

## **National Framework for Penalty Notices for school absence Birmingham City Council FAQs for parents – July 2024**

### **Why has the Department for Education brought in a National Framework for penalty notices?**

There was concern that penalty notices (sometimes called fines) were being issued inconsistently across the county with some Council's issuing multiple penalty notices to a family within a year and some issuing none at all. This created a postcode lottery for families, so the framework has been introduced to ensure more fairness and consistency.

### **What is a penalty notice?**

A penalty notice allows parents to discharge an offence by paying a one-off penalty without the matter being referred to court where they could receive fines of hundreds of pounds and a criminal record.

### **I've already applied for authorisation of leave this term but for a holiday in September 2024. If the school don't authorise the leave, will I have to pay £80 or £60, as I applied this academic year?**

The new law will require any unauthorised absence from 19<sup>th</sup> August 2024 to be dealt with under the new regulations so it would be £80 for each child and each parent. For a family of four with two children, that would amount to £320 if paid within 21 days of receiving the penalty notice. If paid between day 22 and 28, it would be £640.

### **What if I have a family emergency or bereavement abroad?**

Unexpected family emergencies do happen unfortunately and can be very upsetting. However, parents must notify the school themselves of the absence as soon as possible as messages from friends or relatives who don't have parental responsibility may not be accepted. Schools are not allowed to authorise leave retrospectively. Notifying the school doesn't mean the absence will be authorised though. In the case of a family emergency or bereavement abroad, parents are strongly encouraged to request authorisation from the school and ensure absence is no longer than 5 school days. The final decision about authorisation sits entirely with the Headteacher.

### **What if I receive a penalty notice and don't pay it?**

The law states that the local authority must withdraw the penalty notices and prosecute the parents in court where they could each receive £1000 fine, a parenting order, a criminal record and various costs awarded against them.

### **What happens if I pay a penalty notice for unauthorised leave next term but then take the children on another holiday the following year?**

The new framework means that for a second offence within a three-year period, the discount of £80 per parent for each child won't apply. For a family of four with two children, that would amount to £640. A third period of unauthorised absence within a three-year period means that the local authority will be unable to issue another penalty notice and may instead refer the matter directly to Court.



**I want to visit family abroad for six weeks next year. If the school don't authorise the absence, will I be issued with a penalty notice?**

Any level of absence can have a serious impact on children's education, but lengthy absence can be particularly devastating. For that reason, it's unlikely that a penalty notice will be issued, and the matter may be referred directly to the Court instead.

**What is 'good attendance' and why is it so important?**

Generally good attendance is considered to be at least 96% for most children. Some parents think 90% attendance is good but that means a child will have missed at least 200 lessons over a year, lessons that will never be repeated. Since the pandemic, attainment and progress levels in schools have deteriorated along with attendance levels. This could mean that children today may leave school unable to be as competitive in the jobs market, so its important children attend school as much as possible.

Absence from school of any length can also have a negative impact on children's wellbeing, including their mental health. Worries about not being able to catch up, not understanding lessons, or impacts on friendships are all common where child in children who are absent from school.

Children are sometimes absent due to genuine extreme physical or mental health needs, requiring support. In those circumstances, attending school as often as they can be acknowledged and celebrated.

**I'm struggling to get my child to school. What help is available to me?**

Schools in Birmingham have staff trained in early help, special needs and mental health. Please contact the school and ask for a meeting to discuss your concerns. You can also access support for yourself and your family from Birmingham Children's Trust. You can find more details here: [Early help for families](#) | [From Birmingham with Love](#) | [Birmingham City Council](#)

**My child has special needs and has lots of hospital appointments which I have evidence for. Will I receive a penalty notice?**

No. Penalty notices can only be issued where there is unauthorised absence, and those absences will be authorised. If your child is going to school as often as possible as you are working in partnership with the school, you will be doing the best you can to ensure your child gets a good education despite the circumstances.

**What happens to the money for penalty notices when they are paid?**

Currently the law requires penalty notice revenue to be spent on the administration of penalty notices which generally means, for example, any online payment software, electrical equipment such as laptops for issuing penalty notices and staffing costs. From 19<sup>th</sup> August 2024, local authorities will be able to use the revenue to support school attendance more widely, including promotional materials, etc. Penalty notice revenue must be ringfenced for attendance and cannot be used for wider council funding.

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