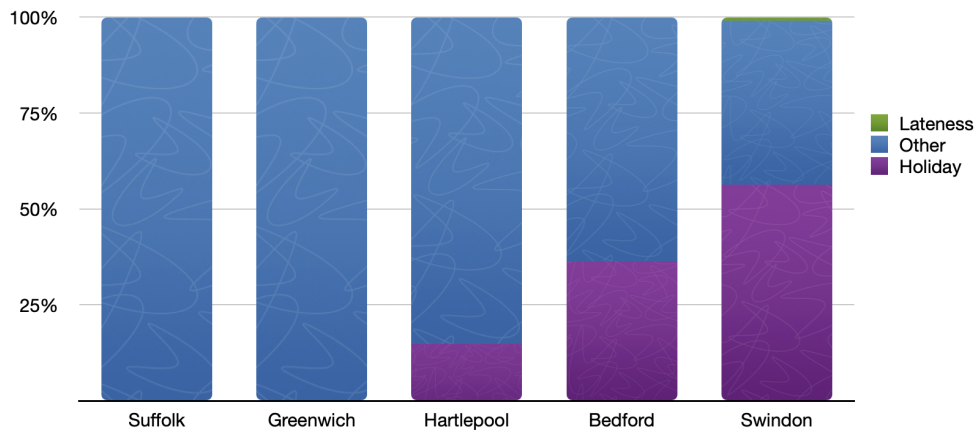
Figures 9 & 10, showing lowest and highest rates of issue for penalty notices at local authority level in 2024/25, with overall rates as well as breakdown between categories.

The discrepancy between fines issued for Holidays and Other reasons is even more pronounced when looking primarily at the rates of FPNs issued for Other reasons.

In 2023/24 Suffolk cited Other reasons for 100% of its fines, as did Greenwich (albeit for only six penalty notices in total), with Hartlepool recording Other for 85.1% and Bedford 63.6%. In total, 15 LAs issued fines for Other Reasons in one in five cases or greater.

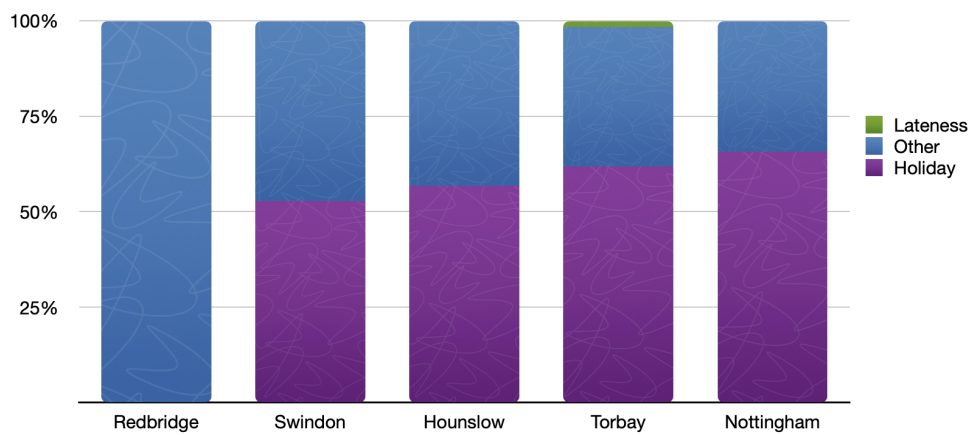
In 2024/25 the outlier was Redbridge, with 100% of fines issued for Other reasons and was one of nine local authorities which issued 20% or more of fines with this categorisation. Hartlepool and Bedford have vastly different rates to the previous year (5.2% and 15% respectively).

Top five LAs with highest rates of PNs issued for 'Other' in 2023/24



	Holiday	Other	Lateness	Overall PN rate
Suffolk	0.0%	100.0%	0.0%	12.9%
Greenwich	0.0%	100.0%	0.0%	0.0%
Hartlepool	14.9%	85.1%	0.0%	1.7%
Bedford	36.4%	63.6%	0.0%	2.9%
Swindon	56.4%	42.6%	0.9%	9.2%

Top five LAs with highest rates of PNs issued for 'Other' in 2024/25



	Holiday	Other	Lateness	Overall PN rate
Redbridge	0.0%	100.0%	0.0%	8.0%
Swindon	52.7%	47.1%	0.2%	7.7%
Hounslow	56.8%	43.2%	0.0%	2.5%
Torbay	61.9%	36.5%	1.6%	5.7%
Nottingham	65.6%	34.4%	0.0%	8.2%

Figures 11 and 12, showing top five LAs for each academic year with the highest use of Other reasons categorisation for penalty notices.



Figure 13, showing comparison for penalty notices issued for other reasons for the nine LAs included in the tables shown in figures 11 and 12.

Of course, there could be multiple factors in this localised variation. As the EPI notes in its report, *“While these regional differences may be partially driven by varying pupil characteristics and local contexts – which we do not account for in this analysis – a disparity of this size suggests that local approaches to unauthorised absences and fines remain an important factor.”*

For families with children who face barriers to school attendance, this matters. What lies behind this data? Could the higher rates of FPNs for Other reasons suggest that in some areas the Support first principle isn’t being followed, or that FPNs are being miscoded? Could it also indicate that in an area where there’s only one main academy trust operator which runs a significant number of schools, that non-compliant school attendance policies are also impacting the figures?

Other inconsistencies

Processes at local authority level seem to be inconsistent, too.

• Withdrawal rates and reasons

In 2023/24 Wiltshire – with an FPN issuance rate of 5.3% (85.8% of which were for holidays) – withdrew 84.8% of its penalty notices, with only 13.6% being paid. Only one person was prosecuted for non-payment.

In contrast, Birmingham LA – with an FPN issuance rate of 8.4% (95.9% of which were for holidays) – withdrew only 2.3% of the notices in 2023/24, and took 1,457 cases to prosecution stage.

In the following academic year (2024/25), Waltham Forest issued 1068 penalty notices (rate of 3%). Only 46.1% of these were paid, with 45.5% withdrawn. Other local authorities nearby – Enfield and Barnet – also withdrew 44.1% and 35.1% respectively.

When a penalty notice is withdrawn, LAs can select one of four reasons for doing so. These are as follows:

- 1) **Conduct** – the Penalty Notice has not been issued in accordance with the Code of Conduct
- 2) **Wrong issue** – evidence has been established that the Penalty Notice was issued to the wrong person
- 3) **Material error** – there are material errors in the information leading to the issue of the Penalty Notice
- 4) **Expiry no legal** – the period for payment has expired and the Local Authority does not intend to institute legal proceedings for which the Penalty Notice relates.

The distribution of reason code given for withdrawal is as varied as the rest of the penalty notice data, with little consistency between local authorities or from one academic year to the next.

For example, Oxfordshire issued 666 FPNs in 2023/24 (low issuance rate of 0.8%). Of these 26.1% were withdrawn, just under two thirds were because of Material error and one third for Wrong issue. In 2024/25 the number of penalty notices issued more than quadrupled to 2,864 with a very similar number of pupil enrolments (issuance rate of 3.3%). Just over a quarter of these FPNs were withdrawn, with 61.8% for Conduct and 27.3% for Expiry no legal.

• Use of other attendance tools

Parenting orders, parenting contracts and Education Supervision Orders (ESOs) are tools available to local authorities as alternatives to fines. Their usage varies significantly, with most LAs using neither Parenting orders nor ESOs, something which has been highlighted by the DfE¹⁰. Around half of LAs also didn't record the use of a single Parenting contract in 2023/24.

¹⁰ [Release home - Parental responsibility measures - Explore education statistics - GOV.UK](#)

Attendance case management, parenting contracts, parenting orders, ESO in England between 2018/19 and 2024/25

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Total number of cases of attendance case management	82,147	x	39,712	68,176	77,106	80,065	87,859
Number of parenting contracts offered	18,254	x	7,809	14,853	13,564	14,917	14,159
Number of parenting orders made by the courts	117	x	8	38	30	40	29
Total number of education supervision orders issued	34	x	17	33	46	30	52

Figure 14 with DfE summary of other attendance tools used in the past seven academic years.

• Reliability of reasons given for penalty notices

As well as hearing from parents who are being fined and prosecuted for absences other than holidays in the group, there are also stories from parents who have received fines issued in error for term-time holidays, when no such event has occurred. Evidence of medical appointments during the period in question as well as other time-stamped evidence such as video doorbell footage has been used to challenge such instances.

Therefore, we believe that caution should be exercised when reviewing the statistics. Whilst 93% of penalty notices are purportedly for term-time holidays, the fact that one in three local authorities has a recorded withdrawal rate of 40% or higher for 'Wrong issue' in 2024/25 – an almost identical rate to 2023/24 – suggests that the process at local authority level is far from perfect and errors are being made at a worryingly high rate.

Summary

The data available for Parental Responsibility measures illustrates that the National Framework for Penalty Notices has had mixed impact on the behaviour of local authorities. The variability that was present prior to its introduction still exists, but some changes in both the rates of issue and the reasons for issue have occurred which don't align with the national averages. This leaves families of children who have barriers to school attendance vulnerable based on their location. They may fall foul not only of school policies which go against the statutory guidance, but also of the policies implemented by their local authority.

Even where penalty notices are not issued to families of children who face barriers to school attendance, the threat exists. Parents are too often reminded of their statutory duty, when in fact they are crying out for support and understanding.

In the 2023 survey on Unauthorised absences, more than half of parents reported being threatened with fines or prosecution for their child's irregular attendance. This included verbal threats and written warnings.

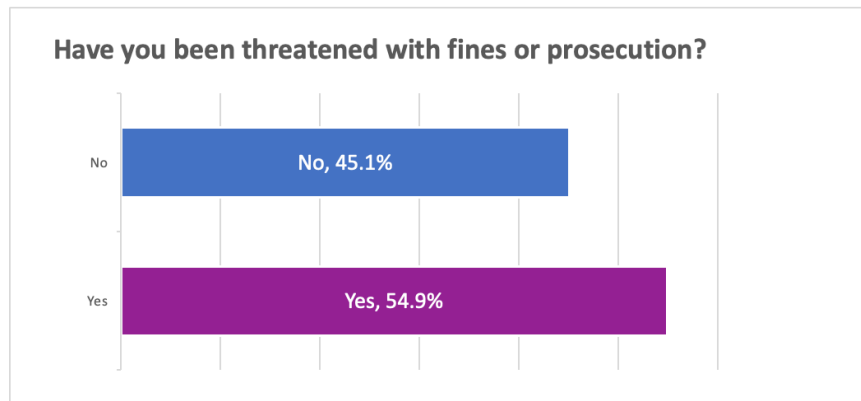


Figure 15 – percentage of parents threatened with fines or prosecution under current truancy laws

It's not just parents being threatened: half of respondents also stated that their child has been told that their parents could end up in prison if they (the child) doesn't come to school, as shown in figure 16. This can cause further harm in what might already be challenging family environments, and serves only to damage an already strained relationship between parents and schools.

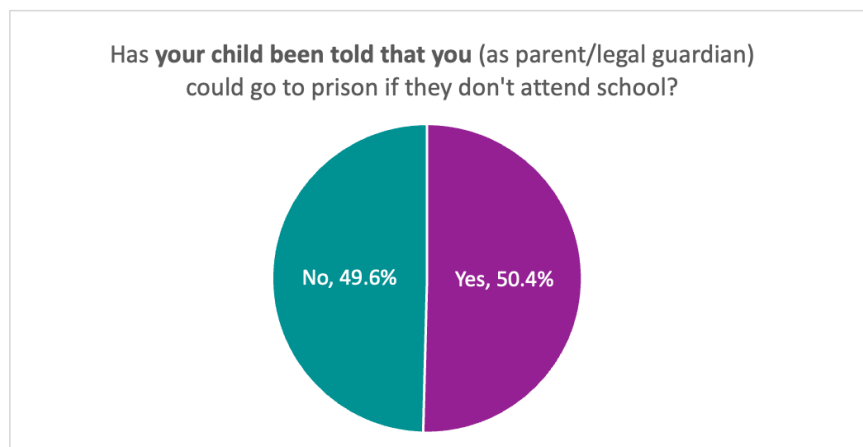


Figure 16 – split of children being told that parents will be penalised for school absence.

Lastly, whilst it's important to have and consider the data concerning Parental responsibility measures, by stark comparison there are no similar measures to which schools and local authorities can be held accountable.

As Dr Beth Bodycote, director of Not Fine in School CIC, writes in her thesis, *“Effective working relationships are built upon shared agency and respect, which requires equal*

accountabilities for ALL partners. Yet again, penalties are only considered applicable for parents, whilst it is widely recognised that schools and LAs can ignore legislation and guidance because no one effectively holds them to account.”

With the National framework seemingly offering little reassurance that it’s a more level playing field across England’s regions and local authorities, it seems that further work is needed to ensure that families with school attendance barriers do not fall foul of these measures. Families want what is best for their children, and blunt tools such as penalty notices do little to improve the situation. Parents often resort to deregistering their child from school so as to avoid being penalised for situations over which they have little control.