

Thursday 18th July 2024

Dear Parents and Carers

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

We are writing to you to ensure that you are all aware of the changes that are being brought in by the Department of Education following changes to the law which come into effect from 19th August 2024 and will affect when penalty notices are issued in Cornwall.

This year, our attendance has been 95%. This is currently above the national average, something that we are proud of and want to progress even more next year.

Attending school and being part of what happens in school every day is vital in the development of a young person. We understand that there will be times when students become ill, and some absence may occur. A student who has an attendance percentage of only **90% means they will miss 19 days of the school year**; this is half a day a week! **Students should be aiming to maintain attendance of at least 98%.**

Schools are now expected to follow up unauthorised absence more rigorously and routinely with penalty notices. Any absence required for exceptional circumstance will always be considered by the Headteacher but they are only permitted to grant leave of absence for any reason if they are satisfied that **exceptional circumstances** exist.

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 that if you take one week's holiday during term time there must now be 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.

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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.

We would like to thank parents and carers for their ongoing efforts to continuously raise attendance at St Buryan and their recognition in the importance of high attendance.

Yours sincerely



Josh McDonald
Head of School



FAQs

If I have been issued with a penalty notice before 19^h 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, if the absence has not been authorised by the Head Teacher of your child's school. Remember, only a Head Teacher can agree whether an absence can be authorised in exceptional circumstances.

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 reasons for absence.

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

You must submit an Exceptional Circumstances / Absence Request form 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.

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?

In the first instance you should contact your child's school and ask for advice on how they can support you to improve the situation.

For more information, please contact Mr McDonald on head@stbryanacademy.org

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