

National Framework for Penalty Notices

There is now a single consistent national threshold for when a penalty notice must be considered by all schools in England, of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. The 10 sessions of absence do not have to be consecutive and can be made up of a combination of any type of unauthorised absence (G, O and/or U coded within the school's registers). The 10 school week period can span different terms, school years or education settings.

Sanctions may include issuing each parent (for each child) with a Penalty Notice for £160, reduced to £80 if paid within 21 days (for the first offence). A second Penalty Notice issued within a three year period will result in a fine of £160 per parent, per child. If a third offence is committed the matter may be referred to the local authority for consideration of prosecution via the Magistrates Court. If prosecution is instigated for irregular school attendance, each parent may receive a fine of up to £2500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

There is no entitlement in law for pupils to take time off during the term to go on holiday or other absence for the purpose of leisure or recreation, or to take part in protest activity in school hours. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school."

The School Attendance (Pupil Registration) (England) Regulations 2024 set out the statutory requirements for schools. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they do not have any discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (**not the local authority**) may authorise such a request and all applications for a leave of absence must be made in writing, in advance, on the prescribed form provided by the school. The school will usually consider that the parent who has made the application is therefore allowing the leave of absence, and also that all parents who are on the holiday are allowing the leave. Where a parent removes a child after their application for leave was refused or where no application was made to the school, the absence will be recorded as unauthorised. It is likely that penalty notices will be requested, in line with the National Framework, in respect of each parent believed to have allowed the absence