

Date: 11/06/2024

Dear Parent/Carer

School Attendance: Education Act 1996/Children Act 1989

Pupil Entitlement: Investigation has asked schools to share this letter with their pupil's parents to inform of changes implemented by the Government in respect of school attendance and the use of Fixed Penalty Notices (FPNs).

The Education Act 1996 places a legal duty upon parents to ensure if their child is on roll at a school, they attend the school as required. Failure to do so amounts to an offence under S.444 Education Act 1996. One way of addressing this offence is to offer the parents a time limited opportunity (28 days) in which to accept their liability/guilt for this offence by way of paying a FPN.

Please note, there is no right of appeal to a FPN, and it remains a parent's decision whether to accept the offer and pay the FPN or not. Unpaid FPNs may lead to court action being instigated at the Magistrates Court.

As you may have seen in the media the Government has introduced a new National Framework for the use of Fixed Penalty Notices (FPNs). This National Framework implements the following:

- A national referral threshold for schools and Local Authority's.
- An escalation process including a change in the cost of FPNs.
- A requirement for each Local Authority to create a new Code of Conduct to reflect the changes.

National Threshold

The government has advised schools and Local Authority's FPNs can be considered to address offences under S.444 Education Act 1996 when there is at least 10 sessions of unauthorised absence within a 10 school week period (each school day is made up of 2 sessions). This period can straddle both school holiday periods and academic years. The absence does not need to be consecutive.

The Government has also directed FPNs can be issued for less than this threshold should circumstance direct, offering details of when this would occur. For example, a parent taking steps to avoid the use of FPN by taking their child out of school for 9 sessions as this would mean the threshold would not be met.

In addition, a FPN can be offered if a pupil who is suspended or excluded from school is seen in public during school hours and there is no reasonable justification to do so. In these circumstances there is no threshold level.

It remains the decision of the Local Authority whether a FPN is offered or not.

Escalation process and Cost of FPNs.

The Government's aim is to reduce the number of unauthorised absences from school as attendance at school has been shown to improve educational outcomes. As such an escalation process has been implemented along with an increase in the cost of a FPN.

- **First Referral** - the first time unauthorised absence is referred and leads to a FPN being issued, the amount will be £160 per parent, per child if paid within 28 days. Reduced to £80 if paid within 21 days.
- **Second Referral** – the second time unauthorised absence is referred and leads to a FPN being issued the amount will be for £160 per parent, per child, with no reduction offered for early payment.
- **Third Referral** – the third time unauthorised absence is referred a FPN will not be issued and instead either result in the:
 - Matter being presented directly to the Magistrates Court. A prosecution can result in the parent receiving a criminal record and fines of up to £2,500.
 - Matter being addressed via an alternative pathway with an Investigating Officer being allocated.

Please note, for repeat offences of holidays in term time court action will be the likely outcome. In addition, absences in respect of 15 school days or more for the purposes of a holiday/travel abroad a FPN will not be offered and instead the matter will be referred directly to the Courts.

As mentioned, a new Code of Conduct has been published and this can be found on the WSCC website.

Yours sincerely



Ms P Austin –
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