

Kindness  
Determination  
Self-belief

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14 November 2024

## REMINDER

### IMPORTANT CHANGES TO THE LAW REGARDING PENALTY NOTICES FOR UNAUTHORISED ABSENCE FROM SCHOOL

Dear Parents and Carers,

I hope this letter finds you well. As part of our ongoing commitment to maintaining an inclusive and supportive environment at our school, we want to inform you of some important changes to the law regarding penalty notices for unauthorised absences. These changes, introduced under a new National Framework, came into effect on 19 August 2024 and will affect when penalty notices are issued in Cornwall.

We understand the crucial role that regular attendance plays in our students' education and well-being. Consistent attendance helps students achieve their full potential and fosters a sense of belonging and stability within the school community. We also recognise that parents might have questions or concerns about this new National Framework, and this letter aims to address those and provide clarity on the upcoming changes.

#### What are the changes?

1. There will be a new national threshold of 10 unauthorised sessions for any reason (equivalent to 5 school days) within a rolling 10 school week period for when a penalty notice must be considered.
2. The new rules mean you will no longer be able to take your child out of school for one week's holiday without the consideration of a penalty notice being issued.
3. There will be an increase in the penalty fine of £80 if paid within 21 days. If the fine is not paid by the first 21 days, it will rise to £160 if paid within 28 days of being issued.
4. If a second penalty fine is issued to the same parent for the same child within a 3-year rolling period, the fine will automatically rise to £160 with no option to pay the lower rate of £80.
5. If a parent then commits a third offence in a 3-year rolling period, the local authority will need to consider other enforcement options available to them. This could include prosecution.

Our Exceptional Circumstance Leave Request Form includes all relevant information provided by the Department for Education and I have shared this with you again overleaf.

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*If your child is absent from school without authorisation, you will be committing an offence under the Education Act 1996. We may submit a request to Cornwall Council for a Penalty Notice to be issued, in accordance with Sections 444A and 444B of the said Act. Penalty Notices are issued per liable parent, per child and each carry a fine of £80 if paid within 21 days or £160 if paid after this but within 28 days.*

*If your child is further absent from school without authorisation within any 3-year period, you will be committing a further offence under the Education Act 1996. We may submit a request to Cornwall Council for a Penalty Notice to be issued, in accordance with Sections 444A and 444B of the said Act. Penalty Notices for a second offence are issued per liable parent, per child and each carry a fine of £160, payable within 28 days. Importantly, fines per parent will be capped to two fines within any three-year period. Once this limit has been reached, other action such as a parenting order or prosecution will be considered.*

*Failure to pay the Penalty Notice may also result in legal action. If you are prosecuted and attend court because your child has not been attending school, you could get a fine of up to £2,500. Cornwall Council may also apply for the costs incurred in taking the matter to Court, including legal costs.*

*Absence not authorised by the school may also result in a prosecution in the Magistrates' Court under Section 444(1) or Section 444(1A) of the Education Act 1996, leading to a fine of up to £2,500 and/or a custodial sentence. Again, Cornwall Council may also apply for the costs incurred in taking the matter to Court, including legal costs.*

*Money raised from fines is only used by the local authority to cover the costs of administering the system, and to fund attendance support. Any extra money is returned to the government.*

'Parent' as set out in Section 576 of the Education Act 1996, defines parent to include: natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989) and; any person who, although not a natural parent, has care of a child. Having care of a child means a person with whom a child lives and who looks after a child, irrespective of what their relationship is with said child.

Thank you for your understanding as we respond to these changes. Together, we can ensure that our students receive the best possible education and support.

Yours sincerely



Michelle Dunleavy  
Headteacher



**Headteacher: Mrs M Dunleavy**  
Deputy Headteachers: Mrs D Penberthy BSc (Hons)  
Mrs H Mathias BA (Hons)