

School attendance update 2024/5

Dear parent/carer

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

Support first

The importance of regular attendance at school cannot be stressed enough. All schools and LAs are expected to promote school attendance and provide support to remove barriers where a pupil is struggling to attend school. This may mean that the school raises the issue of attendance even if your child has only had a couple of days off ill. This is not because they don't believe you. By working with you, schools can step in early to help to prevent patterns of absence developing. Schools may identify other underlying issues that are making your child reluctant to attend school and be able to help you and your child.

For this to be successful parents need to work with the school. Where it can be demonstrated that a parent/carer is not fulfilling their parental responsibility to ensure that their child receives a suitable full-time education then the school can consider requesting that the LA take further action. This can be in the form of a penalty notice, prosecution, or the school may suggest other formal interventions.

National Framework for penalty notices

To provide consistency, the Government have introduced a new national framework for when schools and LAs believe that they have exhausted all offers of support and the parent/carer is not engaging with the attempt to improve their child's attendance at school.

The threshold for when a school should consider next steps is 10 sessions (5 school days) 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. This can be made up of any form of unauthorised absence including late after close (attendance code U) of register and odd days of unauthorised absence (attendance code O) which add up to 5 days within a 10-week period.

At this point the school will consider if it is likely that the attendance will improve with further support. They may then decide to refer the case to the LA for formal monitoring. This may proceed to legal action if the attendance does not improve.

Education Penalty Notices are issued to parents of statutory school age children. They can be issued to each parent or carer who is deemed liable for the child's absence from school. The new costs and process is outlined below:

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 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 Term Time Leave or Irregular Attendance the amount will be:

£160 per parent, per child paid within 28 days.

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.

Term time holidays

Pupils should not be taken out of school during term time unless it is unavoidable. Schools are required to consider requests for leave of absence in term time and should only approve the leave if there are exceptional circumstances. If a request for leave is denied and the pupil is absent for 5 days or more then the school is expected to refer the case to the LA. The LA will issue a penalty notice with no requirement for a formal warning to be issued. Penalty notices can also be issued where a pupil is absent for repeated incidents of unauthorised leave in term time that fall below the 5-day threshold. In every case, the request for the Penalty Notice comes in from the school to the LA for the process to be completed.

New registration codes

You might find that your child's attendance report looks slightly different next year. The DfE have amended some of the codes to include numbers as well as letters. These new codes are to enable schools, LA and the DfE to better understand the reasons for absence.

For example:

Code C: Leave of absence for exceptional circumstance.

Code C1: Leave of absence for the purpose of participating in a regulated performance.

The important thing for you as a parent is still the C which means that the absence was authorised.

There is also a new code which has been introduced for pupils who are on the school roll but are temporarily being provided with an alternative education by the local authority, such as a home tutor.

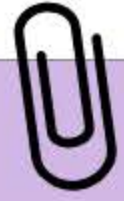
Code K: Attending education provision arranged by the local authority.

Full details of all of the changes can be found by visiting the Government webpage:

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

Derbyshire County Council will be publishing its updated code of conduct for penalty notices and all the necessary updated information on Education Welfare page in time for the start of the new term in September.

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.



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Attendance categories

95 to 100% - as expected

91 to 94% - at risk of persistent absence

80 to 90% - persistent absence

51 to 79% - at risk of severe absence

Less than or equal to 50% - severe absence

Support first approach

Missing school means children fall behind. This not only impacts on their future achievement, but also adds additional stress and worry as the pupil attempts to catch up. This can affect their mental health and that of their family.

Schools will always try to offer support to remove barriers to attendance before considering any form of legal intervention however they can only do this with the support of parents. If you do not engage with this support the school may feel that they have no choice than to request the Local Authority consider taking legal action against you for failure to secure your child's regular attendance at school under section 444(1) of the Education Act 1996



Penalty Notice Fines for School Attendance are Changing

With the introduction of the new National Framework for Penalty Notices, the below changes will come into force for Penalty Notice Fines for unauthorised absence after 19th August 2024.

Education Penalty Notices are issued to the parents of statutory school age children and can be issued to each parent or carer who is deemed liable for the child's absence from school.

- First Offence

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

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£160 per parent, per child paid within 28 days.

- 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.



Can my child take a holiday in term time?

The simple answer is NO - pupils can only take leave of absence during term time if this is approved in advance by the school. Leave taken without permission may result in a penalty notice and or prosecution.