



Penalty notices for non-school attendance

By law all children of compulsory school age (5-16 years) must receive full-time education

School attendance..... Who is responsible?

As a parent, you are responsible for making sure that your child receives full-time education suitable to their age, aptitude and ability.

What is compulsory school age?

Compulsory school age commences from the start of the school term beginning on or after your child's fifth birthday and ends on the last Friday in June in the school year when your child becomes sixteen.

What will happen if my child does not attend school regularly?

Where a child of compulsory school age who is a registered pupil at a school fails to attend school regularly, and the absence is unauthorised, the parent is guilty of an offence under Section 444 of The Education Act 1996. This may lead to prosecution in the magistrates' court and if found guilty parents may be liable to a fine of up to £2,500 or a period of imprisonment.

What is a penalty notice?

A penalty notice can be issued as an alternative to prosecution and does not require an appearance in court. A penalty notice allows parents to discharge liability for conviction by paying a penalty fine.

How much is a penalty notice fine?

New amounts for education-related penalty notices will come into force on 1 September 2012.

The Education (Penalty Notices) (England) (Amendment) Regulations 2012 increases the current amounts of penalty notices payable by parents from 1 September 2012. These will apply to any parent who fails to ensure the regular attendance of their child of compulsory school age (5-16) who is registered at a state school or fails to ensure that their excluded child is not found in a public place during schools hours without a justifiable reason.

The amounts stated on the penalty notices will increase from £50 to £60 for those who pay within 21 days; and from £100 to £120 for those who pay within 28 days.

What happens if I don't pay the penalty notice?

You will be prosecuted under Section 444 of The Education Act 1996.

In what circumstances can a Penalty Notice be issued?

- where a pupil has taken a holiday during term-time and the absence is not authorised by the school.
- where a pupil has missed at least 8 sessions (1 session is equivalent to half a school day) due to unauthorised absence, in a school term.
- following a truancy sweep where a pupil is stopped more than once and the absence is not authorised by the school.
- where a pupil persistently arrives late for school without an acceptable reason.

How will I know if I might get one?

Other than for unauthorised holidays in term time you will receive a formal warning letter advising you of the dates and number of school sessions missed. You will have 5 days to get your child into school regularly and punctually before any further action is considered.

What happens if my child cannot attend school?

If your child is genuinely unwell this will be treated as authorised absence i.e. the school has accepted the reason for your child being absent and no further action will be taken. However, birthdays, shopping trips, looking after other siblings, outings, visiting relatives, acting as a translator or lack of school uniform are not acceptable reasons for absence and will not be authorised by the school.

What can I do to help my child attend school regularly?

- know your school's attendance policy - every school has one.
- if your child is ill, contact the school on the first day of absence and explain the circumstances.
- make sure your child knows you do not approve of them missing school.
- take an interest in their education.
- avoid taking holidays in term-time.
- if your child starts missing school, work with the school to remedy the situation.

Who can help me if I need some advice?

The education welfare service offers support and advice about your child's education. Every school in Luton has a nominated education welfare officer (EWO). Please ask the school for the phone number of your EWO.

Contact information

Education welfare service

Futures House, The Moakes, Marsh Farm, Luton, Bedfordshire, LU3 3QB

Tel: 01582 548180

 education.welfare@luton.gov.uk