

What is unauthorised absence from school?

Only the Headteacher can authorise a pupil's absence from school. Unauthorised absence is when a pupil is absent from school when they should have been in school, or school have not been given a reason for the absence.

Headteachers follow the Department for Education guidance when deciding whether absence is authorised or not.

Pupils in a Public Place

Pupils of compulsory school age who have been excluded must not be found to be present in a public place at any time during school hours on a day which is one of the first five days to which the exclusion relates. The exception to this is where reasonable justification can be shown.

If you are worried that your child may not be attending school regularly then you should make contact with the school and check their attendance.

If they have missed school you will be able to talk with someone at the school about this, and discuss about how your child's attendance can be improved.

If you have any questions about the Penalty Notice process you should contact the Education Welfare Team as follows;

West Berkshire Council,
Market Street
Newbury RG14 5LD

or telephone **01635 551111**.

We are committed to being accessible to everyone. If you require this document in an alternative format or translation, please call the Education Welfare and Safeguarding Service, on 01635 551111.

West Berkshire Council
Education Welfare and Safeguarding Service,
Market Street, Newbury
Berkshire, RG14 5LD

T 01635 551111
E childemployment@westberks.gov.uk
www.westberks.gov.uk

A Guide to *Penalty Notices* For unauthorised absence

This leaflet, produced by the West Berkshire Education Welfare Service, gives basic information on Penalty Notices. Further information can be found on the Department of Education website: www.education.gov.uk

It is a parents' responsibility to ensure that their child attends school regularly. Missing school seriously affects children's longer-term life opportunities. Statistics show a direct link between attendance and attainment.

West Berkshire Education Welfare Team

The West Berkshire Code of Conduct on Penalty Notices, is the guidance which must be followed in order that a Penalty Notice can be issued to a parent of a child who attends a West Berkshire school. A copy of this can be found on the West Berkshire website, www.westberks.gov.uk

Penalty Notices come under the Education Act 1996 as amended by Section 23 of the Anti Social Behaviour Act 2003. Penalty Notices have been introduced throughout England to reduce absence from school and safeguard the welfare of pupils.

Penalty Notices are issued to each parent or carer of the pupil. The education (penalty notices) (England) (amendment) regulations 2012 increased the current amounts of penalty notices payable by parents or carers from 1/09/2012.

The Education (Pupil Registration) (England) Regulations 2006 previously allowed headteachers to grant leave of absence for the purpose of a family holiday during term time in "special circumstances" of up to ten school days leave per year. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 which comes in to effect on 1st September 2013 removes references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances

What are Penalty Notices?

- Penalty Notices are a Fixed Penalty Fine.
- Penalty Notices are an alternative to prosecution for unauthorised school absence or for a pupil being present in a public place during the first five days of an exclusion during school hours. Parents do not have to attend court.
- Parents cannot later be taken to court for the Penalty Notice period if they pay the fine within the set time limits.

When can a Penalty Notice be given in West Berkshire?

A penalty notice can be given when a pupil has missed 20 half day sessions from school within a 10 school week period and these absences are unauthorised.

Or

When a pupil has missed 10 or more half days of unauthorised leave of absence sessions in a 10 school week period. (i.e. 5 school days).

This is applicable where the parent has taken the child out of school for a planned leave of absence but this has not been authorised by the school. The unauthorised sessions of absence may or may not be on a consecutive basis.

Or

When a pupil is found present without reasonable justification in a public place during school hours during the first 5 days of their exclusion from school.

Penalty Notices

If you receive a Penalty Notice you have two options:-

Option 1

Pay within the 21 days shown on the Notice a Fixed Penalty Fine of £60.

Option 2

Pay between days 22 and 28 a Fixed Penalty Fine of £120.

All payments must be made to the address given on the Penalty Notice.

Non Payment

If a Penalty Notice is not paid each parent or carer will be summonsed to appear in Court for an offence under Section 444 (1) Education Act 1996 for failing to ensure regular school attendance or for an offence under Section 103 Education and Inspections Act 2006 for failing to ensure their child is not in a public place.

What the law says

Depending on the circumstances parents or carers may be summonsed to court and prosecuted under Section 444 of the Education Act 1996 for failing to ensure regular school attendance of their child, or under Section 103 Education and Inspections Act 2006 for failing to ensure their child is not in a public place during the first five days of exclusion.