

School attendance and Penalty Notices

Information for parents and carers



Why is attendance so important?

Children need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in primary and secondary school.

Missing school has a huge impact on how well a pupil gets on at school. The more school a child misses, the harder it is for them to get into a routine of attending regularly and catch up on the work they have missed. Missing school can also leave a child more open to becoming involved in crime, either as an offender or as a victim.

Research shows that a year 11 pupil who has missed 17 days during the school year may get one grade less than they would have achieved had they attended regularly. A few days of absence could have a huge impact on a child's future opportunities.

Every lesson counts
Improving attendance,
raising attainment
Moments matter
Attendance counts

The legal definitions of 'parent' are:

- Any natural parent, whether married or not
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children's Act (1989)
- Any person who, although not a natural parent, has care of a child or young person

Bolton Council is committed to providing all children with the best start in life and works hard to ensure that all children in Bolton attend school regularly.

The majority of parents in Bolton ensure that their children attend school regularly.

What does the law say about school attendance?

Under Section 444 of the Education Act 1996, parents or carers may be prosecuted if their child does not attend school regularly and their absence is unauthorised (or in other words, the school cannot or has not given permission for them to be off school)

Bolton Council has the power to issue Penalty Notices as an alternative to prosecution. Penalty notices are issued to parents or carers who are considered capable of but are unwilling to work towards improving their child's attendance.

When will a penalty notice be issued?

Bolton Council will always work with schools, parents/carers and pupils to improve their attendance but will issue Penalty Notices where a pupil has missed at least 10 sessions (5 school days) due to unauthorised absence over a period of 10 rolling school weeks.

What is a notice to improve?

School may send you a notice to improve telling you that a Penalty Notice may be issued if the threshold of 10 sessions has been met.

It will include details of your child's absence, and the support school has already put in place. If you receive a notice to improve this is a further opportunity for you to work with school to improve your child's attendance and avoid the need to issue a Penalty Notice. During this period, your child must not have any further unauthorised absences from school. School is not required to send a notice to improve where the absence is due to an unauthorised holiday taken during term time.

What is the cost of a Penalty Notice?

£160 if you pay within 28 days of receipt of the Penalty Notice, reducing to £80 if you pay within 21 days (Per parent per child). You must pay the whole of the amount owing in one payment – you cannot pay in instalments or just pay part.

With any second Penalty Notice issued to the same parent for the same child within a rolling 3-year period, the amount will be charged at £160 with no option to pay the lower rate of £80.

There is a national limit of 2 penalty notices that can be issued to a parent for the same child within a 3-year rolling period, so at the 3rd (or subsequent) offence(s) this will be considered for progression to prosecution.

Is there an appeal process?

There is no right of appeal by parents against a Penalty Notice.

What happens if I don't pay?

If you don't pay in full within 28 days, Bolton Council is required to commence proceedings in the Magistrates' Court under Section 444 of the Education Act 1996 for the original offence of failing to ensure the regular attendance of your child.

If proven this can attract a range of fines up to £1,000 and/or a range of disposals such as Parenting Orders or Community Sentences depending on individual circumstances.

If poor school attendance persists the Local Authority may also consider prosecution under Section 444 (1A) of the Education Act 1996, **which can carry a fine of up to £2500 and/or up to three months imprisonment.**

Can I be prosecuted if I pay the penalty notice but my child is still missing school?

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. A prosecution might be considered for further periods of poor attendance not covered by the Penalty Notice, depending on your circumstances.

The Local Authority can also prosecute parents for non-attendance without issuing a Fixed Penalty.

**Improving attendance
= Improving outcomes**

**Everyday counts, every day in
school makes a difference to
your child's future.**

What can I do?

- Ensure your child attends school regularly and arrives on time. Lateness can be very disruptive for the class and for your child
- If your child is ill contact the school on the first day of absence and explain the circumstances
- If your child is away for other reasons let the school know, especially if you know in advance
- Do not take holidays or leave in term time
- Make sure your child understands that you do not approve of them missing school.
- If you suspect your child is not happy in school you should contact the school as soon as possible
- Take an interest in your child's education, ask about their day, praise and encourage achievements at school

Can I get help if my child is not attending regularly?

If you are experiencing problems with your child's attendance at school, it is really important that you work closely with school to resolve the matter.

Alternatively, for further guidance and support you can contact:

**Child Employment and Enforcement Officer
Early Intervention Service
1st Floor, BASE
Marsden Road
Bolton BL1 2PF Tel:
01204 338173**