



Department  
for Education

# **Modernising school attendance and admission registers and setting national thresholds for legal intervention**

**Government consultation**

**Launch date 17 June 2022**

**Respond by 29 July 2022**

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## Introduction

Improving school attendance remains a top priority across government. Our recent white paper [Opportunity for all: strong schools with great teachers for your child](#) set out our vision for improved rates of attendance by ensuring everyone works together to improve the consistency of support pupils and families receive, and that parents can expect earlier, more focussed help to remove barriers to attendance. Accurate recording and sharing of attendance data is crucial to that, and the white paper committed to modernise the regulatory system for recording and sharing data. This consultation now seeks views on those proposed new rules.

Following public consultation in February 2022, the Secretary of State also committed to introduce a new national framework for the use of fixed penalty notices for absence and excluded pupils in public places during the first 5 days of an exclusion. Within the government response [School attendance: improving the consistency of support](#) we committed to consult further on what thresholds should be included in the new framework. This consultation now seeks views on the proposed areas for inclusion.

We are inviting comments on both sets of proposals from schools, academy trusts and local authorities. The consultation will run for 6 weeks.

## Who this is for

- All school staff, headteachers, governors in England (only proposal 1 applies to independent schools)
- Academy trusts
- Local authorities

## Issue date

The consultation was issued on 17 June 2022.

## Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email at: [attendance.consultation@education.gov.uk](mailto:attendance.consultation@education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [Consultations.Coordinator@education.gov.uk](mailto:Consultations.Coordinator@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## **Additional copies**

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## **The response**

The results of the consultation and the Department's response will be [published on GOV.UK](#) in due course.

## About this consultation

This consultation seeks views on two proposals:

- Proposal 1: a proposed replacement for the [Education \(Pupil Registration\) \(England\) Regulations 2006](#) which govern the keeping of attendance and admission registers, access to and sharing of register data and the rules for granting leaves of absence.
- Proposal 2: the thresholds for the national framework for the use of fixed penalty notices for absence and excluded pupils being in public places during the first 5 days of an exclusion that the government, intends to introduce, subject to Parliament.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

### By email

[attendance.consultation@education.gov.uk](mailto:attendance.consultation@education.gov.uk)

### By post

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London  
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## Deadline

The consultation closes on 29 July 2022.

# Proposal 1 – Rewrite of the Education (Pupil Registration) (England) Regulations 2006

## Data sharing from admission register and attendance register

### Background

The government's vision for improving school attendance is for pupils, parents, all schools, local authorities, and other partners to work together to prevent patterns of absence from developing. Where patterns of absence exist already, intervention should be early to understand the barriers to attendance so the right support can be provided to overcome them as quickly as possible.

Making that a reality requires accurate recording in the admission and attendance registers, but also timelier sharing of, and access to, that data for academy trusts, governing bodies of maintained schools, independent schools, local authorities, and the department. The rules for access to and sharing of attendance data are largely from a pre-digital age. To make a reality of the 21<sup>st</sup> century data solution set out in the recent white paper, we therefore propose to modernise the rules, so the right people have access to suitably anonymised data at the right time.

### Proposal and rationale

DfE has been working to establish a better, more timely flow of suitably anonymised pupil level attendance data across schools, trusts, local authorities, and DfE, without placing any additional administrative burdens on schools. Most schools have already signed up, but once fully established, this will allow data to be collected directly from all schools' electronic registers. Collection happens via a secure data aggregator at no cost to schools and without requiring any manual inputting of information. Longer term, DfE's intention is for this new method of data sharing to replace existing statutory data returns to local authorities and DfE, including the school census. This will maintain privacy, reduce the burden on schools and improve our collective understanding of attendance patterns at local, regional, and national levels to identify issues and challenges more quickly.

To support this, under Regulation 5(3) of the draft new regulations (titled the School Attendance (Pupil Registration) (England) Regulations 2023), all schools would be required to keep their admission and attendance registers electronically to improve their ability to analyse and share data and to improve the accuracy of recording.

The new regulations also propose changes to who can access those registers:

- Local authority access: As set out in the new guidance on [working together to improve school attendance](#), all local authorities are expected to provide a universal service to all schools in their area which means that they need to be able to access registers at all schools in their area. We therefore propose that the new regulations extend access to the admission register and the attendance register of all schools for local authority staff, including the power to take extracts (regulation 12). This will not be used to hold schools to account. Local authority access will be restricted to functions they have under the Education Acts, including the proposed new duty to seek to improve attendance currently making its way through Parliament.
- Secretary of State access: As the current data aggregator collection is a trial, the exact wording of regulation 12 may change as the project develops but the draft regulations would also permit the Secretary of State to access and take extracts from registers electronically. (This will include someone acting on his behalf.)

Until the new system is completed, existing statutory requirements of schools to make returns to their local authority in line with the Education (Pupil Registration) (England) Regulations 2006 would remain, including informing them:

- Every time a pupil's name is to be added to, or deleted from, the school admission register outside of standard transition times (including the statutory reason for deletion). For deletions, this must take place before the deletion, and for additions it must be within 5 days of the addition.
- The name and address of any pupil who fails to attend school regularly or has missed school for 10 school days or more without the absence being recorded as authorised. Local authorities should agree the frequency this must be shared with all schools in their area. This should be no less frequently than once per calendar month.

Following informal consultation and feedback from parent groups, we also propose adding a requirement, at regulation 13(8) of the draft new regulations, for schools to inform their local authority each time:

- It is clear a pupil will be away from school for 15 school days or more, whether consecutively or cumulatively, because of sickness. This is to help local authorities fulfil their duties under section 19 of the Education Act 1996 to arrange suitable education for pupils of compulsory school age who would not otherwise receive suitable education because of illness.

## Questions on data sharing from the admission and attendance register

### Question 1.1. Do you agree that registers should be kept electronically?

Answer 1.1.1. Strongly agree

Answer 1.1.2. Somewhat agree

Answer 1.1.3. Neither agree nor disagree

Answer 1.1.4. Somewhat disagree

Answer 1.1.5. Strongly disagree

### Question 1.2. Do you agree that local authorities should have access and be able to take extracts from the admission register and attendance register of all schools to enable them to carry out their statutory functions?

Answer 1.2.1. Strongly agree

Answer 1.2.2. Somewhat agree

Answer 1.2.3. Neither agree nor disagree

Answer 1.2.4. Somewhat disagree

Answer 1.2.5. Strongly disagree

### Question 1.3. Do you agree that schools should make a 'sickness return' to inform their local authority when the authority should arrange alternative education for one of their pupils?

Answer 1.3.1. Strongly agree

Answer 1.3.2. Somewhat agree

Answer 1.3.3. Neither agree nor disagree

Answer 1.3.4. Somewhat disagree

Answer 1.3.5. Strongly disagree

### Question 1.4. Do you have any comments regarding data sharing?

Answer 1.4.1. If you wish to, please provide any comments regarding data sharing in no more than 200 words



# Admission Register

## Background

Every school in England must keep an admission register ('the school roll') which contains the details of all pupils (both compulsory and non-compulsory school age). The admission register underpins the key management information systems within schools, including their safeguarding procedures.

The current requirements of which information must be recorded are prescribed in regulation 5, and the grounds on which a pupil's name can be removed from the admission register in regulation 8, of the Education (Pupil Registration) (England) Regulations 2006, as amended. Following informal consultation with sector representative groups, schools and local authorities, we propose minimal changes to those provisions, as set out in the draft new regulations, at regulation 8 and regulation 9.

## Proposal and rationale

Following feedback, we propose 4 changes to the grounds for deletion from the admission register:

- Deletion of names of pupils certified by the school medical officer: Current regulations require the name of a pupil of compulsory school age to be deleted from the register if the pupil is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither the pupil nor their parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age. We propose to remove this ground for deletion in the new regulations. This ground for deletion dates from 1956 regulations and is outdated given changes to provision for pupils with medical conditions to enable many of them to continue their education in their own school.
- Deletion following failure to return after a leave of absence: Currently, where a pupil of compulsory school age has not returned to school within ten school days following a period of leave; or has been absent twenty school days without this being recorded as authorised; and the school and local authority have ascertained where the pupil is, and no other ground for deletion applies, the only course of action that can be taken is attendance enforcement. Taking such action is extremely difficult when a parent is in another country. Therefore, a pupil can be absent from school for an indefinite period, as long as the school and local authority can ascertain where the pupil is, despite it being clear to the school and local authority that the pupil is unlikely to return, unless the school can find another basis for deleting the pupil's name. We propose to add another condition

to the grounds for deletion in the new regulations (at draft regulation 9(1)(i)(iii)(bb), 9(1)(j)(iii)(bb) and 9(3)(c)(iii)(bb)), to require schools to delete a pupil's name where the school knows where the pupil is but the does not have reasonable grounds to believe that the pupil will attend the school again.

- Deletion of names of pupils with an education, health and care plan: Current regulations prevent the name of a pupil of compulsory school age registered at a special school under arrangements made by a local authority from being deleted from the admission register without prior agreement from the local authority (or, if the local authority refuse, the Secretary of State). This can be used to delay the deletion until the local authority has made any changes to the plan before, for example, the pupil moves to another school, or the local authority arranges for them to be educated otherwise than in a school under section 61 of the Children and Families Act 2014, or their parents remove them from school to be electively home educated. For consistency of approach, we propose to extend this provision, at regulation 9(2), to all pupils who have an EHCP regardless of school type so all plans can be updated before deletion from roll.
- Deletion of names of pupils with a child in need (CiNP) or child protection plan (CPP): Pupils with a child in need or child protection plan often face bigger barriers to education than their peers. Similarly to pupils with an EHCP, where a pupil with a CiNP or a CPP, (referred to, along with an EHCP, as a 'relevant plan' in regulation 9(5)(c)), is to be removed from roll, we propose prior agreement from the local authority be required. Again, this should not be used simply to prevent a pupil's parent from removing them from school (for example to attend another school or to receive education otherwise than at a school) but it could be used to delay it to ensure the local authority can make any necessary changes to the plan before the pupil is taken off roll.

In all cases of deletion from roll for pupils with an EHCP, CiNP or CPP, the local authority will be expected to not withhold approval unnecessarily, nor delay for an unreasonable period (which would be set out in statutory guidance). If the local authority refuses to approve a deletion, as with the current provision for pupils with EHCPs who attend special schools, the draft regulations give parents the right of appeal to the Secretary of State.

## Questions on the admission register

**Question 1.5. The current Education (Pupil Registration) (England) Regulations 2006 include a ground of deletion from the admission register where a pupil of compulsory school age is certified by the school medical officer to be unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age. Do you agree that this ground of deletion should be removed in the new regulations?**

- Answer 1.5.1. Strongly agree
- Answer 1.5.2. Somewhat agree
- Answer 1.5.3. Neither agree nor disagree
- Answer 1.5.4. Somewhat disagree
- Answer 1.5.5. Strongly disagree

**Question 1.6. Do you agree that another condition should be added to the grounds for deletion to allow a pupil's name to be deleted in the circumstances below?**

- **Where the pupil has been absent without leave for ten school days after a leave of absence or has been absent for twenty school days without the absence being authorised,**
- **there is no reason to think the pupil is too ill to attend,**
- **the school and local authority have succeeded in finding out the pupil's location and circumstances, after joint reasonable efforts,**
- **and they have no reasonable grounds to believe that the pupil will attend the school again.**

- Answer 1.6.1. Strongly agree
- Answer 1.6.2. Somewhat agree
- Answer 1.6.3. Neither agree nor disagree
- Answer 1.6.4. Somewhat disagree
- Answer 1.6.5. Strongly disagree

**Question 1.7. Do you agree that where a pupil is the subject of an EHCP, CPP or CiNP the consent of the local authority (or the Secretary of State, if local authority consent is not given) should be obtained before the pupil's name can be deleted from the admission register, and state in guidance that this should only be used to allow the relevant plans to be updated?**

- Answer 1.7.1. Strongly agree
- Answer 1.7.2. Somewhat agree
- Answer 1.7.3. Neither agree nor disagree
- Answer 1.7.4. Somewhat disagree
- Answer 1.7.5. Strongly disagree

**Question 1.8. Do you have any comments regarding the admission register?**

Answer 1.8.1. If you wish to, please provide comments regarding the contents of the admission register and/or deletion of names from the admission register in no more than 200 words.

# Attendance Register

## Background

All schools, except those where all pupils are boarders, must currently keep an attendance register in accordance with regulation 6 of the Education (Pupil Registration) (England) Regulations 2006, as amended.

Schools must take the attendance register at the beginning of each morning session and once during each afternoon session. On each occasion they must record whether every pupil (with the exception of a pupil who is a boarder) is: present, absent, attending an approved educational activity as defined in regulation 6(4), unable to attend school due to an exceptional circumstance as defined in regulation 6(5), or not attending in circumstances relating to coronavirus as defined in regulation 6(5A) (until the end of school year 2021-22).

Our informal consultation found parents, schools and local authorities often find it difficult to understand how the existing national attendance and absence codes that are used in the attendance register to record the reasons for attendance and absence map back to the reasons set out in section 444 of the Education Act 1996 that pupils can be absent. This can cause tension between families and school, distort the data (and therefore prevent the right support from being provided) and make it difficult for parents to understand when they are committing an offence or not.

In line with the government's ambition to improve the consistency of support available to families and remove the barriers to attendance, it is more important than ever that what is recorded in the register is accurate. We therefore propose a number of changes to the attendance register requirements as set out in draft new regulations at regulation 10.

## Proposal and rationale

### **Simplifying the attendance register into a single list of reasons a pupil is 'attending' or 'absent'**

To make the national attendance codes clearer for parents, schools and local authorities, we propose simplifying recording in the register to a single list of reasons a pupil is 'attending' or 'absent' replacing present, absent, attending an approved educational activity and unable to attend due to exceptional circumstances. Each code would represent a circumstance where a pupil is 'attending' or 'absent' and more clearly map back to the reasons for absence permitted by section 444 of the Education Act 1996.

Our proposal is for the new regulations, at regulation 10(2), to group together cases where the pupil is:

- attending the school itself, another school at which the pupil is registered, or other places for approved education, including participation in remote education in very limited circumstances (set out in draft regulation 10(9)) where attending face to face lessons is not possible, or
- absent for a reason that maps more closely back to those permitted by section 444, and if none of those reasons apply, the pupil's absence will be recorded as 'absent in other or unknown circumstances' making clear that the absence was not for a reason permitted by section 444, or for a reason that has not yet been established.

### **Attendance and absence recording for pupils of non-compulsory school age**

Current regulations do not require schools to record reasons for absence for pupils of non-compulsory school age, other than when the pupil is attending an approved educational activity or unable to attend due to exceptional circumstances. This is also the case for the temporary category of 'not attending in circumstances relating to coronavirus' until the end of this school year. We propose that the new regulations require schools to record the same attendance and absence information for these pupils as for all other pupils registered at the school. This will enable schools to better track the absence of pupils of non-compulsory school age to help improve attendance and help pupils into good attendance habits before compulsory school age and maintain them afterwards.

### **Providing for recording remote education in very limited circumstances where attending face-to-face lessons is not possible**

Parents are required to ensure their child attends school on every day the school is open, except when one of the statutory reasons for absence set out in section 444 of the Education Act 1996 apply.

Throughout the pandemic, schools have been using remote education to support pupils who were not attending as a result of restrictions on attendance. New non-statutory guidance from the department expects schools to maintain capability to deliver remote education for use in future in some very limited circumstances where attendance is not possible.

Currently, however, a pupil's participation in remote education cannot be recorded in the attendance register and schools keep a separate record of pupils' engagement with remote education. We recognise that as remote education technology develops, and schools maintain their capabilities to deliver remote education in cases where it is not possible for pupils to attend face-to-face lessons, there may be a need for this type of participation to be recorded.

As such, we propose that the new regulations provide for remote education to be recorded as 'attending any other place for approved remote education' where it meets a

specific set of criteria. We are therefore seeking views from schools and local authorities on the following requirements (draft regulation 10(9)):

A pupil could be recorded as 'attending any other place for approved remote education' for a given session if:

- They are unable to attend the school because:
  - their school or local authority provided transport is not available and they do not live within reasonable distance of the school
  - part or parts of the school premises is unavoidably out of use and the pupil cannot practicably be accommodated in the part or parts of the school still in use
  - of widespread disruption to travel caused by a local, national or international emergency
  - their presence at school would be contrary to guidance on the incidence or transmission of infection or disease published by the Secretary of State for Health and Social Care or any body or authority exercising equivalent functions in relation to Scotland, Wales or Northern Ireland, or would be prohibited by legislation relating to incidence or transmission of infection or disease
  - the whole session has been cancelled unexpectedly (for example due to weather conditions).
  
- And, the remote education provided for the session:
  - has been set for them by a teacher to do
  - takes place during the session (or cancelled session) in question
  - is delivered by a person in a different place from the pupil
  - follows an agreement between the proprietor and the pupil's parent over who is supervising or not supervising the pupil

### **Off-site approved educational activity**

Current regulations require that an approved educational activity which takes place outside the school premises is supervised by a person authorised by the school but do not define who the school can authorise to supervise. This has led to confusion and in some cases inappropriate recording. We propose that the new regulations, at regulation 10(8), clarify that supervision must be by a person authorised by and acting under the direction of the school.

### **Questions on the attendance register**

**Question 1.9. Do you agree that recording in the attendance register should be simplified as described in the proposal above?**

Answer 1.9.1. Strongly agree

- Answer 1.9.2. Somewhat agree
- Answer 1.9.3. Neither agree nor disagree
- Answer 1.9.4. Somewhat disagree
- Answer 1.9.5. Strongly disagree

**Question 1.10. Do the proposed categories in draft regulation 10(2)(a) and (b) sufficiently capture all types of attendance and absence?**

- Answer 1.10.1. Strongly agree
- Answer 1.10.2. Somewhat agree
- Answer 1.10.3. Neither agree nor disagree
- Answer 1.10.4. Somewhat disagree
- Answer 1.10.5. Strongly disagree

**Question 1.11. Do you agree that attendance should be recorded in the same way for all pupils (both compulsory and non-compulsory school age)?**

- Answer 1.11.1. Strongly agree
- Answer 1.11.2. Somewhat agree
- Answer 1.11.3. Neither agree nor disagree
- Answer 1.11.4. Somewhat disagree
- Answer 1.11.5. Strongly disagree

**Question 1.12. Do you agree that the new regulations should allow recording of approved remote education in the attendance register?**

- Answer 1.12.1. Strongly agree
- Answer 1.12.2. Somewhat agree
- Answer 1.12.3. Neither agree nor disagree
- Answer 1.12.4. Somewhat disagree
- Answer 1.12.5. Strongly disagree

**Question 1.13. Is the proposed definition of approved remote education (at draft regulation 10(9)) sufficient?**

- Answer 1.13.1. Strongly agree
- Answer 1.13.2. Somewhat agree
- Answer 1.13.3. Neither agree nor disagree
- Answer 1.13.4. Somewhat disagree
- Answer 1.13.5. Strongly disagree

**Question 1.14. Do you agree that the definition of an approved educational activity should be strengthened?**

- Answer 1.14.1. Strongly agree

- Answer 1.14.2. Somewhat agree
- Answer 1.14.3. Neither agree nor disagree
- Answer 1.14.4. Somewhat disagree
- Answer 1.14.5. Strongly disagree

**Question 15. Is the proposed definition of an approved educational activity at draft regulation 10(8) sufficient?**

- Answer 1.15.1. Strongly agree
- Answer 1.15.2. Somewhat agree
- Answer 1.15.3. Neither agree nor disagree
- Answer 1.15.4. Somewhat disagree
- Answer 1.15.5. Strongly disagree

**Question 1.16. Do you have any comments regarding the attendance register?**

Answer 1.16.1. If you wish to, please provide any comments regarding the attendance register, including leave of absence, in no more than 200 words.



# Proposal 2 – Thresholds for the new national framework for issuing fixed penalty notices

## Background

Parents have a duty, under section 7 of the Education Act 1996, to ensure that their child of compulsory school age (approximately 5 to 16) receives an efficient full-time education either by attendance at school or otherwise than by regular attendance at school. If parents choose to get their child registered at school, the law places a duty on the parents to ensure their child of compulsory school age attends school regularly. If parents have their child registered at any school, including an independent school, and the child fails to attend regularly, parents may be guilty of an offence under section 444 of the Education Act 1996.

As absence is often a symptom of wider issues a family is facing. Schools, trusts and local authorities should always work together with other local partners to understand the barriers to attendance and provide support. Where that is not successful, or is not engaged with, the law protects pupils' right to an education and provides a range of legal interventions to formalise attendance improvement efforts, and where all other avenues have been exhausted, enforce it through prosecuting parents.

Following public consultation earlier this year, the Secretary of State has committed to introducing a national framework for the use of legal intervention. The new framework is designed so that, where attendance legal intervention is used, decisions are made on an individual case by case basis in line with [section 6 of the new guidance for schools, trusts, governing bodies and local authorities representing a move away from blanket policies applied by individual local authorities](#). The main principles of the new framework, as set out in the guidance, are that where support has not been successful, has not been engaged with, or is not appropriate (such as a term time holiday), schools and local authorities should work together to choose which (if any) of the legal intervention is most appropriate to the individual circumstances of the family, and therefore most likely to change parental behaviour.

Fixed penalty notices will remain one of those options. They are out of court settlements offered to parent(s) who have committed the offence of failing to secure their child's regular attendance at any school other than an independent school or non-maintained special school. Fixed penalty notices are currently £120, reduced to £60 if paid within 21 days. Fixed penalty notices can also be issued to a parent where their child appears in a public place without reasonable justification during the first 5 school days of a suspension or permanent exclusion.

Currently, each local authority decides the thresholds at which it will issue a penalty notice in line with the Education (Penalty Notices) (England) Regulations 2007, as amended. This means that enforcement for an absence may be taken against a parent

living in one local authority's area, but the same absence would not be subject to enforcement in a neighbouring authority's area.

Subject to Parliament, to improve consistency and fairness, and to ensure fixed penalty notices are used appropriately as part of the suite of parental responsibility measures, we will introduce national thresholds at which penalty notice must be considered. This will replace individual local authority codes of conduct for issuing fixed penalty notices. Local authorities will remain independent prosecutors and will continue to decide which (if any) parental responsibility measure they use for each individual case. It is these new national thresholds that are being consulted on through this exercise.

## **Proposal and rationale**

The new regulations on penalty notices will cover the same areas as existing local authority codes of conduct but replace individual local arrangements with national arrangements for:

- The thresholds at which a penalty notice must be considered
- The maximum number of penalty notices that can be issued to a parent in a given period. (Guidance will then set out that Prosecution should be considered at the next offence)

The new regulations will require individual case by case decisions about whether a fixed penalty notice is appropriate when a threshold is met. This will include an additional consideration of whether support has been exhausted or not engaged with or whether, such as in the case of unauthorised holiday in term time, it would not be appropriate.

## **When a penalty notice must be considered**

We propose setting the following national thresholds for the circumstances in which a penalty notice must be considered:

- 10 sessions of unauthorised absence including lateness in a term (where support has not been successful, has not been engaged with, or is not appropriate)
- Any incidence of unauthorised holiday in term time
- Any sessions of unauthorised absence immediately following a leave of absence in term time
- Any incidence of an excluded pupil being in a public place without reasonably justification during the first 5 school days of an exclusion

The maximum number of penalty notices that can be issued to each parent, per pupil. (Guidance will then set out that prosecution should be considered at the next offence.)

We propose setting a national limit of 2 fixed penalty notices being issued to one parent for the same child in a given school year. After this limit is reached, prosecution should be considered at the next offence.

## **Duty for collaboration between those with authority to issue a penalty notice**

In addition to local authorities' current duty to collaborate with neighbouring authorities in delivering the fixed penalty notice system, we propose introducing a new duty on other officers authorised to issue them (including headteachers and the police) to check with the local authority before issuing. This is intended to prevent duplication and prevent a notice from being issued if support (or other legal intervention) is already in progress.

The introduction of these new thresholds is likely to be achieved, subject to Parliament, through revoking and replacing the Education (Penalty Notices) (England) Regulations 2007, as amended, with an expanded set of new regulations. Until then, each local authority is responsible for setting its own code of conduct and the relevant code for a given area should be followed.

## **Questions on thresholds of the new national framework on fixed penalty notices:**

**Question 2.1. Do you agree with the national thresholds, as set out in the proposal above, for the circumstances in which a penalty notice must be considered?**

Answer 2.1.1. Strongly agree

Answer 2.1.2. Somewhat agree

Answer 2.1.3. Neither agree nor disagree

Answer 2.1.4. Somewhat disagree

Answer 2.1.5. Strongly disagree

Answer 2.1.6. If you do not agree, please explain why in no more than 200 words.

**Question 2.2. Do you agree that the maximum number of penalty notices that can be issued to each parent, per pupil, should be 2 per academic year?**

Answer 2.2.1. Strongly agree

Answer 2.2.2. Somewhat agree

Answer 2.2.3. Neither agree nor disagree

Answer 2.2.4. Somewhat disagree

Answer 2.2.5. Strongly disagree

Answer 2.2.6. If you do not agree, please explain why in no more than 200 words.

**Question 2.3. Do you agree that, any person with authority to issue a fixed penalty notice should be required to check with the local authority before issuing one in order to prevent the duplication of penalty notices and to ensure that a penalty notice is not issued when a prosecution for the particular offence is being considered?**

Answer 2.3.1. Strongly agree

Answer 2.3.2. Somewhat agree

Answer 2.3.3. Neither agree nor disagree

Answer 2.3.4. Somewhat disagree

Answer 2.3.5. Strongly disagree

Answer 2.3.6. If you do not agree, please explain why in no more than 200 words.

## Public Sector Equality Duty

Under the Equality Act 2010, the public sector equality duty requires public authorities to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The 'protected characteristics' for the purpose of this duty are:

- Age (although a statutory exemption applies for school policy)
- Disability
- Gender Reassignment
- Marriage and Civil Partnership (although this is only relevant in relation to eliminating unlawful discrimination, harassment and victimisation)
- Pregnancy and Maternity
- Race (including ethnicity)
- Religion or belief
- Sex
- Sexual orientation

### Questions on the equalities impact:

**Question 3.1 What do you consider to be the equalities impacts of the proposals on pupils, parents, groups of pupils or groups of parents who have or share each of the protected characteristics listed?**

Answer 3.1. Please answer in no more than 200 words.



Department  
for Education

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