

Education Welfare Team

Penalty Notices for School Attendance Issues

Guide for Parents

Parents must ensure that their children attend school unless they are ill or have appointments the school has been informed of. There are also times when unavoidable situations arise which parents should inform the school of at the earliest opportunity.

If parents have plans involving their children missing school, they must make a request for **leave of absence**.

Parents who fail to ask for leave of absence are liable to receive **penalty notices**. This is also the case if their request is turned down by the school and they still remove their child from school.

Penalty notices are usually applied where parents do not have permission to

- **Take children on holiday**
- **Visit family, including sick relatives**
- **Take children out of school for special occasions**

Penalty notices also apply to parents whose children have **six** unauthorised latenesses in any four-week period or whose child is unsupervised in a public place while excluded from school.

Penalty notices are **per parent per child**. Parents have **21** days to pay at the reduced rate of **£60** and a further **7** days at **£120**. **FAILURE TO PAY LEADS TO PROSECUTION IN THE MAGISTRATES' COURT.**

EXCEPTIONAL CIRCUMSTANCES

The decision to authorise or not, and then whether to request a penalty notice lies with the head teacher, who must consider whether the absence will be for **exceptional circumstances**.

These are, in essence, circumstances that are outside people's control, are emergencies, are "one-off" occasions or matters of a compassionate nature.

Parents should understand that holiday costs, sick relatives who can be visited in school holidays and many family occasions are unlikely to be seen as exceptional. It is essential that parents provide schools with all relevant information and then respect the decision of the head teacher.

Disputing a penalty notice.

There is no right of appeal for parents but the Local Authority will examine any evidence that shows an error has been made. Parents will be required to provide documentary evidence to the Education Welfare Team, using contact details on their invoice.

Parents are advised that the timescale for payment remains the same. All queries about penalty notices are dealt with promptly. Parents who delay their dispute are not given extra time to pay, if their challenge is unsuccessful.

Parents should

- **Follow the school's attendance policy**
- **Make a request for leave of absence in good time so that it can be considered**
- **Respect the decision made**
- **Make travel arrangements AFTER permission has been given**
- **Keep all travel documents and invoices to account for delays or disruptions**
- **Make sure that they obtain medical evidence if their child is ill in the periods either side of an official school holiday**
- **Ensure they can be contacted by school during periods of illness**
- **Understand that, if school or Education Welfare staff visit the family home and the child is not there when reportedly too ill to attend school, a penalty notice will be issued.**
- **Never remove children from school without explanation**
- **Notify school of a family emergency immediately**
- **Provide evidence requested by school staff**

It is clear that many parents feel justified in making decisions about taking their children out of school for all sorts of reasons, but they have a responsibility to ensure their children are in school in accordance with the law.

While a small number of specific cases gather a lot of publicity, they usually involve particular circumstances that do not affect the general application of the law. Most prosecutions result in higher fines and a criminal record for parents. These do not appear in newspapers.

Legal references

The Education (Penalty Notices) (England) Regulations 2007 with amendments as per The Education (Penalty Notice) (England) (Amendments) Regulations 2012 and 2013.

Education Act 1996 Section 576: definition of parent

Education Welfare Team, October 2016