



ASTON-ON-TRENT PRIMARY SCHOOL



A GUIDE TO SCHOOL ATTENDANCE & THE LAW

OVERVIEW

If you are a parent/carer of a child of statutory age (between 5 and 16 years) who is registered at a school, you are **legally responsible** for ensuring that they attend school regularly and **arrive on time** each day.

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

WHAT IS AN UNAUTHORISED ABSENCE?

Authorised absences that are approved by the headteacher are marked in the attendance register with an authorised absence code.

Unauthorised absences that are **not approved by your child's headteacher** are marked in the attendance register with an unauthorised absence code. These include:

- Absences for which a parent has **not provided a reason**.
- Absences where the reason provided has **not been accepted** as justifiable or genuine by the headteacher.
- **Late arrivals**, after the close of register (09:00)

PERSISTENT ABSENCE

Any child with attendance of or below 90% (which equates to two days of absence each month) is considered to be a **persistent absentee**, regardless of whether the absences are authorised or unauthorised. Statistics show that a persistent absentee is less likely to achieve their full potential and may struggle to keep up with their peers.

PENALTY NOTICES

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.

Penalty Notices can be issued for the following reasons:

- If parents take their child on **holiday during term-time** without the written permission of the headteacher.
- If a child has **persistent absence** and parents fail to improve the situation.
- If a child **persistently arrives late**, after the close of register (09:00).
- If a child who has been **excluded** is seen in a public place during school hours without adult supervision.

The threshold for a school requesting the issue of a Penalty Notice is **10 sessions (5 school days)** of unauthorised absence in a rolling **period of 10 weeks**. This can include any form of unauthorised absence, including late arrivals.

WHAT ARE PENALTY NOTICE FINES?

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

Penalty Notice fines are issued **per parent, per child** and all fines issued must be paid. They are normally sent via first-class post to your home address (or addresses).

For a first offence, the fine is £160, to be paid within 28 days, but will be **reduced to £80** if paid within 21 days. For a second offence within 3 years, the fine is £160, with no reduction for early payment. If there is a third offence during this time, **this will result in 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.

Parents can be prosecuted for ongoing unsatisfactory attendance or an unauthorised leave of absence during term time, which is excessive in length.

There is **no right to appeal against a Penalty Notice**, unless an error has been made. For example; if your child was actually in school or if the notice has been issued to the wrong person.

IS A WARNING GIVEN?

A formal **written notice to improve** will be issued in cases of unsatisfactory school attendance, but you will not be given a formal written warning if you have taken your child on holiday in term-time, without the authorisation of the headteacher.

LEAVE OF ABSENCE IN TERM-TIME (INCLUDING HOLIDAYS)

Parents are not entitled to take their children on holiday during term-time. 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 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.

Holidays that meet the criteria of **exceptional circumstances** do not include wedding anniversaries, surprise birthdays or seasonally-restrictive activities. Parents are however permitted up to 3 days to take their children to destination-weddings, for immediate family members. Any additional absences over 3 days will be counted as unauthorised.

If a leave of absence is denied and a pupil is absent for **5 days or more**, the school is expected to refer the case to the local authority who will issue a penalty.

WHAT CAN WE ALL DO TO HELP?

The best thing you can do to help with attendance is to ensure your child is on-time every day, unless they are too ill to attend. Please **avoid booking holidays during term-time** and try to **avoid taking children out of school for appointments** unless it is unavoidable.

The staff at Aston-on-Trent are here to support you. If you have any questions about this document or attendance in general, please feel free to contact the school office.