

'Support First' - school attendance

Legal Action Information for Parents

This leaflet is for only parents/carers whose child/ren's attendance has not improved following offers of support from their child's school, including a formal meeting. **To avoid Legal Action being taken against you for failing to ensure your child/ren attend school regularly, you are advised of the following:**

- Ensure your child attends school every day it is open, on time, escorting them into school if necessary and handing them over to a member of staff. **(Please be aware your child may get an unauthorised absence mark when they arrive after registration closes).**
- Contact school on the first day of every absence by 9.30am stating the reason for absence and the likely return date.
- Take your child to the doctor if unwell and provide the school with: medical appointment card with one appointment entered, letter from a professional, medication prescribed by a doctor, copy of prescription, print screen of medical notes, as well as letters concerning hospital appointments or any other relevant evidence.
(The Head Teacher will not authorise medical absence without evidence).

How does your child compare?

Attendance during one school year	equals this number of days absent	which is approximately this many weeks absent	which means this number of lessons missed
95%	9 days	2 weeks	50 lessons
90%	19 days	4 weeks	100 lessons
85%	29 days	6 weeks	150 lessons

Legal outcomes in respect of poor attendance

Section 23(1) Anti-Social Behaviour Act 2007:

Penalty notices may be issued to the parent of pupils who have unauthorised absence from school for first offences. For second offences the discount of £80 will not apply. (In cases of excessive absence, or for a third or more offence, whether for ongoing absence or leave in term time, the matter may be referred straight to Court)

- **The amount of the penalty is £80.**
- **If this is not paid within 21 days the amount rises to £160.**
- **If not paid within 28 days the Local Authority may prosecute** under section 444(1) unless it comes to our attention that the penalty notice had been issued in error.

Section 444(1) Education Act 1996:

"If you are the parent of a child of compulsory school age who fails to attend school regularly, you are guilty of an offence."

The court can fine each parent up to £1,000 per child, order payment of the prosecution costs, impose a victim surcharge, and/or make a Parenting Order.

Section 444(1A) Education Act 1996:

"If in the above circumstances you, the parent, know that your child is failing to attend regularly at the school and fail without reasonable justification to cause him/her to attend, you are guilty of an offence."

The court can fine you up to £2,500 per child and/or sentence you to a period of imprisonment of up to 3 months, impose a victim surcharge and order payment of the prosecution costs.

Please note that Penalties and prosecutions are in respect of each parent for each child. 'Parent' also includes any person who is not a parent of the child but who has parental responsibility for the child (and applies whether or not that person lives with the child) or who has care of him/her.