

05/07/2024



Bloxwich Academy
'Be The Best You Can Be'

Dear Parent/Carer

Important – Significant changes to issuing penalty notices for leave in term time.

Please find below important information for parents/carers regarding increased penalty fines for unauthorised absence for holidays in term time and other changes.

You will be aware there is a great deal of focus, at a national level, on improving school attendance and as a school we recognise the impact of absence on student progress and personal development. Our target for all students is a minimum of 97% attendance across the school year, if a student was to fall below this to 90% attendance for example, this would equate to 100 missed lessons. This would then leave significant gaps in learning and missed opportunities. For further details about our school attendance processes please look on the school website.

The Department for Education has recently published a number of changes to issuing penalty notices for leave in term time these will come into effect from the 19th August 2024.

The changes to the law are introduced through the Education (Penalty Notices) (England) (Amendment) Regulations 2024. As these changes are significant, we would urge all parents/carers to take notice of them and the implications of pupils taking unauthorised absence for holidays.

New two-penalty notice limit in a three-year period.

The three-year rolling period starts for parents when the first penalty notice is issued to them after the 19 August 2024.

The first Penalty Notices for leave in term time will increase to £160 per parent per child but can be reduced to £80 per parent per child if paid within 21 days.

If a second penalty notice is issued within three years of the first penalty notice, then this will be at a fixed rate of £160 per parent per child, with no reduction for early payment.

A third penalty notice cannot be issued within the three-year period; therefore, the county council will deal with any further unauthorised leave through prosecution in the Magistrates Court. If the parent is found guilty, the potential fine is up to £1000.

Please be reminded, school does not benefit from the fine and the money stays with Walsall Council.



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National threshold for issuing penalty notices.

There is a new national threshold for issuing penalty notices which has been set at 10 sessions (5 school days) of unauthorised absence in a rolling period of 10 school weeks. However, if in an individual case the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met.

An example of this would be where parents are deliberately avoiding the national threshold by taking several term time holidays below threshold, or for repeated absence for birthdays or other family events. This reflects the seriousness of unauthorised absence from school.

The school will also have a duty to report cases to Walsall City Council where a child is absent for 15 days consecutively or cumulatively because of illness.

As a reminder, if your child is absent from school due to illness, you must notify the school each day before 9.00am. It is important that we are notified of an absence in a timely manner before the start of the school day. In order to avoid the absence being classed as unauthorised, medical evidence will be requested by the office.

We would like to take the opportunity to thank you for your continued support in ensuring your child attends school so that they continue to progress and develop.

Yours Sincerely



Ms S Shepherd

Headteacher



Mrs K Martin

Assistant headteacher (Attendance & Inclusion)



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School Attendance - Legal information for Parents and Carers

The Education Act 1996

By law – all children of compulsory school age must receive an appropriate full time education suitable to their age, ability, aptitude or any special educational needs they may have. The school starting date is the beginning of the term after which the child reaches their 5th birthday. The school leaving date is the last Friday in June of the academic year in which the child reaches their 16th birthday.

Parents / Carers – are responsible for

- registering their child at a school or making other arrangements which provide an efficient education
- ensuring their child attends school regularly at the school at which they are registered
- applying for a planned absence of leave from school
- notifying the school when their child is absent unexpectedly

Schools – must either

- give permission for your child to be absent from school and mark the absence as authorised
- mark the absence as unauthorised

The Law – says that parents/carers whose children are absent from school without good reason are committing an offence

Next steps

If your child accrues further unauthorised absences, a referral may be made to the Local Authority. Depending upon the circumstances, one, or a combination, of the following may be initiated:

Issued with a Penalty Notice

You may be issued with a Penalty Notice. Penalty Notices are issued to each parent for each child for the sum of £60 to be paid within 21 days. If the penalty is not paid within this time it will increase to £120 which must be paid within the following 7 days (a total of 28 days from issue). If the higher payment is not paid the Local Authority will instigate legal proceedings. There is no right of appeal and payment will not be accepted after the 28th day.

Prosecution

Depending upon the circumstances, a prosecution may be initiated without a Penalty Notice being issued, or if the Penalty Notice is not paid. Prosecutions take place in the magistrate's court under section 444(1) of the Education Act 1996. This offence carries a fine of up to £1000 for each parent.

Or

In the magistrates court under section 444(1A) of the Education Act 1996. This offence carries a fine up to £2,500 and/or a 3 months custodial sentence for each parent if it is found that you knew about your child's absences and failed, without reasonable justification, to ensure attendance.

If you fail to attend court for the hearing the matter may either be dealt with in your absence or, occasionally, a warrant issued for your arrest. If found guilty, the magistrates will sentence you in accordance with their sentencing powers.

The magistrates may also consider imposing a Parenting Order which consists of two elements: a core element requiring the parent to attend guidance sessions to help them in dealing with their children and a control element requiring a parent to exercise control over ensuring attendance and communicate with the relevant authorities.



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