



**Rt Hon Damian Hinds MP**  
Minister for Schools

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TO DIRECTORS OF CHILDREN'S SERVICES

29 February 2024

Dear colleagues,

**RE: Further government action on school attendance, including making *Working together to improve school attendance* statutory**

Thank you for everything you and your teams are continuing to do on school attendance.

The pandemic was one of the biggest challenges ever posed to the education system and among its knock-on effects is an unprecedented impact on parental thresholds around absence. Prior to the pandemic, together we have made real progress to gradually improve attendance rates since 2010, from 6 per cent in 2009-10 to 4.7 per cent in 2018-19. Our goal is to build on the strengths of the current system to improve attendance levels to pre-pandemic levels and better as quickly as possible. The concerted efforts of schools and local authorities across England are already having a real impact with attendance rates 0.7 percentage points higher last term compared to the year before. This means pupils, on average, attending the equivalent of around a day and a half more across an academic year than they did last year. Making sure all children access the full-time education to which they are entitled remains a top priority for all of us. That is why today we're taking the following action to meet the Schools White Paper commitments to improve the attendance system:

- (1) Publishing a revised version of *Working together to improve school attendance* as statutory guidance from 19<sup>th</sup> August 2024.
- (2) Laying regulations to mandate attendance data sharing by all schools so schools, local authorities and DfE have access to near-live data from all state-funded schools from the beginning of next school year.
- (3) Laying regulations to modernise school attendance and admission registers (including updating attendance codes, rules on granting leaves of absence and on who can access registers) to improve the accuracy of attendance data to help schools and local authorities put better, more targeted support in place as early as possible; and

- (4) Publishing details of the new National Framework for Penalty Notices for absence and laying regulations to improve consistency of attendance enforcement across the country.

We are also announcing today that from Autumn 2024, under Section 29(1) of the Education Act 1996, it will be mandatory for all local authorities to submit a return to the termly aggregate Elective Home Education (EHE) and Children Missing Education (CME) Data Collection. Baroness Barran, the Minister for the School System, and I have written separately to your EHE and CME teams with further details.

### **(1) Working together to improve school attendance**

The guidance sets out expectations of schools, trusts and local authorities drawn from the best practice across the system. Since the guidance was originally published in May 2022, there has been significant progress in implementation across England. The vast majority of schools and two thirds of local authorities are self reporting as delivering the expectations from the beginning of this term and DfE's attendance advisers consider all but a small minority of local authorities are currently in a strong position to deliver by September. It has been heartening to see the efforts schools and local authorities have made to rise to the challenge – from redesign of the attendance service in the East Riding to all schools in Newham now being provided with a single point of contact and termly Targeting Support Meeting. We now have a senior attendance champion in 88% of schools. 92% have a published attendance policy and 66% of local authorities report they are delivering their termly Targeting Support Meetings. 89% of local authorities now report providing all schools in their area with a single point of contact in their attendance team. The impact is already being felt with 380,000 fewer pupils persistently absent or not attending in 2022/23 than in 2021/22.

I recognise, and am grateful for, the enormous effort local authority teams across a wide range of services have made to get to this point, and I am now in a position to make that guidance statutory, using powers under the Education Act 2002. This will take effect from the beginning of school year 2024/25. As part of their ongoing engagement with local authorities, my officials have listened carefully to feedback from DCSs and others across the country and I am therefore publishing a revised version of the guidance that:

- Makes a clearer distinction between the school and local authority roles to respond to concerns about the potential for increased pressure on early help services.
- Contains an additional section to clarify local authority responsibilities for the 1 in 20 pupils that attends school in one local authority but lives in another to prevent duplication and make it easier for frontline officers to support families efficiently.

- Provides greater flexibility in working with independent schools. This is to support those local authorities with high proportions of independent schools, or where independent schools do not face significant absence challenges.
- Makes clear local authorities can continue to trade services beyond the core offer where there is demand from schools. This responds to concerns around loss of income and recognises that many of those local authorities fully delivering have continued to trade an adapted service offer to schools.
- Maintains the ambition of termly Targeting Support Meetings, but responds to the resourcing concerns of some local authorities by allowing these to be held less frequently for schools when they are above national average for attendance for their phase, and where school and local authority are in agreement.

We have closely monitored implementation and remain confident in our original new burdens assessment. Data from the wider group of local authorities that are now fully implementing the expectations and have been willing to share information with DfE suggests they are able to deliver with a similar number of staff as the original assessment expected.

To further support implementation, DfE's attendance advisers recorded a [session](#) showing different effective ways to deliver each expectation and we have published effective practice sessions showcasing 16 detailed examples of ways local authorities have approached delivery across sizes and contexts on our [YouTube channel](#). All local authorities will be offered an additional session with their DfE attendance adviser over the course of the summer term to support any changes needed. For the third of local authorities who are on the way to delivery, I encourage you to continue to engage with your DfE adviser and additional sessions will be made available where needed. 82% of local authorities who responded to our survey were satisfied or very satisfied with their adviser's ability to support to them to address identified challenges. More than two thirds of local authorities also reported that they had already begun to see a positive impact of the work that they had done with their adviser.

## **(2) Mandating attendance data sharing by all state funded schools**

It is clear that robust data, used well, is critical to improving attendance outcomes. To support local authorities to meet the expectations set out in the guidance, we are mandating the provision of pupil level attendance data from all state funded schools from the beginning of school year 2024-25. This will mean that local authorities will be able to access near real time attendance data for all schools in their LA via their secure reports. This change, alongside the added functionality on local authority export of data which we introduced last week, will allow better, more timely support to be put in place for pupils that need it and for data to be shared more easily with other agencies supporting children. Moreover, as a free service this will reduce existing data collection and processing costs for local authorities.

### **(3) Modernising school attendance and admission registers**

The Department is also laying regulations to revoke and replace the Education (Pupil Registration) (England) Regulations 2006. These changes follow extensive consultation with schools and local authorities and are designed to improve consistency and accuracy of attendance recording, by:

- Updating the attendance codes used by schools and requiring all schools regardless of type to use them to improve consistency. This includes additional codes local authorities have long requested, including on access arrangements and part time timetables.
- Requiring all schools to keep their attendance and admission registers electronically and extending local authorities' power to access and take extracts from those registers to all types of schools to allow you to fulfil your expectations as set out in the guidance.
- Providing further clarity on when pupils are added to and taken off the school roll, including where pupils have been overseas for prolonged periods.
- Requiring schools to inform the local authority when a pupil has, or will, miss 15 days due to illness to support local authorities in fulfilling their role under the guidance on pupils who cannot attend school due to medical reasons.

### **(4) Publishing details of the new National Framework of Penalty Notices**

Finally, the Department is laying regulations to amend the Education (Penalty Notices) (England) Regulations 2007 to deliver on the Schools White Paper commitment to introduce a National Framework for Penalty Notices. Officials have worked closely with schools and local authorities to design the new framework which further embeds the Government's 'support first' approach whilst strengthening the deterrent for parents where pupils are absent without good reason, by:

- Introducing a standard national threshold at which penalty notices will be considered of 10 unauthorised sessions within 10 school weeks in place of existing local authority by local authority thresholds.
- Expecting support to be considered before any penalty notice and allowing a Notice to Improve to be issued in cases where support would be more appropriate but has not been engaged with.
- Increasing the amount of the penalty from £120 to £160 if paid within 28 days, reduced to £80 (instead of £60) when paid within 21 days.
- Limiting penalty notices to two per parent in respect of an individual child within three years and charging the second notice at the flat rate of £160 to prevent repeat offences. If the threshold is met a third, or subsequent times, another attendance intervention including prosecution should be used instead.

The ethos of 'support first' and the increased deterrent is expected to reduce the overall number of penalty notices issued over time. In the short term, a new burdens assessment has been completed that demonstrates that an average local authority will have a small annual surplus after costs compared to business as usual from the reduced workload and increased revenue. As per the commitment at the time of the

Schools White Paper, from school year 2024-25, the Government will lift the restriction on monies collected to allow this surplus to be reinvested in attendance support in line with the rest of the guidance. We will continue to engage with local authorities and schools as we continue to resolve the remaining data quality issues and develop additional functionality. To help make the changes as easy as possible, the Association of Education Welfare Management has developed a template Local Code of Conduct and Notice to Improve for local authorities to draw from.

Thank you again to you and your teams for everything you continue to do on this important national priority.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Damian Hinds', is centered on the page. The signature is fluid and cursive, with a vertical line to its right.

**Damian Hinds**  
**Minister for Schools**