

Interventions and penalties for school non-attendance

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Under the **'Working together to improve school attendance'**, which is now statutory guidance, is a change to the National Framework involving penalty notices. The recent change in requirement aims to improve attendance rates in schools across the UK.

Penalty notices are issued to parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends and attempts to provide support to secure regular attendance and attempts to change parental behaviour has not worked.

Parental liability

When the guidance states parents – it means that a penalty notice can be issued to each parent liable for the offence or offences. Discussion has been around that they should only be issued to the parent or parents who have allowed the absence, e.g. if one parent has taken the pupil away on holiday during term-time, rather than the parent who applied for the actual leave; but policies and Codes of Conduct differ and technically each parent is liable for a fine.

Early intervention

The general theme of the guidance is to engage early and try intervention where attendance issues or absence concerns. It's clear that schools need to be aware of an individual pupil's circumstances and that there should not be a blanket application of the policy or certain procedures in relation to attendance and absence.

Schools will need to look at matters around disability, medical reasons, family circumstances and should be looking at their wider duties under the Equality Act 2010 with respect to making reasonable adjustments.

“Data sharing is key”

Where pupils have medical conditions, the school may need to review their duty under the Children and Families Act 2010 to make provision for pupils, this can be done in co-ordination with the Local Authority, and this is where the importance of data sharing is key.

Schools are required to take a range of interventions to improve attendance before resorting to a Fixed Penalty Notice (FPN). These interventions may include:

- Meetings with parents and carers to discuss the importance of regular attendance.
- Support and guidance to help parents and carers improve their child's attendance.
- Rewards and incentives (where used fairly and transparently) to encourage good attendance.
- Sanctions, such as detention, to discourage poor attendance and late arrival.

Again, this emphasises the importance of early intervention. Schools are encouraged to identify and address attendance issues as soon as possible, rather than waiting until a child has missed a significant amount of school.

The final step before the FPN is the Notice to Improve (Ntoi) this is the final chance for parents to engage in support and look to improve attendance before any penalty is issued. If the threshold has been met but offers of support have not been agreed with or have not

worked a Ntol should usually be attempted as a final option before FPN. These are not required where it would not be appropriate. These should be used in accordance with the Local Code of Conduct.

Fixed Penalty Notices (FPNs) for school absence

Where initial intervention and pastoral support has not worked then legal intervention may be required to improve attendance and the updated Regulations provides the framework for schools and Local Authorities (the local code of conduct must also be adhered to).

The National Framework is seen as a more robust system for dealing with unauthorised absences. This includes changes to the way Fixed Penalty Notices (FPNs) are issued and enforced. FPNs are a legal sanction that can be issued to parents who fail to ensure their child's regular attendance at school.

This should all be updated and reflected in your attendance policies and published and communicated to your usual stakeholders – parents, pupils, and staff. Alongside the requirement for staff training on the new processes, as set out in the updated guidance, which may be led by your new Senior Attendance Champion (a new role set out in the updated guidance).

A new threshold for FPNs

Under the new guidance, the threshold for issuing FPNs is 10 sessions of unauthorised absence in a rolling 10-week period, this can be a combination of any unauthorised absence e.g., holiday taken in term time and sessions of being late after registration closed. These sessions can be consecutive or not. This is where data analysis and reporting will be important for schools to analyse and report on trends and concerns for particular cohorts.

How much are the charges for penalty notices for school absences?

The first penalty notice issued to a parent in respect of a particular pupil will be charged at £160 if paid within 28 days. This will be reduced to £80 if paid within 21 days.

A second penalty notice issued to the same parent in respect of the same pupil is charged at a flat rate of £160 if paid within 28 days. Each responsible parent may receive a fine.

Parents who receive an FPN will have 28 days to pay the fine, this is paid to the Local Authority who must use to for the support of attendance matters. If they do not pay within this time the Local Authority must decide to prosecute or withdraw the notice.

Is there a right to appeal against penalty notices for school absence?

There is no right of appeal for the parents against the FPN. Only two penalty notices can be issued to the same parent in respect of the same child in a three-year rolling period and any second notice is charged at a higher rate.

So, for separated parents each parent with parental responsibility can be issued with a notice twice in a three-year rolling period for each child. However, schools and attendance contracts may note where a pupil normally resides for purposes of considering who has allowed the absence.

Schools are required to provide support and guidance to parents who are experiencing difficulties with attendance and may be able to offer practical solutions to help improve attendance.

Further support

To find out more, [check out this webinar](#) where we'll be running through the National Framework, all the key changes and discussing what it means in practice.

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