



CABINET MEMBER DECISION

Date of decision – 19 August 2024

LOCAL CODE OF CONDUCT IN RELATION TO SCHOOL
ATTENDANCE (ISSUING FIXED PENALTY NOTICES)

Relevant Cabinet Member

- The qualifying criteria for issuing a Penalty Notice for unauthorised leave in term time (aka Holidays) will now be 10 sessions (i.e. 5 school days) of absences within the previous 10 school weeks. Previously the Code of Conduct required 12 sessions (i.e.6 school days) in the previous 12 school weeks.
- The financial penalties have increased in line with government guidance from £120 to £160 per parent per child (with the option to pay within 3 weeks reduced to £80) on the first occasion within in a 3-year rolling period commencing from 19th August 2024.
- On the second occasion within the 3-year rolling period the minimum fine will be £160 per parent per child.
- On the third occasion within the 3-year rolling period the Local Authority Officers are required to consider a formal prosecution for unauthorised absences under s4441 Ed Act 1976 for irregular school attendance rather than any further penalty notices.
- In line with National Framework, Worcestershire Local Authority will implement the use of 'Notices to Improve' for parents of pupils where there are unauthorised absences from school, to encourage regular attendance. A Notice to Improve is a final opportunity for a parent to engage in support and improve attendance before a penalty notice is issued. If the national threshold has been met and support is appropriate but offers of support have not been engaged with by the parent or have not worked, a Notice to Improve should usually be sent to give parents a final chance to engage in support. The DFE allows the Notice to Improve to be between 15 and 30 school days (3 to 6 weeks) but has recommended 20 school days to be optimal, to test the parent's commitment to improving attendance and for the pupil to adopt good attendance habits going forward. In order to ensure consistency in practice and administration across Worcestershire County Council schools and academies, the local authority will be setting the notice to improve period as 20 consecutive school days. If there is insufficient improvement in the pupil's attendance and there are unauthorised absences recorded in the pupil's school register, during the 20-day warning period, a Penalty Notice can be issued.

Legal Implications

13. There are some specific legal considerations. The Department for Education guidance ('Working Together to Improve Attendance') becomes statutory in September 2024 (specifically on August 19th). This places a legal responsibility on the Local Authority to provide some additional personnel support to all schools in their efforts to improve attendance.

14. Pursuant to s.444 of the Education Act 1996, a parent is guilty of an offence if a child of compulsory school age, and registered as a pupil, fails to regularly attend school. Notwithstanding this, before proceeding with a prosecution for non-attendance, the Legal officer must be satisfied that having considered the evidence, they believe there is a realistic prospect of conviction and is it in the public interest to instigate a prosecution. Prosecutions for failure to comply with penalty notices shall

