



Statutory Attendance & Participation Team - East Area  
Inclusion & Skills, Children's Services  
Hertfordshire County Council  
Post Point SFAR 117  
1<sup>st</sup> Floor Farnham House  
Six Hills Way  
Stevenage  
Hertfordshire  
SG1 2FQ

PRIVATE & CONFIDENTIAL  
ATTN: Headteacher

Tel  
Email  
My ref  
Date

0300 123 4043  
FPN@hertfordshire.gov.uk  
Consultation  
28<sup>th</sup> June 2024

Dear Headteacher

### NEW NATIONAL THRESHOLD FOR PENALTY NOTICE

A new National Framework for Penalty Notices for school absence has been published by the Department for Education. **The new national framework for penalty notices will come into effect from 19th August 2024** and will apply to all forms of unauthorised absence from school, including unauthorised holiday's during term time.

**Specifically, the changes are:**

**A new national threshold of 10 unauthorised sessions for any reason (equivalent to 5 school days) within a rolling 10 school week period for when a penalty notice must be considered.** A penalty fine can be issued for any combination of unauthorised absences over a 10week rolling period. They can be consecutive or non-consecutive and can span over two terms.

- 1. An increase in the penalty fine from £60 to £80 if paid in 21 days. If the fine is not paid by the first 21 days, it will rise to £160 if paid within 28 days of being issued.**
- 2. If a 2nd penalty fine is issued to the same parent for the same child within a 3-year rolling period, the fine will automatically rise to £160 with no option to pay the lower rate of £80.**
- 3. If a parent then commits a third offence in a 3-year rolling period, the local authority will need to consider options available to them to improve attendance.**
- 4. The current penalty notice breach warning letter used for unauthorised absence (not holiday) will be changed to a Notice to Improve.**

The new national threshold will begin from 19th August 2024. Therefore, parents previously issued with penalty notices will have a clean slate in terms of the national limit of 2 penalty notices in a 3-year rolling period.

Parents who have booked holidays prior to 19th August 2024 for which an absence request form has not been completed or where they have already been informed the absence is unauthorised, will be subject to the new increased fine amount if they choose to continue to take their child out of school.

#### Consultation

The Department for Education, schools and local authorities have worked together to develop the new National Framework for Penalty Notices to ensure there is a fair and consistent approach across

England. The national threshold and limits are set. However, there are 4 elements of discretion for consultation with schools and the Chief Constable.

Elements of discretion:

1. **LA to act as the 'Authorised Person' for issuing penalty notices to ensure consistency across Hertfordshire Schools in terms of a 'Support first' approach which is underpinned by the DfE's Working together to Improve School Attendance.**
2. Length of review period for the Notice to Improve.
3. Agreement regarding the success criteria following a Notice to Improve.
4. In exceptional circumstances only, the LA may retain the right to issue a penalty notice for less than 10 sessions e.g., where parents are deliberately avoiding the national threshold by taking several term time holidays below threshold, or for repeated absence for birthdays or other family events.

**The draft Penalty Notice Code of Conduct is attached. The consultation is now open and will close 12<sup>th</sup> July 2024. If you wish to respond to this consultation, please do so via email – [fpn@hertfordshire.gov.uk](mailto:fpn@hertfordshire.gov.uk)**

#### **How you can prepare for the new Code of Conduct**

Following the consultation, a copy of Hertfordshire's amended Code of Conduct for Penalty Notices and all guidance documents will be available on the Hertfordshire Grid. This will go live on 19<sup>th</sup> August 2024.

- We have provided you with a letter for parents and information sheets. Please ensure that this is sent families as soon as possible and published.
- Please ensure that the changes to the code of conduct and the link to the Hertfordshire Grid page - [Penalty notices for unauthorised absence/holiday - Hertfordshire Grid for Learning \(thegrid.org.uk\)](https://thegrid.org.uk) is disseminated to all members of staff responsible for attendance.
- Please also ensure that all your current information, letters and forms relating to penalty notices are updated to reflect the changes to the Code of Conduct.
- Remove your copies of the current Absence Request Forms from your websites and systems and replace them with the copy provided with this letter.
- You will also need to update your attendance policy to reflect the changes.

For more information, please contact the Statutory Attendance & Participation Team via:  
[fpn@hertfordshire.gov.uk](mailto:fpn@hertfordshire.gov.uk)

Yours sincerely

**Chris Thomas**  
**East Area, Service Manager**  
**Statutory Attendance and Participation Team**  
**Access, Inclusion and AP**

