

JULY 2024

Dear Parent/Carer

## **CHANGES TO SCHOOL ATTENDANCE AND PENALTY NOTICES FROM 19 AUGUST 2024**

We are writing to you because the Department for Education (DfE) has introduced some new guidance for schools and local councils for managing school attendance. They have also introduced a new national framework for penalty notices (fines) and amended the law. These changes come into effect from the 19 August 2024 and all schools and councils across the country will be expected to follow the new statutory guidance.

### **WHEN CAN A PENALTY NOTICE BE USED?**

A school should consider next steps once 10 sessions (5 school days) of unauthorised absence happens in a rolling period of 10 school weeks.

Unauthorised absence means any absence from school which has not been agreed by the school or when parents have not provided any explanation.

A school week means any week in which there is at least one school session and can be across school terms or academic years. This can be any form of unauthorised absence including arriving late after closure of the register and days of unauthorised absence which add up to 10 half days or 5 full days within a 10-week period.

Once the threshold has been met the school will consider whether support may be appropriate to help your child to attend school. We would like to encourage all parents to continue to work with schools if attendance is becoming a concern. However, when schools and councils believe that they have exhausted all offers of support, and a parent/carer is not engaging with the attempt to improve their child's attendance at school a penalty notice may be issued.

### **CAN I HAVE A HOLIDAY IN TERM TIME?**

Pupils should not be taken out of school during term time unless it is unavoidable. Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance. The guidance is clear that headteachers should not be considering a holiday as an exceptional circumstance.

If a request for leave for the purposes of a holiday is declined and the pupil is absent for 5 days or more then the school is expected to notify Wiltshire Council. We will issue a penalty notice with no requirement for any support to be offered as specified in the statutory guidance. In every case, the notification for the penalty notice comes in from the school to Wiltshire Council for the process to be completed.

Penalty notices can also be issued where a pupil is absent for repeated incidents of unauthorised leave(holiday) in term time that fall below the 5-day threshold.

## WHO CAN RECEIVE A PENALTY NOTICE?

Penalty notices are issued to parents/carers of statutory school age children only. They can be issued to each parent or carer who is deemed liable for the child's absence from school. This may include parents who do not live with the child. Please note that in education law this responsibility can extend to step-parents or other adults who live in the same place as the child.

Penalty notices will be issued to **each** parent for **each** child of statutory school age. So, for example two parents of two children will receive four penalty notices.

## IS THERE A LIMIT ON THE NUMBER OF PENALTY NOTICES I MIGHT GET?

In all circumstances, the maximum number of penalty notices that can be issued will be **two** penalty notices **per parent per child in a rolling three year period**.

The new regulations come into force on 19 August 2024 and will apply to unauthorised absence from the beginning of the autumn term 2024.

Any penalty notices that might be issued in the future which relate to unauthorised absence taken during the academic year 2023/2024 will **not** be counted as part of the two penalty notices within three years regulation.

## HOW MUCH WILL THE PENALTY NOTICE BE?

### FIRST OFFENCE PENALTY NOTICE

**£160 per parent per child**

**Reduced to £80 if paid within 21 days**

### SECOND OFFENCE PENALTY NOTICE (within 3 years)

**£160 per parent per child paid within 28 days**

### THIRD OFFENCE AND FURTHER OFFENCES (within 3 years)

**The third or subsequent time an offence is committed for unauthorised absence Penalty Notice will not be issued, and the case will be presented straight to the Magistrates' Court.**

Wiltshire Council will be publishing its updated code of conduct for penalty notices and all the necessary updated information on the Wiltshire Council website in time for the start of the new term in September.

## **SOME CHANGES TO REGISTRATION CODES**

The DfE has amended some of the codes that schools use in the attendance register. These new codes are to enable schools, councils and the DfE to better understand the reasons for absence.

The definition of when schools can use some codes has also changed.

If you are the parent of a child who may have their absence recorded using the T code then this change will affect you.

The new definition of T code is here:

*The pupil is a mobile child and their parent(s) is travelling in the course of their trade or business and the pupil is travelling with them. A mobile child is a child of compulsory school age who has no fixed abode and whose parent(s) is engaged in a trade or business of such a nature as to require them to travel from place to place.*

This means that if you are engaged in occupational travelling the school may ask you for evidence of this in order to be able to use the appropriate registration code.

We appreciate that there are a lot of changes for September and for many of you these will have little or no impact. However, if your child is anxious about attending school, please speak with your child's teacher or the attendance/family support workers within the school. They are there to explore what support can be provided to help your child to attend school regularly.

For more information please go to the gov.uk web page below:

[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

As mentioned earlier, we know that there may be some concerns for some of you about school attendance and we would encourage parents and carers to speak to us and work together to support your child accessing their education.

You can also contact the Education Welfare Service for advice:

[EWS@wiltshire.gov.uk](mailto:EWS@wiltshire.gov.uk)

Karen Green

Education Welfare Service Manager

Wiltshire Council