

## **National Framework for Penalty Notices for school absence and Attendance Support for Staffordshire Parents - FAQs for parents**

### **What are my responsibilities as a parent of a child of statutory school age?**

The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any special educational need they may have. It is the legal responsibility of every parent to make sure their child receives that education either by attendance at a school or by education otherwise than at a school. Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly. This means their child must attend every day that the school is open, except in a small number of allowable circumstances such as being too ill to attend or being given permission for an absence in advance from the school.

**Why has the Department for Education brought in a National Framework for penalty notices?** There was concern that penalty notices (sometimes called fines) were being issued inconsistently across the county with some Council's issuing multiple penalty notices to a family within a year and some issuing none at all. This created a postcode lottery for families, so the framework has been introduced to ensure more fairness and consistency. There has also been a rise in term-time holidays which are disruptive to a child's education.

**What is a penalty notice?** A penalty notice allows parents to discharge an offence by paying a one-off penalty without the matter being referred to court where they could receive fines of hundreds of pounds and a criminal record. Penalty notices can be issued for term time holidays, when excluded pupils are seen in a public place and where children are persistently absent from school. Only two penalty notices will be able to be issued to parents for these reasons in a three year period as the third offence will now have to be referred directly to court. This will apply from 19<sup>th</sup> August, 2024.

**I've already applied for authorisation of leave this term but for a holiday in September 2024. If the school don't authorise the leave, will I have to pay £80 or £60, as I applied this academic year?** The new law will require any unauthorised absence from 19th August 2024 to be dealt with under the new regulations so it would be £80 for each child and each parent. For a family of four with two children, that would amount to £320 if paid within 21 days of receiving the penalty notice. If paid between day 22 and 28, it would be £640.

**What if I have a family emergency or bereavement abroad?** Unexpected family emergencies do happen unfortunately and can be very upsetting. However, parents must notify the school themselves of the absence as soon as possible as messages from friends or relatives who don't have parental responsibility may not be accepted. Schools are not allowed to authorise leave retrospectively. Notifying the school doesn't mean the absence will be authorised though. In the case of a family emergency or bereavement abroad, parents are strongly encouraged to request authorisation from the school and ensure absence is no longer than 5 school days. The final decision about authorisation sits entirely with the Headteacher.

**What if I receive a penalty notice and don't pay it?** The law states that the local authority must withdraw the penalty notices and prosecute the parents in court where they could each receive £1000 fine, a parenting order, a criminal record and various costs awarded against them.

**What happens if I pay a penalty notice for unauthorised leave next term but then take the children on another holiday the following year?** The new framework means that for a second offence within a three-year period, the discount of £80 per parent for each child won't apply. For a family of four with two children, that would amount to £640. A third period of unauthorised absence within a three-year period means that the local authority will be unable to issue another penalty notice and may instead refer the matter directly to Court.

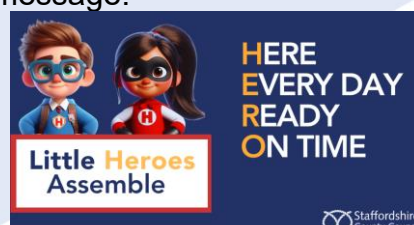
**I want to visit family abroad for six weeks next year. If the school don't authorise the absence, will I be issued with a penalty notice?** Any level of absence can have a serious impact on children's education, but lengthy absence can be particularly devastating. For that reason, it's unlikely that a penalty notice will be issued, and the matter may be referred directly to the Court instead.

**What happens to the money for penalty notices when they are paid?** Currently the law requires penalty notice revenue to be spent on the administration of penalty notices which generally means, for example, any online payment software, electrical equipment such as laptops for issuing penalty notices and staffing costs. From 19th August 2024, local authorities will be able to use the revenue to support school attendance more widely, including promotional materials, etc. Penalty notice revenue must be ringfenced for attendance and cannot be used for wider council funding.

**What is 'good attendance' and why is it so important?** Generally good attendance is considered to be at least 96% for most children. Some parents think 90% attendance is good but that means a child will have missed at least 200 lessons over a year, lessons that will never be repeated. Research shows there is a clear link between high attendance and educational outcomes, leading to better life opportunities and the best results that an individual can achieve. Absence from school of any length can therefore have a negative impact on children's wellbeing, including their mental health. Worries about not being able to catch up, not understanding lessons, or impacts on friendships are all common when children are absent from school.

**I'm struggling to get my child to school. What help is available to me?** Schools in Staffordshire are all supported with resources and trained to support you encourage your child into school. Please ensure you speak your child's school and ask for a meeting to discuss your concerns. There are also resources available to you on our Staffordshire County Council including a series of video clips talking about some of the issues parents face which you may find helpful. <https://www.staffordshire.gov.uk/Education/Learning-options-and-careers/Happiness-and-Wellbeing/Ask-the-expert.aspx>

Staffordshire schools have reward and incentive schemes in place to encourage school attendance, Staffordshire County Council are supporting with a unified campaign to all primary schools from September 2024. The tone of the campaign will be supportive and encouraging – with a strong focus on emotional health support. Our attendance campaign focuses on the 'HERO' theme to encourage the message:



At school, materials will be displayed to remind and motivate pupils, as well as sticker charts and certificates to reward pupils that are leading by example and to create a fun and engaging attendance activity in the classroom.

**For pupils that are struggling with their emotional health**, we have created a 'Helpful Heroes' workbook to understand children's barriers to avoiding school and to help manage their worries through a book full of mindfulness activities, suitable for their age group. We have created a 'Helpful Heroes parents' guide' to talk you through the different activities and mindfulness activities. <https://www.staffordshire.gov.uk/Education/Education-welfare/Little-Heroes-Campaign-Toolkit.aspx>

**What if my child is too ill to attend school?** Children sometimes are absent from school due to genuine extreme physical or mental health needs which require support. In those circumstances, attending school as often as they can will be acknowledged and celebrated and if they require additional support outside of school, Staffordshire County Council will work with parents, schools, health partners and other agencies to assess what support is required. Children may need to be on a reduced timetable for a short period of time or further reasonable adjustments be made to support a return to school. All assessments require parents and schools to work collaboratively together and be committed to the child returning to school as soon as they are assessed as able to. <https://www.nhs.uk/live-well/is-my-child-too-ill-for-school/>

