

School Attendance and Penalty Notices

Information for parents and carers

Your child's education is really important. Regular attendance at school increases your child's chance of getting good qualifications and a good job.

Children need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in primary and secondary school.

The Law

You are responsible for:

- Ensuring your children receive full time education
- Their regular and punctual attendance at school

As the parent you are committing an offence if you fail to make sure that your child attends school regularly and the absence is unauthorised by the Headteacher, even if they are missing school without your knowledge.

If you fail to ensure your child's regular attendance at school the Local Authority may issue a penalty notice or instigate legal proceedings for an offence under section 444 of the Education Act 1996.

What is regular attendance?

In April 2017, the Supreme Court held that attending school "*regularly*" means attendance in accordance with the rules prescribed by the school and not "*sufficiently frequent attendance*". This means that a child must attend school on every day that the school requires him or her to do so and failure to do this may lead to the commission of an offence.

What counts as unauthorised absence?

- Any absence from school that the school has not given permission for
- Truancy from school, with or without parent's knowledge
- Parentally condoned absence (i.e. you know your child is absent from school and you do nothing about it)
- Delayed return from a period of leave of absence
- Arriving late at school after the register has closed

Can I take my child out of school for a holiday during term time?

You should not expect your child's school to agree to an absence for a holiday in term time.

The regulations make clear that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

The fundamental principles for defining 'exceptional' are rare, significant, unavoidable and short.

If you feel there are exceptional circumstances why your child needs to be absent from school, you should apply in advance, by writing to the Headteacher explaining clearly the dates and reasons you are requesting leave of absence.

It is at the discretion of the Headteacher whether to authorise the absence. If the school refuses a request for leave of absence and the child is still taken out of school this will be recorded as unauthorised absence

Changes to the issuing of a Penalty Notice effective from 19th August 2024.

Following extensive development with schools and local authorities, a new National Framework for Penalty Notices for school absence is being introduced from 19th August 2024.

This will ensure that penalty notices are issued consistently across England, ensure a support first approach is adapted (except for a term time holiday).

What is a Penalty Notice?

A Penalty Notice is an alternative to prosecution and can be issued when there have been 10 sessions of unauthorised absence (equivalent of 5 days consecutive or otherwise) over a 10-week rolling school week. A separate Penalty Notice can be issued for each parent per child.

You have to pay a fine, but you do not have to appear in Court. You also have to make sure that your child's attendance at school improves.

Payment of a Penalty Notice enables parents to discharge potential liability for conviction.

Is a notice to improve given?

The school may send you a notice to improve telling you that a Penalty Notice may be issued once the threshold of 10 sessions has been met. This notice to improve will also include details of your child's absences and the support that school has put in place to address the irregular attendance. If you receive a notice to improve this is a further opportunity for you to work with the school to improve your child's attendance and avoid the need to issue a Penalty Notice.

Your child must have no further unauthorised absences from school from the date of the letter. If your child's unauthorised absence continues then school may request that a Penalty Notice be issued by the Local Authority.

The school is not required to send a notice to improve where the absence is due to an unauthorised holiday during term time.

What are the costs?

£160 if you pay within 28 days of receipt of a Penalty Notice reducing to £80 if you pay within 21 days. (Per parent, per child).

With any second penalty notice issued to the same parent for the same child within a rolling 3-year period, the amount will be charged at £160 with no option to pay the lower rate of £80.

There is a national limit of 2 penalty notices that can be issued to a parent for the same child within a 3-year rolling period, so at the 3rd (or subsequent) offence(s) another tool will be considered (such as prosecution)

Is there an appeal process?

There is no right of appeal by parents against a Penalty Notice.

What happens if I don't pay?

If you don't pay in full within 28 days, Bolton Council is required to commence proceedings in the Magistrates' Court under Section 444 of the Education Act 1996 for the original offence of failing to ensure the regular attendance of your child.

If proven this can attract a range of fines up to £1,000 and/or a range of disposals such as Parenting Orders or Community Sentences depending on individual circumstances.

Can I be prosecuted if I pay the Penalty Notice, but my child is still missing school?

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. A prosecution might be considered for further periods of poor attendance not covered by the Penalty Notice, depending on your circumstances.

The Local Authority can also prosecute parents for non-attendance without issuing a Fixed Penalty Notice

If the poor school attendance persists the Local Authority may also consider prosecution under Section 444 (1A) of the Education Act 1996, which can carry a fine of up to £2500 and/or up to three months imprisonment.

What can I do?

Ensure your child attends school regularly and arrives on time. Lateness can be very disruptive for the class and for your child.

Make sure your child understands that you do not approve of them missing school. If you suspect your child is not happy in school, you should contact the school as soon as possible.

Take an interest in your child's education, ask about their day, praise and encourage achievements at school.

Can I get help if my child is not attending regularly?

If you are experiencing problems with your child's attendance at school, it is really important that you work closely with school to resolve the matter. Alternatively, for further guidance and support you can contact:

Child Employment and Enforcement Officer Early Intervention Service
1st Floor, BASE Marsden Road Bolton
BL1 2PF
Tel: 01204 338173

Moments matter, attendance counts. Every lesson counts. Improving attendance, raising attainment

The legal definitions of 'parent' are:

- Any natural parent, whether married or not
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children's Act (1989)
- Any person who, although not a natural parent, has care of a child or young person