Cumberland Council

West Cumbria House
Jubilee Road
Workington
Cumbria CA14 4HB
cumberland.gov.uk

November 2024

Dear Parent/Carer,

As you are aware, it is very important that your child/young person attends school every day, on time, if they are able to do so. Regular attendance helps children and young people to get the most out of their overall school experience, including their wellbeing, academic achievement, and future opportunities.

Starting in September 2024, the Department for Education have implemented a new national framework, ensuring standardised rules for all parents, schools, and local authorities regarding school attendance.

Under the new guidance parent's have a responsibility to:

- Ensure your child/young person attends every day the school is open; except when a legal reason applies
- Notify the school as soon as possible when your child/young person is unexpectedly absent
- Book any medical appointments around the school day where possible
- Only request leave of absence in exceptional circumstances and do so in advance (please note: family holidays are not generally considered exceptional circumstances and all leave of absence requests are considered at the headteacher's discretion)

If your child/young person is absent without a valid reason, the local authority may intervene, and you could be issued a Fixed Penalty Notice (FPN) or be criminally prosecuted.

Under the new framework, schools must consider enforcement action if a child/young person has 10 or more unauthorised absences (equivalent to five days). While schools and local authorities will generally offer support to improve attendance first, persistent unauthorised absences or term-time holidays may result in an FPN or prosecution.

From August 2024, the fine amounts will increase to £80 if paid within 21 days, or £160 if paid within 28 days. If a second FPN is issued for the same child/young person within three years, the amount will be £160.

Parent/carers can incur a maximum of two FPNs, per child/young person, within a three-year period from the date of the first fine. If a third occasion is reached, further actions, such as a parenting order or prosecution, may be considered. Fines are issued separately to each parent.

Please refer to the attached sheet for detailed information on the National Framework for fixed penalty notices.

We hope this clarifies the legislation that schools and the local authority must follow regarding unauthorised absences during term time.

Yours Sincerely,

Sally Senejko
Senior Manager
SEND and Inclusion

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CHANGES TO FINES FOR UNAUTHORISED ABSENCES

With the introduction of the new National Framework for penalty notices, the following changes will come into force for fixed penalty notice fines issued for unauthorised absences recorded by schools after 19 August 2024.

Fixed Penalty Notices are issued in lieu of prosecution. The decision on whether to issue an FPN or prosecute rests with the Local Authority and is made on a case-by-case basis.

National threshold

There will be a single, consistent national threshold for when a penalty notice must be considered by all schools in England of 10 sessions (usually equivalent to five full school days) of unauthorised absence within a rolling 10 school week period.
For example: a five-day holiday would meet the national threshold.
The 10-school week period can span different terms or school years.

Who may be fined?

Penalty notice fines are issued to each parent who allows their child/young person to be absent from school.
For example: three siblings absent for term time leave would result in each parent who allowed the holiday receiving three separate fines.

First offence

The first time a penalty notice is issued for an unauthorised term time holiday, the fine amount will be:
£80 per parent, per child/young person if paid within 21 days, increasing to £160 if paid between days 22-28.

Second offence (within three years)

The second time a penalty notice is issued for unauthorised absence, the amount will be:
£160 per parent (who allowed the holiday), per child/young person, payable within 28 days.

Third offence and any further offences (within three years)

The third time an offence is committed, a penalty notice will not be issued and local authorities will need to consider other available measures to address the absence concerns.
This may mean that cases are presented before a Magistrate's Court.
Prosecution can result in criminal records and fines of up to £2,500 and/or a term of imprisonment not exceeding three months.

Please note any monies collected through fines come back to Cumberland Council to facilitate attendance support and not to schools.