Changes to Penalty Notices for School Absence from 19th August 2024 – 5 minute guide

The new National Framework introduces consistency in the use of Penalty Notices across England by introducing a new national threshold at which they are considered. The framework increases the amount of the Penalty Notice and introduces a new national limit of 2 Penalty Notices within a 3-year rolling period to break cycles of repeat offending.

In line with the guidance, Barnsley Council will prioritise the 'support first' approach expecting that support will have been offered to families in cases where it is appropriate. However, Penalty Notices can be issued without a Notice to Improve in cases where support is not appropriate (such as leave of absence in term time) or when support has not been engaged with.

Penalty Notices are requested by schools and academies and issued by the Local Authority to the parents/carers of statutory school age children, per parent, per child. For example: two children in a family absent from school for a leave of absence may result in each parent receiving a Penalty Notice for each child at the below rates.

- **First offence -** The first time a Penalty Notice is issued the amount will be:
  £80 per parent, per child paid within 21 days. This increases to £160 per parent, per child if paid after day 21, until day 28. Any non-payment of the Penalty Notice may be referred to the Magistrates Court.
- **Second Offence (within 3 years)** - the second time a Penalty Notice is issued the amount will be £160 per parent, per child paid within 28 days. Any non-payment of the Penalty Notice may be referred to the Magistrates Court.
- **Third Offence and Any Further Offences (within 3 years) -** the third time an offence is committed a Penalty Notice will not be issued, and the case may be presented straight to the Magistrates' Court under s.444 of the Education Act (1996) or other legal interventions considered. The Magistrates' Court can order fines up to £2500 per parent, per child.

Leave of Absence (Holidays)

Penalty Notices can be requested by schools for leave of absence in term time for 5 or more days. This can be consecutive absence, or non- consecutive. In line with the National Framework, the Local Authority retains the discretion to issue a Penalty Notice before the threshold is met. For example, when parents/carers are deliberately avoiding the national threshold by taking multiple term time holidays below threshold, or for repeated absence for birthdays or other family events, or a combination of non-attendance due to leave of absence and unauthorised absence.

Unauthorised Absence

Penalty Notices can be requested by schools when there have been 10 sessions of unauthorised absence in a 10-week period. In these circumstances a Notice to Improve may be sent by the Local Authority on behalf of the school, this will stipulate the support that has already been implemented and the ongoing support that is available to the parent and child to improve school attendance. The Notice to Improve will also detail the expected improvements that must be made over a set time frame to prevent the Penalty Notice being issued.

Further information on the National Framework can be found within Working Together to Improve Attendance 2024. The National Framework comes into effect from 19th August 2024