

## What are the fines?

A Penalty Notice fine offers a parent an alternative to prosecution. However, failure to pay a Penalty Notice will usually result in the original case being referred to a Magistrates' Court.

The fine is £120 to be paid within 28 days but will be reduced to £60 if paid within 21 days.

Penalty Notice fines are issued per parent, per child and all fines issued must be paid.

## What is a prosecution?

If a parent is prosecuted this would take place in a Magistrates' Court under section 444 of the Education Act 1996. Prosecution could result in a fine of up to £2,500, a community order or a jail sentence of up to three months. The court can also issue a Parenting Order.

Prosecution in a Magistrates' Court would be via a Single Justice Procedure Notice (which removes the need for a formal hearing to take place) or by summons for a parent to appear at a Magistrates' Court in person.

Parents can be prosecuted for issues including:

- Ongoing unsatisfactory school attendance
- Repeated cycles of short-term improvements linked to the Penalty Notice process
- Unauthorised leave of absence during term time (including holidays) which is excessive in length
- Repeated periods of unauthorised leave of absence taken during term time (including holidays)
- Non-payment of a Penalty Notice

## How can I get support?

If you have any questions or concerns about school attendance contact your child's school where staff will be able to help.

# School attendance – the law

## Information for parents

### Your responsibility as a parent

If you are a parent of a child of statutory school age (between five and 16 years) who is registered at a school you are responsible for making sure s/he attends school regularly.

### Who is a parent?

- Any natural parent, whether married or not
- Any parent who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person
- Any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered

to be a parent in education law

## Why does attendance matter?

Attending school on a regular basis is the key to your child doing well at school and will set them up with good routines for later life and the working world, as well as giving them the opportunity to:

- Make friends and feel included
- Learn new things and develop skills
- Increase their confidence and self-esteem
- Improve social skills
- Achieve their potential and fulfil aspirations

## Every school day counts

Every single day a child is absent from school equates to a day of lost learning.

<b>100% attendance</b>	<b>No days missed</b>
<b>95% attendance</b>	<b>Nine days of absence</b> One week and four days of learning missed
<b>90% attendance</b>	<b>19 days of absence</b> Three weeks and four days of learning missed
<b>85% attendance</b>	<b>28 days of absence</b> Five weeks and three days of learning missed

## What is authorised absence?

This is any absence that is approved by your child's headteacher. These absences will be marked in the attendance register with an authorised absence code.

## What is unauthorised absence?

This is any absence that is not approved by your child's headteacher including:

- Absence for which a parent has not provided a reason

- Absence where the reason provided has not been accepted as justifiable or genuine by the headteacher
- If your child arrives late after the close of register

These absences will be marked in the attendance register with an unauthorised absence code.

## Leave of absence in term time (including holidays)

In accordance with Pupil Registration Regulations, headteachers must not grant approval for any leave of absence during term time, including holidays, unless there are exceptional circumstances. Headteachers of maintained and academy schools across England are expected to abide by this regulation and request legal action when a child is absent during term time without their permission – regardless of the child's wider school attendance.

## Persistent absence

Any child with attendance of or below 90% (regardless of whether the absence is authorised or unauthorised) is considered to be a persistent absentee. This equates to two days of absence each month. Statistics show that a persistent absentee is less likely to achieve their full potential.

## Your legal responsibility

As a parent you are committing an offence if you fail to make sure your child attends regularly – even if they are missing school without your knowledge. If the school believes this is the case they can ask Derbyshire County Council to take action against you. This can be through a Penalty Notice fine or prosecution in a Magistrates' Court.

## What is a Penalty Notice?

The Anti-Social Behaviour Act 2003 introduced legislation for local authorities to issue a Penalty Notice fine to the parent of a child who has unauthorised absences from school.

## **A Penalty Notice can be issued for the following reasons:**

- If leave is taken during term time without the permission of the headteacher
- If a child has unauthorised absence from school and their parent fails to improve the situation
- If a child persistently arrives late after the close of register
- If a child who has been excluded is seen in a public place during school hours without adult supervision