

Unauthorised Attendance and Term Time Leave

Penalty Notices - ADVICE for PARENTS

The amended attendance regulations make it explicit that Headteachers may no longer grant any pupil leave of absence during term-time unless there are truly exceptional circumstances and the Parents/Carers make a formal application for the leave in advance. The new regulations also do not allow schools to give retrospective approval and if the Parents did not formally apply in advance or a child is subsequently kept away from school for longer than was originally agreed with the Headteacher, then the pupils' absence must be recorded as unauthorised and each Parent could receive penalty notice sanctions for £60 (or £120 if not paid within 21 days).

What is the Education Act 1996?

This Act allows the Local Authority to prosecute parents for failing to ensure their child attends school regularly. It also allows the Local Authority to issue Penalty Notices to Parents as an alternative to prosecution.

What is a Penalty Notice?

A Penalty Notice is an alternative to a prosecution. It requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance and avoid a court appearance. What is the fine? The fine is £60 to be paid within 21 days. The 21 day period begins 2 days after the date shown on the Penalty Notice. If the fine is not paid within 21 days, it rises to £120 for a further 7 days. If it is still not paid, the matter may be sent for prosecution, not for the unpaid fine but the original offence.

Why has the power been introduced?

Absences from school can damage your child's learning and impact on their opportunities for training and working later in life. It can also leave children at risk of anti-social behaviour and crime.

What are my responsibilities as a parent?

Unless you can show that you are making your own arrangements for your child to be educated other than at school, you must ensure your child attends school regularly. You will be committing an offence if your child fails to attend school regularly without good reason or without the Headteacher's permission. Only your child's school can authorise an absence.

How will they be issued?

They will be sent to your home by first class post.

Is a warning given?

Warnings are not issued by the Local authority but will be issued directly by schools. The number of warnings may vary from school to school. Please contact the school office for further details.

Can my children take term-time leave?

Parents are not entitled to take their children on leave during term-time. Leave may be taken only with written approval from the Headteacher. A Penalty Notice may be issued for any term-time leave which has not been authorised by the Headteacher.

When will a Penalty Notice be issued?

A Penalty Notice will be issued if there is a period of 10 sessions of unauthorised absence (5 days) in one term, or a period of 14 sessions (7 days) of unauthorised absence over two consecutive terms

Can I appeal?

There is no right of appeal once the Penalty Notice has been issued. You may face a prosecution in the Magistrates' Court for your child's non-attendance should you fail to pay the Penalty Notice fine.

How do I pay?

All payments are to be paid directly to Blackburn with Darwen Council as outlined on the Penalty Notice form. Cash, postal orders and debit/credit cards are accepted.

Can I be prosecuted if I pay and my child still does not attend school?

You cannot be prosecuted for the period stated on the Penalty Notice. You may be prosecuted for any further periods of irregular attendance.

Who is the person identified as being responsible for ensuring a child's regular school attendance?

In the 1996 Act, a parent is defined as:

- i) any natural parent
- ii) anyone who is not the natural parent of the child but has parental responsibility for the child
- iii) any person, who although not a natural parent, has care of a child