

10<sup>th</sup> July 2024

Dear Parents/ Carers,

### **Updated Department for Education (DfE) Attendance Guidance**

In advance of the new academic year I wanted to ensure you are aware of updated government guidance and regulations in relation to school attendance including, in particular, a new national framework on issuing penalty notices. A link to updated legal guidance, which schools, trusts and local authorities must have regard to is here:- [Updated DfE Attendance Guidance](#). This takes effect from **19<sup>th</sup> August 2024** so will be in force from the start of the new academic year in September.

It is really important that all of our parents and carers are aware of these changes and take these strengthened laws and their implications into account when considering holiday plans or absences during term time.

### **Attendance responsibility and expectations**

It is a legal responsibility of every parent/carer to ensure that children of compulsory school age access education appropriate to their needs. It is also a parent/carer's responsibility to ensure a child attends school on time. Poor punctuality will affect the child's school attendance and quality of education.

Schools **cannot** authorise leave of absence during term time unless there are valid reasons such as illness, medical appointments or pre-approved exceptional circumstances. The new guidance no longer enables a school to record an absence as 'authorised holiday' and whilst there will be an 'exceptional circumstances' code for recording an absence the guidance states:-

*"Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance".*

Schools must monitor attendance records and will contact parents to discuss any concerning patterns of absence. Our schools will of course seek to work with parents to address any barriers to attendance and recognise the need to be particularly mindful of pupils who are absent from school due to mental or physical ill health, special educational needs and/or disabilities. Where voluntary support is not effective our schools are required to work with the Local Authority to put formal support in place. Where this is not appropriate, has been unsuccessful or would be unlikely to change the behaviour, formal penalty notices and/ or prosecution will be considered. Schools are required to notify the Local Authority of all pupils who fail to attend school regularly or who have been absent for a continuous period of 10 school days where this absence has not been authorised.

It is important for parents and carers to be aware that any parent/carer who has parental responsibility for a child or who lives with and cares for the child (e.g. a step parent) could be subject to enforcement action (penalty notice or prosecution) where the child is absent from school without permission.

### **New National Framework for Penalty Notices (Fines)**

The new National Framework introduces a national threshold where schools must consider a fixed penalty notice (fine). This will be met where a pupil has been recorded as having 10 sessions of

unauthorised absence in any rolling period of 10 school weeks (including where this period spans different school terms or school years). A session means half a school day (morning or afternoon) so 10 sessions would be equivalent to 5 full school days.

From September 2024, fines charged to parents will rise to £80 (if paid within 21 days) or £160 (if between 22 and 28 days). Where a second fine is issued to the same parent for the same child, the charge would be £160 to be paid within 28 days. If a fine is not paid the parent would be prosecuted. The fines are per parent per child so this would mean that each parent/carer would receive a separate fine for each child. For example, a family with two parents and two children would receive a total first fine of £320 and a total second fine of £640.

Under the new framework only 2 fines can be issued to the same parent for the same child within a rolling three-year period. It is important to be aware that as a third fine **cannot** be issued to the same parent for the same child within three years (of the date of the first fine) then prosecution or other legal action would be considered. Whilst prosecution is a last resort this could result in fines up to £2500, Parenting or Community Court Orders and even imprisonment in some cases.

### School Expectations

In light of the updated legal guidance, we will be working with our schools to update their school attendance policies to ensure compliance and to support our pupils' academic success. We will continue to expect and request all parents and carers to:

- **Ensure prompt attendance:** Pupils should arrive on time every day, ready to participate in their classes
- **Communicate effectively:** Notify the school immediately of any absences and provide the necessary documentation when required
- **Engage with school resources:** If you are facing challenges that affect your child's attendance, please reach out to the school. We will support you wherever possible to assist you in overcoming these obstacles

### Support

We understand that there may be circumstances that make regular attendance difficult. Our schools are committed to supporting families in any way possible. We also appreciate your co-operation and understanding as we implement these changes and thank you for your continued support and commitment to your child's education. Our collective effort will ensure that all pupils have the opportunity to succeed in their education.

Please contact your school's Head Teacher to discuss any concerns regarding your child's attendance or if you have any queries in relation to the changes outlined above.



Roger Ward

Chief Executive Officer  
Melrose Learning Trust