



## **New Statutory Duty for Attendance**

The Department for Education has issued new statutory guidance for attendance called *Working Together to Improve School Attendance*. This comes into effect on the 19<sup>th</sup> August 2024. It details what schools, parents and Local Authorities should do to improve pupils' attendance at school.

There are some important changes to attendance management from the 19<sup>th</sup> August 2024 which will affect the support parents and pupils receive from schools, and the legal sanctions that are used in certain circumstances.

Schools are legally obliged to provide support and intervention for pupils who are at risk of persistent absence (90% attendance or below). This will take the form of meetings with parents, school-based interventions, and the offer of support from outside agencies and professionals.

Schools are very keen to identify the barriers to attendance that families face and will welcome opportunities to overcome these barriers together. However, when a child's attendance falls outside of the parental legal obligations to send their child to school, there are legal pathways that must be followed.

### **Changes to Penalty Notices**

#### **Term Time Leave**

If a pupil takes unauthorised term time leave for 10 consecutive sessions or more (generally 5 days) they will be subject to a penalty notice. The fine for a penalty notice is increasing - to **£80 per parent, per child**. This increases to £160 if paid after 21 days but within 28 days for pupils who are of statutory school age. If a penalty notice remains unpaid, parents may be the subject of court proceedings for failing to ensure the regular school attendance of their child and this could result in a fine of up to £2,500 and/or a term of imprisonment of up to 3 months per parent.

For second offences of unauthorised term time leave (10 consecutive sessions or more) within a three-year rolling period, the fine is a flat £160 per parent, per child.

For the third offence in a three-year rolling period, the referral will be automatically considered for prosecution in relation to Section 444 Education Act 1996.

These fines will apply to term time leave taken after 19<sup>th</sup> August 2024. Previous penalty notices from the last 3 years will be taken into account when a period of term time leave is taken after the 19<sup>th</sup> August 2024. Therefore, if parents have already received one penalty notice in the last three years, they will get a fine of £160 per parent per child for their next one. If they have received two or more in the last three years, they should expect to be referred for prosecution.

## Irregular School Attendance Over Time

If a parent is willing to support their child and the school in improving school attendance, and engage with school to achieve this, an *Attendance Contract* will be offered. This is a way of school and parents working together to improve attendance in a supportive and nurturing way. Having an Attendance Contract in place will mean regular informal meetings to identify any barriers to a pupil's attendance and discuss what support can put in place to overcome those barriers.

If a parent is not engaging with any offers of support from school, and attendance continues to decline, the school may use a different method of support, called a *Notice to Improve*. This is a last effort to engage parents before legal sanctions are considered. A Notice to Improve will be a formal collaboration between the school, the Local Authority and parents.

If these attempts at formal support fail, and a pupil's attendance continues to be a concern, the school will make a referral to the Local Authority for legal sanctions to be considered. If a pupil has unauthorised absences for ten sessions or more in a 10-week period, the school may refer a parent for a penalty notice. This will be charged at £80 per parent, per child. This increases to £160 if paid after 21 days but within 28 days for pupils who are of statutory school age. If a penalty notice remains unpaid, parents may be the subject of court proceedings for failing to ensure the regular school attendance of their child and this could result in a fine of up to £2,500 and/or a term of imprisonment of up to three months per parent.

## Requests for Absence

Requests for absence should be made by parents in line with the school's Attendance Policy. This will be in written form with the date of the proposed absence and as much detail as possible about the reason for the absence. As is currently the case, **Headteachers may still only authorise absence that they consider to be an unavoidable and exceptional circumstance.** The school will reply to parents to advise them whether the absence will be authorised or not.

## Attendance Policies

**Attendance policies will be updated to reflect these changes in due course. However, please accept this information as prior notice of the changes which will come into effect from the start of the school academic year in schools. These changes apply to all attendance from 19<sup>th</sup> August 2024. Schools, Local Authorities and the DfE will update all material related to attendance over the coming weeks.**