



One minute guide

Education Attendance - statutory responsibilities

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Why is attendance important?

The right of children and young people to an education is enshrined in the [UN Convention on the Rights of the Child](#), and in [UK law](#).

Evidence shows that excellent attendance is key for ensuring positive outcomes for children and young people. Missing lessons leaves children vulnerable to falling behind and achieving poorer outcomes at both primary and secondary level. The association between poor attendance and poor outcomes is the reason why school attendance is one of the 'obsessions' of children's services - we know that improving attendance can be a gateway to improving the overall life chances of children and young people.

All parents and carers have a legal responsibility to ensure that their children receive a suitable education, either by regular attendance at school or through other appropriate arrangements. Where parents and carers are not fulfilling this responsibility, the local authority have a statutory responsibility to uphold the rights of children and young people to education. Where necessary, this includes taking legal action against parents.

What do Children's Services do to support improved attendance?

Children's services recognise that poor school attendance can be both a cause and a symptom of more complex problems in the lives of children and young people. Where this is believed to be the case, individual school staff in Targeted Services will work with the family to understand the barriers to accessing education, and offer support to overcome them. However, in some cases the child and family may need support from a number of different agencies to meet their needs, and this support can be co-ordinated through an Early Help assessment ([guide](#)) or other holistic assessment process. Leeds School Attendance Service offers schools and clusters advice, training support and case work. Information about this is available through [Traded Services](#).

At every step of the way, the aim of children's services is to successfully return children to school and uphold the rights of children to access their education. Where additional needs or barriers have been identified, Children's Services will always offer advice on support, and will only consider pursuing legal action as a last resort. However, statutory action can and will be taken against parents where necessary, and there is an expectation from government that we will use the legislation available to pursue this.

What does the national legislation say?

From 1st September 2013, schools and headteachers were no longer able to authorise any requests for children to be taken out of school for holidays during term time. Previously, these requests could be authorised at the discretion of the school; five million school days were missed nationally in 2011-12 for holidays.

[Frequently asked questions](#) about penalty notices are available through the [school attendance page](#) on the Leeds City Council website.

What are the possible legal consequences for parents whose children miss school?

There are a number of [statutory options](#) available to the local authority:

- Penalty notices, fines of £60, have been available to the local authority since 2007, but their use has increased since the change in legislation around term-time holidays. The local authority can prosecute parents in the Magistrates Court for non-payment of penalty notices, which can lead to a fine of up to £1000, a Parenting Order, and a criminal record.
- The local authority can apply to the Family Court for an Education Supervision Order, which means that the local authority can act directly on behalf of the child to ensure they attend school, removing some parental rights.
- The local authority can also submit a case directly to the Magistrates Court. There are two types of such prosecution and, if found guilty of the most serious offence, parents can face a fine of up to £2500 and/or a community rehabilitation order, or even a custodial sentence of up to 3 months.

Revenue from the payment of fines is retained by the council to cover the costs of administering penalty notices, and of prosecuting parents who fail to pay their fines.

Where can I find further information?

Further information about Leeds' approach to statutory responsibilities and frequently asked questions can be found [here](#).

Further information about the support available to families to improve their children's attendance is available locally; please contact the relevant Area Head of Targeted Services - gillian.mayfield@leeds.gov.uk (WNW/ ENE) or martyn.stenton@leeds.gov.uk (South).



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