

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, has been introduced following changes to the law. These new Government regulations came into effect from 19 August 2024 and will affect when penalty notices are issued in Cornwall.

What are the changes?

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 the consideration of 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. This could include prosecution.

Please see FAQs below with more information about how the new rules may affect you.

FAQs

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, absence from school can only be agreed when the explanation of the leave of absence is considered as exceptional circumstance by the Head Teacher.

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. 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 acceptable reasons for absence.

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

You must submit a Leave of Absence Request form to the Head Teacher before the proposed absence (a minimum of 15 days before the Leave of absence is due to commence). Each request will be considered on its own merit, but where the leave of absence could be taken outside of the school term the absence will not be authorised. Do not assume that the absence will be granted until you have received confirmation from the school.

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

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 (including between academic years).

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.

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

Please contact us to arrange a meeting to discuss how we can support you to improve the situation.