



Montsaye Community  
Learning Partnership

Rothwell Victoria Infant School



CARE SHARE  
HELP SMILE

19<sup>th</sup> July 2017

Rothwell Victoria Infant School and Rothwell Junior School  
Notification of changes in term time absence.

Dear Parent /Carer,

We write to inform you of important changes to legislation with regards to children's absences from school.

All absences from our school have to be classified by the Head Teacher, as either **authorised** or **unauthorised**. This is why the reason for absence is always required.

Government guidelines prevent Head Teachers from granting any leave of absence during term time, unless there are exceptional circumstances. A family holiday during term time does not fall into the category of "exceptional circumstances" and instead falls into the category of unauthorised absence. New legislation means that from September 6<sup>th</sup> 2017 we will be adhering to the recent change in law that requires us to report any term time unauthorised absences that cover 10 sessions (equivalent to 5 school days in a six week period). In the event that this is the case, the school has to report to the Education Inclusion and Partnership team (EIP) who may issue a penalty notice.

What is a Penalty Notice (PN)?

A PN is an alternative to prosecution and requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance at school. It is issued per parent, per child.

Who issues them?

In Northamptonshire the Local Authority issues them through the Education Inclusion and Partnership team (EIP).

When are they used?

When a pupil has a minimum of 10 school sessions recorded as unauthorised in a six week period; a school day is two sessions (morning or afternoon).

This also includes;

Late arrival at school after the register has been taken, which is recorded as unauthorised absence.

Currently, a penalty notice is £120 per parent/adult for each student to be paid within 28 days, decreasing to £60 if paid within 21 days. If the penalty notice is not paid within 28 days, or if a child receives 2 penalty notices throughout their school career, the Local Authority may instigate legal proceedings under section 444 (1) of the Education Act 1996. If found guilty of an offence under this Act, parents will receive a criminal record and could be fined up to £1000.

We hope parents understand that the school has no choice but to operate within the guidelines that are demanded of us. Our school aims to achieve good attendance by operating an attendance policy within which staff, children and parents/carers work in partnership. We shall monitor attendance and punctuality, working to solve quickly any identified problems so that absences are kept to a minimum.

As part of this process, if your child is off school because they are ill and we have concerns around their attendance we may ask that medical evidence is provided.

Please remember school staff would much rather work with parents/carers to resolve irregular attendance than resort to referring enforcement actions like Penalty Notices or Court.

Thank-you for your understanding and cooperation in this matter

Yours Sincerely

**We also attach for further information:**

**Education Inclusion and Partnership (EIP) team**

**A Brief Guide to Penalty Notices**

Sections 444 Education Act 1996

Anti-Social Behaviour Act 2003

Crime and Disorder Act 1998

This leaflet offers you a brief summary about the penalty notices (PN) scheme and what it could mean for you.

## **What is a PN?**

A penalty notice is an alternative to prosecution and requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance at school.

It is issued per parent per child. Please note **only** a head teacher can authorise an absence from school.

## **Who issues them?**

In Northamptonshire the Local Authority issues them through the Education Inclusion and Partnership (EIP) team.

## **When are they used?**

When a pupil has a minimum of 10 school sessions recorded as unauthorised in a six week period; a school day is two sessions (morning and afternoon)

This Includes;

Any absence marked in the register as unauthorised.

Persistent late arrival at school after the register has been closed and recorded as an unauthorised absence.

An absence in term time which has not been authorised by the Head Teacher. The government has directed that Head Teachers may only grant leave in exceptional circumstances.

## **Please note**

**If the school refers a period of absence that is longer than 15 consecutive school days; Education and Inclusion Partnership Team may consider that a PN is not appropriate.**

**In these instances the matter may proceed to a prosecution.**

**Determination about whether it is appropriate to use a penalty notice will be based on the individual circumstances of each case.**

**If a parent knows that their child is failing to attend school regularly and there is reasonable justification for not ensuring that their child attend then it is for the parent/carers to prove the reasonable justification.**

## **How much is a PN?**

The PN is issued with an invoice for £120 per adult per child and 28 days are given for parent/carers to settle the penalty.

If the PN is paid within the first 21 days the amount is reduced to £60 per adult per child.

## **What happens if I don't pay?**

If the penalty notice isn't paid within the 28 days the Local Authority will consider instigating a prosecution in the Magistrates Court for the offence of irregular attendance. If proven this could result in a criminal conviction, fine of up to £1000 per parent per child and/or a parenting order or a community service order and also costs.

**Can I appeal?**

There is no statutory right of appeal once a PN has been issued.

**Can I be prosecuted if I pay the penalty notice?**

You cannot be prosecuted for the period of absence identified in the Penalty Notice. You may subsequently be prosecuted for further periods of unauthorised absence from school. Each case is considered on an individual basis.

**\*\*REMEMBER\*\***

School staff would much rather work with parent/carers to resolve irregular attendance than resort to enforcement action like referrals to EIP which could result in a PN being issued or Court summons.

For further information please contact  
Education Inclusion and Partnership (EIP) team.

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<http://www.northamptonshire.gov/en/councilservices/EducationandLearning/Parents//Attend/Pages/truancy.aspx>