

Tuesday 16 July 2024

Dear Parents and Carers,

**IMPORTANT CHANGES TO THE LAW REGARDING PENALTY NOTICES FOR
UNAUTHORISED ABSENCE FROM SCHOOL**

A new National Framework for Penalty Notices for school absence, including unauthorised holiday absence, is being introduced following changes to the law. These new Government regulations will come into effect from 19 August 2024 and we wanted to bring this to your attention now, as it will affect how penalty notices are issued across England.

What are the changes?

- **Per parent, per child**

Penalty notice fines will now be issued to each parent, for each child that was absent. For example: 3 siblings absent for unauthorised absences, would result in each parent receiving 3 separate fines.

- **10 sessions of unauthorised absence in a 10-week period**

Penalty notice fines will be considered when there have been 10 sessions (5 days) of unauthorised absence in a 10 week period. These sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence taken in 1 week and 1 per week for the next 4 weeks).

- **First offence**

The first time a penalty notice is issued the amount will be:

- £160 per parent, per child paid within 28 days
- Reduced to £80 per parent, per child if paid within 21 days

- **Second offence (within 3 years)**

The second time a penalty notice is issued the amount will be:

- £160 per parent, per child paid within 28 days
- There will be no offer of a reduction in rate

- **Third offence and any further offences (within 3 years)**

The third time an offence is committed for unauthorised absences a penalty notice will not be issued. The local authority will instead consider other legal options to improve attendance and this could include prosecution. If prosecution in the Magistrates Court is deemed appropriate, fines can be up to £2500.

- **New two penalty notice limit in a three-year period**

The three-year rolling period starts for parents when the first penalty notice is issued to them after the 19 August 2024.

Further information can be found at: www.gov.uk/government/publications/working-together-to-improve-school-attendance. Please see FAQs attached with more information about how the new rules may affect you.

For specific information about how your child's school supports attendance please see the attendance policy on the school website.

Yours sincerely



Louise Tanner
Interim Head of Learning and Achievement

FAQs

Why is school attendance important?

Every moment in school counts and days missed add up quickly. Evidence shows that pupils who have [good attendance](#) enjoy better wellbeing and school performance than those who don't.

There are only a [few circumstances where a child is allowed to miss school](#), such as illness or where the school has given permission because of an exceptional circumstance.

What should I do if I am worried about my child's attendance?

In the first instance you should contact your child's school and ask for advice on how you can work together to improve the situation. You can also access information on Herefordshire Council website [School attendance and absences – Herefordshire Council](#).

If I have been issued with a penalty notice before 19 August 2024, will this be counted if I am issued with another penalty notice from September onwards?

No, the new limits come into effect from 19 August 2024.

If I have already booked a holiday for next year, could I receive a penalty fine at the new higher rate?

Yes, if the absence has not been authorised by the Headteacher of your child's school. Schools can only grant a leave of absence during term time in exceptional circumstances. Please see your school attendance policy for full details.

Who can be issued with a penalty notice?

Each parent can receive a fine for each child who has had unauthorised absence from school. In education law, anyone who lives with a child and who has day-to-day care of the child is also considered to be a parent whether they are the biological parent or not. For example, this will include step-parents and partners.

Do the new rules only apply to holidays during term time?

No, it applies to all unauthorised absence from school including holidays. Unauthorised absence includes other absence that has not been agreed such as truancy, arriving late after the register has closed and failing to provide reasons for absence.

What happens if I am issued with a penalty fine and I don't pay it?

Unauthorised absence from school is an offence under s444 of the Education Act 1996. A penalty fine is an opportunity for you to settle out of court. If you don't take this opportunity, you can be prosecuted for the offence of failing to ensure your child's regular attendance.