

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

Dear Parents and Carers,

We want to inform you of important changes to the law regarding penalty notices for unauthorised school absences, including holidays taken during term time. These new Government regulations came into effect on **19 August 2024**, and have impacted when and how penalty notices are issued in Islington.

### Key Changes to School Policy:

1. **Holiday Absence:** Our school can no longer authorise up to 5 days of holiday at the head teacher's discretion. This aligns with the new statutory guidance, *Working together to improve school attendance*, which states that **"a need or desire for a holiday or any other absence for the purpose of leisure and recreation will not be considered an exceptional circumstance."**
2. **Penalty Notice Threshold:** A penalty notice must be considered if there are 10 unauthorised sessions (equivalent to 5 school days) within a rolling 10-school-week period.
3. **Holiday Penalties:** You will no longer be able to take your child out of school for a week's holiday without a penalty notice being issued.
4. **Increased Fines:** The penalty fine will increase from £60 to £80 if paid within 21 days. After that, it will rise to £160 if paid within 28 days.
5. **Repeat Offences:** If a second penalty fine is issued for the same child within a 3-year period, the fine automatically increases to £160, with no option to pay the lower rate. A third offence in the same period may lead to further enforcement actions by the local authority.

### Policy Review:

Due to these changes, our Attendance Policy is currently under review, even though it was not due for renewal until 2026.

For more details on these changes and how they may affect you, please refer to the full Government document available [here](#).

Please see the FAQs below for additional information on the new rules. We appreciate your support in ensuring regular school attendance. If you have any questions or need further guidance, please do not hesitate to contact us.

Thank you for helping us ensure that children do not miss valuable learning time.

Yours sincerely,

Mr Anthony Vallejo  
Assistant HeadTeacher of Inclusion and Attendance Lead

## FAQs

**If I have been issued with a penalty notice before 19h August 2024, will this be counted if I am issued with another penalty notice from September onwards?**

No, the new limits come into effect from 19 August 2024.

**If I have already booked a holiday for this year, could I receive a penalty fine at the new higher rate?** Yes, you could receive a penalty fine at the new higher rate if the absence has not been authorised by your child's Head Teacher. Please note that only the Head Teacher has the authority to determine whether an absence qualifies as an exceptional circumstance. **It's important to remember that a need or desire for a holiday does not meet the criteria for an exceptional circumstance.**

**Who can be issued with a penalty notice?** Each parent can receive a fine for each child who has had unauthorised absence from school. In education law, anyone who lives with a child and who has day-to-day care of the child is also considered to be a parent whether they are the biological parent or not. For example, this will include step-parents and partners.

**Do the new rules only apply to holidays during term time?** No, it applies to all unauthorised absence from school including holidays. Unauthorised absence includes other absence that has not been agreed such as truancy, arriving late after the register has closed and failing to provide reasons for absence.

**How do I request for my child to have leave granted during term time?** To request leave for your child during term time, you must submit a Yellow Absence Request form, available from the school office, at least 20 days before the proposed absence. The decision to grant leave will be made by your child's Head Teacher, based on whether there are exceptional circumstances. Please wait for confirmation from the school before assuming the absence is approved. **Keep in mind that a need or desire for a holiday does not qualify as an exceptional circumstance.**

**Do the 10 sessions of unauthorised absence have to be taken all at the same time before a penalty fine is issued?** No, a penalty fine can be issued for any combination of absences over a 10-week rolling period. They can be consecutive or non-consecutive and can span over two terms.

**What happens if I am issued with a penalty fine and I don't pay it?**

Unauthorised absence from school is an offence under s444 of the Education Act 1996. A penalty fine is an opportunity for you to settle out of court. If you don't take this opportunity, you can be prosecuted for the offence of failing to ensure your child's regular attendance.

**What should I do if I am worried about my child's attendance?** In the first instance you should contact your child's school and ask for advice on how they can support you to improve the situation.



# ATTENDANCE

## WHAT THE NEW RULES MEAN FOR ME

**1**

I'm a single parent of one child and we want to go on holiday for a week.

Your holiday will not be authorised and you must talk to the school before you book anything. Because your child will miss 5 school days you will be given a penalty notice fine. The fine is £160 but if you pay it in 21 days it will be reduced to £80.

**£160**



**2**

FOR EVERY CHILD A PENALTY IS GIVEN.



+ £160 + £160 + £160 + £160

**4 children & 1 parent = £640**

Reduced to £320 if paid in 21 days

### IRREGULAR ATTENDANCE

**10 IN 10**

**5**

If your child is absent for 10 or more sessions in 10 weeks and their absences are unauthorised. The school will consider prosecution.

**1** Day = **2** Sessions

**3**

### FOR A FAMILY OF TWO PARENTS



+ £160 + £160 + £160 + £160

**4 children & 2 parents = £1280**

Reduced to £640 if paid in 21 days

If in any period of not more than 3 years, your child has a 2nd and 3rd leave of absence or pattern of irregular attendance...

**4**

#### 2ND TIME

2 parents and 1 child = £320  
2 children = 640  
3 children = 960  
4 children = 1280

No discount for early payment



#### 3RD TIME

A penalty notice fine will not be given. Instead, your case will be taken to court.

A magistrate can fine each parent £2500 for each child

**1 parent & 4 children = £10,000**  
**2 parents & 4 children = £20,000**