School Attendance: The law is changing

From 19th August 2024

Penalty Notice Fines for School Attendance are changing

The government is introducing a new National Framework for Penalty Notices

5 days of unauthorised absence

Penalty Notice fines may be issued for any term-time absences that are unauthorised (for example, a 5-day term-time holiday) - whether these absences are taken consecutively or cumulatively over a rolling period of 10 school weeks

10 sessions of unauthorised absence in any 10-week period

Penalty Notice fines will also be considered when there have been 10 sessions of unauthorised absence in any rolling period of 10 school weeks

A school day has 2 sessions:
1 morning and 1 afternoon session per day

A **school week** means any week in which there is at least one school session. The threshold can be met with any combination of unauthorised absence (e.g. 6 sessions of holiday plus 4 sessions of arriving late after the register closes all within 10 school weeks). 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). The period of 10 school weeks can also span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

What is a Penalty Notice?

A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and they are not working to change behaviour they are unlikely to be most appropriate tool. Therefore, from August 2024, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3 year rolling period and any second notice within that period is charged at a higher rate. Any further offences will result in criminal prosecution.

The law will be clear that where a Penalty Notice threshold met – in each individual case, the school **must** consider if a Penalty Notice is appropriate

First Offence

The first time a Penalty Notice is issued for a Term-Time Leave of Absence 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

Second Offence (in a 3-year rolling period)

The second time a Penalty Notice is issued for a Term-Time Leave of Absence or irregular attendance to the **same parent** for the **same child** the amount will be:

£160 per parent, per child (if paid within 28 days)

There is no reduction in the amount.

Third Offence or Any Further Offences (in a 3-year rolling period)

The third time an offence is committed for a Term-Time Leave of Absence or irregular attendance by the **same parent** for the **same child** (including those by other Local Authorities) a Penalty Notice will NOT be issued but will be referred to Bristol City Council's Education Welfare service for **Prosecution** which may result in fines of upto **£2,500** per parent, per child.

Cases found guilty in a Magistrate's Court can show on a parent's future DBS certificate.

Bristol City Council have the discretion to issue Penalty Notice fines before the above threshold is met in cases where parents are deliberately avoiding the national threshold by taking several term time holidays below the threshold, or for repeated absences for birthdays or other family events.

Unchanged

Penalty Notice fines are issued **Per Parent, Per child**. This means that fines are issued to each parent, for each child who is absent. For example: If 2 siblings are absent for a term-time holiday this will result in each parent receiving 2 separate fines.