

# ASHWELL PRIMARY SCHOOL



DFE ATTENDANCE CHANGES

SEPTEMBER 2024

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

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- 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 when penalty notices are issued in Hertfordshire.



**IMPORTANT  
NOTICE**

# WHAT ARE THE CHANGES?

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1. There will be a new national threshold of 10 unauthorised sessions for any reason (equivalent to 5 school days) within a rolling 10 school week period for when a penalty notice must be considered.
2. The new rules mean you will no longer be able to take your child out of school for one week's holiday without a penalty notice being issued.
3. There will be an increase in the penalty fine from £60 to £80 if paid in 21 days. If the fine is not paid by the first 21 days, it will rise to £160 if paid within 28 days of being issued.
4. If a second penalty fine is issued to the same parent for the same child within a 3-year rolling period, the fine will automatically rise to £160 with no option to pay the lower rate of £80.
5. If a parent then commits a third offence in a 3-year rolling period, the local authority will need to consider other enforcement options available to them. (Case presented to magistrate's court, fines up to £2500, parenting orders etc.)

# PENALTY NOTICE FINES FOR SCHOOL ATTENDANCE IS CHANGING

## 1

### FIRST OFFENCE

The first time a Penalty Notice is issued for Term Time Leave or irregular Attendance the amount will be:

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

## 2

### SECOND OFFENCE (WITHIN 3 YEARS)

The second time a Penalty Notice is issued for Term Time Leave or Irregular Attendance the amount will be:

£160 per parent, per child to be paid within 28 days. No reduced rate will be offered.

The following changes will come into force for Penalty Notice Fines issued after **19th August 2024**.

## 3

### THIRD OFFENCE AND ANY FURTHER OFFENCES (WITHIN 3 YEARS)

The third time an offence is committed for Term Time Leave or Irregular Attendance a Penalty Notice will not be issued, and the case will be presented straight to the Magistrates' Court. Magistrates; fines can be up to £2500 per parent, per child.

Cases found guilty in Magistrates' Court can show on a Parents future DBS certificate, due to failure to safeguard a child's education'.

### 10 SESSIONS (5 DAYS) OF UNAUTHORISED ABSENCE IN A 10-WEEK PERIOD

Penalty Notice Fines will be considered when there has been 10 sessions of unauthorised absence in a 10-week period.

# ADDITIONAL INFORMATION & EXAMPLE SCENARIOS

- The threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. A school week means any week in which there is at least one school session. The threshold may be met with any combination of the following:
  - unauthorised absence codes – i.e.,
    - G (unauthorised leave/holiday taken during term time),
    - O (unauthorised absence)
    - U (arriving late after registers have closed)

The following examples demonstrate how the national threshold of 10 sessions within a 10-school week period might be triggered (please note that this is not an exhaustive list):

- 4 sessions (2 days) of holiday taken in term time plus 6 sessions of arriving late after the register closes all within 10 school weeks.
- 10 consecutive sessions (5 school days) of holiday absence (G coded)
- 6 sessions of unauthorised absence taken in one week and 1 further session of unauthorised absence, per week, for the next four weeks.

The period of 10 school weeks can also span different terms or school years.

- For example, 2 sessions of unauthorised absence in the Summer Term and a further 8 sessions recorded within the following Autumn Term.
- 5 separate days of absence (10 sessions) taken over a number of weeks. For example, a pupil who fails to attend school on Fridays on five separate occasions within a 10-school week period.

# Penalty Notice Fines for School Attendance are changing!



## Per Parent, Per Child

Penalty Notice Fines are issued to each parent, for each child that was absent. For example: 3 siblings absent for term time leave, would result in each parent receiving 3 separate fines.

Parent refers to anyone with parental responsibility and may include carers, step-parents, grandparents or any other adult with parental responsibility.

## National Threshold

There will be a single consistent national threshold for when a penalty notice **must** be considered by all schools in England of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence. The 10-school week period can span different terms or school years.

## First Offence

The first time a Penalty Notice is issued for term time leave of absence or unauthorised absence 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 for unauthorised absence the amount will be:

- £160 per parent, per child within 28 days

## Third Offence and Any Further Offences (within 3 years)

The third time an offence is committed a Penalty Notice will not be issued and the case will be presented straight to the Magistrate's Court.

- Prosecution can result in criminal records and fines up to £2,500
- Cases found guilty in Magistrates' Court can show on the parent's future DBS certificate due to 'failure to safeguard a child's education'

# WHAT ARE THE IMPLICATIONS OF THESE CHANGES?

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- At Ashwell, under the old legislation with the threshold at 15 unauthorised session, in 2023-24 academic year, we issued 8 FPN application packs across 4 children, 1 per child per parent.
- If we were to apply the new legislation to the 2023-24 data, so 10 unauthorised sessions being the limit, we would have had to complete 56 FPN application packs across the school!
- The changes mean much stricter processes and protocols. There will be no more warning letters in the lead up to meeting the threshold, as soon as the threshold of 10 is met, a FPN is applied.
- If parents to continue to take term time holiday, it is going to mean a huge increase in administration work hours for our office and Headteacher!

# SO, WHAT DO WE NEED TO DO AND WHAT IS CHANGING IN SCHOOL?

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- Local Authority Guidance has been issued to Headteachers and as a result the following will change from the beginning of this term – this is fully detailed in our new Attendance Policy:
  1. The School's Attendance Policy has been updated in line with the Local Authority model.
  2. There will be a new process and protocol for 'requesting' absence in term time:
    - Parent will need to complete the new HCC Absence Request form and submit it to the Headteacher with as much notice as possible (ideally this should be prior to making any booking for you to be making an informed decision knowing the implications).
    - We are no longer able to accept holiday requests / notification in any other way (verbally or via email etc.) The new form MUST be used.
  3. For us to support parents understand the implications of their decisions to book holidays, we would like to change the current mindset and habit of parents 'notifying' us of a leave of absence (often at very short notice) to parents 'Requesting / Applying' for a leave of absence prior to making a booking and with as much notice as possible to attempt to avoid issues.







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

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

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

A. Yes, if the absence has not been authorised by the Head Teacher of your child's school. Remember, only a Headteacher can agree whether an absence can be authorised in exceptional circumstances.

**Q. Who can be issued with a penalty notice?**

A. 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 stepparents and partners.

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

A. 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.

**Q. How do I request for my child to have leave granted during term time?**

A. You must submit an Absence Request form at least 20 days before the proposed absence. It will be for your child's Head Teacher to make a decision as to whether there are exceptional circumstances that will allow them to grant the time off. Do not assume that the absence will be granted until you have received confirmation from the school.

**Q. Do the 10 sessions of unauthorised absence have to be taken all at the same time before a penalty fine is issued?**

A. No, a penalty fine can be issued for any combination of absences over a 10-week rolling period. They can be consecutive or non-consecutive and can span over two terms.

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

A. 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.



# How Does School Attendance Affect a Child's Learning?

365 Days in a Year  
190 School Days  
175 Non School Days

Over half a term missed!

**0 Days Absence**  
**190** Days in School  
Perfect!

100% Attendance

Best chance of success

**10 Days Absence**  
**180** Days in School

95% Attendance

**19 Days Absence**  
**171** Days in School  
4 weeks missed!

90% Attendance

Less chance of success

**29 Days Absence**  
**161** Days in School

85% Attendance

**38 Days Absence**  
**152** Days in School

80% Attendance

Serious impact on education and reduced life chances

**47 Days Absence**  
**143** Days in School

75% Attendance

Having 90% over 5 school years, is half a school year's work missed!

