

MODULE 2

Support First & Thresholds

Choosing the right tool, at the right time



Why this matters

We are a Support First local authority; we must evidence relentless support and that legal intervention is the last avenue to explore



Remember this

“Has support been tried, and is it appropriate here? If support is not appropriate, or has been tried and has not worked, a Notice to Improve is your next step.”



What good looks like

- Threshold: 10 unauthorised sessions in 10 school weeks (codes G, N, O, U)
- Notice to Improve (NTI) = a final chance to engage (6-week improvement period)
- Penalty Notice where there has been no noticeable improvement after three weeks since the NTI was issued
- Maximum 2 PNs per parent, per child, in a rolling 3 years; a 3rd offence is referred for prosecution under s444(1)
- Request the PN as soon as criteria are met and no later than 8 weeks from the offence; only the local authority (LA) issues PNs
- An NTI is not the start of support: appropriate support must already be offered and evidenced

Common mistakes

- A Penalty Notice before an NTI
- An NTI without doing the support steps first
- Miscounting the threshold, or counting authorised absence
- Requesting a 3rd Penalty Notice instead of referring for prosecution
- Missing the 8-week PN request point from the offence (we can support requests up to 10 weeks following the first date of absence however, this will impact the time to proceed a case to prosecution)



In practice

- Term-time holiday (G), support not appropriate → Penalty Notice
- Persistent unauthorised absence, support not engaged → NTI, then PN if no improvement

Independent schools: Independent schools cannot request an NTI or PN regardless of the code. Where the threshold and circumstances would otherwise lead to legal action, the route is a s444(1A) request. We ask that all reasonable measures of support are tried and documented.

Before you submit

“Would this stand up in court?”

Offence proven · chronology clear · escalation justified · every line fact

