

WHAT THE LAW SAYS

Section 7 of the Education Act 1996 states that “The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable to his/her age, ability and aptitude and to any special educational needs he/her may have, either by regular attendance at school or otherwise”.

Parents are required to work in partnership with schools and relevant agencies to improve poor school attendance. However, sometimes parents do not fully cooperate and/or their children(s) school attendance does not improve. In these circumstances the Local Authority (LA) may use its legal powers to remind parents to undertake their responsibilities.

Therefore, we are required by law to make you aware of the possible consequences of continued Unauthorised Absence from School.

The definition of a parent as set out in section 576 of the Education Act 1996 is:

- All natural parents, whether they are married or not;
- Any person who has parental responsibility for a child or young person; and,
- Any person who has care of a child or young person i.e. Lives with and looks after the child.

It is expected that parents co-operate with schools and the Local Authority to ensure your child attends school every day it is open, unless there is a good reason for him or her not to attend.

The Local Authority may use a number of legal sanctions where parents fail to meet their legal responsibilities regarding their child’s school attendance.



School Attendance

Legal Information for Parents and Carers

Important information for parents regarding unauthorised absence from school.



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Section 23(1) of the Anti-Social Behaviour Act 2007 states that

“Penalty Notices may be issued to the parent of pupils who have unauthorised leave or irregular absence from school”.

- First period of unauthorised leave of absence: The amount of the penalty is £160 if paid within 28 days, reducing to £80 if paid within 21 days. If not paid within 28 days, the Local Authority may prosecute under section 444(1) Education Act 1996, unless it comes to our attention that the penalty notice has been issued in error.
- Second period of unauthorised leave of absence in 3 years: A second penalty notice is issued to the same parent for the same child and is charged at a flat rate of £160, to be paid within 28 days. If not paid within 28 days, the Local Authority may prosecute under section 444(1) Education Act 1996, unless it comes to our attention that the penalty notice has been issued in error.
- A third period of unauthorised leave of absence in 3 years: A third penalty notice will **not** be issued, and Prosecution in the Magistrates’ Court will be considered by the Local Authority.

Penalty Notices for irregular attendance/persistent absence.

Schools are responsible for monitoring attendance. If your child continues to be absent without good reason, the school can issue a 20 day Notice to Improve Attendance.

The 20 days set out in this Notice period must be achieved with no unauthorised absences. If the period is achieved, and there are no recorded unauthorised absences, there will be no further action at that time. However the school will continue to monitor to ensure improved attendance continues.

If there are unauthorised absences recorded during this period, a Penalty Notice may be issued for failing to secure regular attendance of your child.

Penalty Notices for unauthorised holiday absence in term time.

Any leave should be applied for in advance of the absence. If the absence is not deemed as exceptional circumstances and has been unauthorised by the Headteacher, you may be issued with a Penalty Notice.

Section 105 Education & Inspections Act 2006 – Excluded Pupils

Penalty Notices can be issued to the parents of a pupil who is seen in a public place during school hours within the first 5 days of an Exclusion period.

Section 444(1) of the Education Act 1996 states that “If you are the parent of a child of compulsory school age who fails to attend school regularly, you are guilty of an offence”.

The court may:

- Fine each parent up to £1,000 per child
- Order payment of the prosecution costs
- Impose a Parenting Order
- Impose an Education Supervision Order

Section 444(1a) Education Act 1996 states that “If in the above circumstances you, the parent, know that your child is failing to attend regularly at the school and fail without reasonable justification to cause him/her to attend, you are guilty of an offence”.

The court may:

- Fine each parent up to £2,500 per child
- Order payment of the prosecution costs
- Impose a Parenting Order
- Impose an Education Supervision Order
- Sentence parents to a period of imprisonment for up to 3 months