



20th September 2024

Dear Parent/Carer,

Changes to Penalty Notices issued for poor attendance to school

We are writing to you to share the updates regarding school absence protocols which are now in place in all schools in the county.

As many of you may be aware there are new regulations that came into effect from 19 August 2024 which affect penalty notices issued for an unauthorised leave of absence (please see additional details below).

Please apply for leave of absence using the 'Absence Request Form' from the school website Attendance page or please ask for a copy at the school office. Each application for a leave of absences will be considered on a case by case basis. If you consider that there are exceptional circumstances relating to a request for leave, please let the school have full details on this form.

At St Mark's Church of England School we are keen to work with all of our families to support any issues with attendance, there is guidance and additional support on our school website under Parents/Attendance. Please contact your child's class teacher if you require support with punctuation and/or attendance. Our aim is for all children to want to come to school and to therefore, maintain good school attendance.

Circumstances where a Penalty Notice may be issued

1. Pupils identified by police and Officers in the School Attendance Support Team engaged on Truancy Patrols and who have incurred unauthorised absences.
2. The Education (Pupil Registration)(England)(Amendment) Regulations 2013, state that Head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. The Head teacher is required to determine the number of school days a child can be away from school if leave is granted.

Where a child is taken out of school for 10 sessions (1 session is a morning or afternoon) or more and the 'leave of absence' is without the authority of the head teacher, each parent is liable to receive a penalty notice for each child who is absent. In these circumstances, a warning will not be given where it can be shown that parents had previously been warned that such absences would not be authorised and that they will be liable to receive a Penalty Notice if the leave of absence is taken.

3. The issue of a Penalty Notice will also be considered where a pupil has incurred 10 or more unauthorised sessions during the preceding 10 school weeks. The parents' failure to engage with supportive measures proposed by the school will be a factor when considering the issue of a Penalty Notice. Unauthorised absence will include late arrival after the close of registration without good reason.
4. Section 103 of the Education and Inspections Act 2006 places a duty on parents to ensure that their child is not in a public place without justifiable cause during school hours when they are excluded from school. This duty applies to the first five days of each exclusion. Failure to do so will render the

parent liable to a Penalty Notice. If the Penalty Notice is not paid, the recipient will be prosecuted for the offence under Section 103. Alternative education provision will be made from the sixth day of any exclusion and failure to attend such provision without good reason will be treated as unauthorised absence.

With the exception of unauthorised leave of absence taken in term time (Paragraph 2 above) parents will be sent a letter warning them of their liability to receive such a notice before it is issued.

Amount Payable Under a Penalty Notice: The Education (Penalty Notices) (England) (Amendment) Regulations 2024

1. If a parent/carer has not incurred a penalty notice relating to the relevant child/children since 19 August 2024, then the penalty notice will be charged at the rate of £160.00, **per parent/carer per child**, if paid within 28 days. This will be reduced to £80.00 if paid within 21 days of receipt of the notice. Failure to pay the Penalty Notice will result in the Local Authority considering legal proceedings against you.
2. If you have incurred a penalty notice relating to this child/children since 19 August 2024, the rolling 3 year period will be activated from the date of the first penalty notice and the second penalty notice will be charged at the flat rate of £160.00, **per parent/carer per child**, if paid within 28 days. There will be no reduction for payment within 21 days. Failure to pay the Penalty Notice will result in the Local Authority considering legal proceedings against you.
3. If you have incurred 2 penalty notices relating to this child/children in the rolling 3 year period since the first penalty notice was issued, then you will NOT receive a third penalty notice – the Local Authority will have no option but to consider a prosecution, **per parent/carer per child**, in the Magistrates Court under s 444 Education Act 1996.

Further information can be found at: [Attendance guidance for parents | Hampshire County Council](https://www.hants.gov.uk/attendance-guidance-for-parents) (hants.gov.uk)

Thank you for your continued support.

Yours sincerely,

Clare Wright
Executive Headteacher

Rachel Jones
Deputy Headteacher and Attendance Leader