



WISE Academies:
Understanding the Law
on School Attendance

WE'RE
IN
SCHOOL
EVERYDAY



The Law

Parents of compulsory school-aged children have a legal duty to ensure their child receives suitable education. Should a child fail to attend regularly then legal action may be taken against the parents under section 444 of the Education Act (1996).

The Law defines a parent as:

- 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 important to note that even though a parent may not live in the same home as the child, that parent is still responsible for ensuring the child attends school every day and if they allow absence to happen then they could be at risk of legal action too.

We will always communicate with parents and carers about any concerns over attendance and will offer support to families and pupils that will aim to help to improve their attendance. We have a legal duty to report poor attendance to the Local Authority. Where all other avenues have been exhausted and support is not working or

not being engaged with, schools must enforce attendance through statutory intervention: a penalty notice in line with the National Framework or prosecution to protect the pupils' right to an education.

Expect high standards

Monitor attendance rigorously

Listen and understand

Facilitate support

Formalise support

Enforce - referral to Local Authority for consideration of legal action



Penalty Notices

With effect from 19.08.2024, the new National legislative framework states that: The threshold for a Penalty Notice is 10 sessions (5 days) of unauthorised absence in a rolling period of 10 school weeks. The absences do not need to be consecutive and can be a combination of holiday and/or any other form of unauthorised absence, such as arriving late after the register has closed, or a combination of non-consecutive holiday days, totalling 10 sessions. The 10-week period may also span different terms or school years.

First Penalty Notice

A first Penalty Notice is £160 per parent per child which will reduce to £80 if paid within 21 days. If the penalty is not paid in full by the end of the 28-day period the Local Authority may prosecute for the offence to which the notice applies.

Second Penalty Notice

If a Penalty Notice is issued for a second time to the same parent for the same pupil, there will be no discounted rate and the flat rate of £160 will apply.

Third Penalty Notice

A third notice will not be issued within a 3-year period. If a third or subsequent offence is committed then this matter will be escalated to the Local Authority for alternative action which will include consideration of prosecution or another form of attendance legal intervention / order of the court.

Research suggests that children who are absent from school may never catch up on the learning they have missed. As a parent/carer, you can demonstrate your commitment to your child's education by not allowing your child to miss school for anything other than an exceptional and unavoidable reason.

If the child's absence is unexplained then the school will take all necessary steps to establish the safe whereabouts of the child in line with statutory safeguarding and child protection procedures. This may include telephone calls, home visits and/or contact with other agencies, where appropriate.



Support

We pride ourselves in being a **supportive school** with a listening ear. Please come and talk to us if there is anything affecting you, your child or your family.

We can support you with (or signpost you to) a range of support for:

- Attendance
- Behaviour
- Housing
- Debt Management
- Safeguarding and Child Protection
- Mental Health
- Physical Health
- Drugs and Alcohol
- Family problems
- Foodbanks
- Young Carers

Good habits start from an early age!

That's why we expect all of our children in Nursery and Reception to meet the same attendance targets as the rest of the children in our school.

It is well known that a child who attends school regularly is more likely to perform better, is more likely to establish good friendships and is more likely to fulfil their true potential.



Contact us

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