

Changes to national attendance legislation September 2013

Frequently asked questions

Why are schools in Leeds not allowed to authorise holidays in term time anymore?

The government made a change in legislation from 1 September 2013, which affects all schools in the country not just in Leeds. The changes mean that schools are no longer allowed to authorise any requests for children to be taken out of school for a holiday during term time. Nationally, five million school days were missed in the academic year 2011/ 2012 because of family holidays in term time, which is 10.1 per cent of overall absence in schools. This high level of absence led the government to make this important change to legislation.

What is a penalty notice for irregular school attendance?

A penalty notice is a fine to parents or carers if they fail to ensure that their child/ren attend school regularly. It is an alternative to prosecution in the magistrate's court.

Who issues the penalty notice?

The decision to issue the penalty notice is made by the school and Leeds City Council issues them on their behalf.

Under what circumstances could I be fined?

A penalty notice can only be issued if a child has been absent from school without permission for **five days in the same term or period of 12 weeks**. This could be for a block of absence or a number of single days. If a penalty notice is issued, it will be one fine for the whole period of the absence. So the fine would be the same amount for an absence of five days or 10 days. For example, a parent could be issued with a £60 fine if their child misses one day of school each week over a five week period, whilst another parent might be issued the same fine for one two-week block of absence. **Parents will not be fined for a single day of absence if their child's attendance is otherwise good.**

What should I do if I get a fine?

If you are issued with a fine, details of how to pay will be included on the letter that you will receive with it. It is important to note that the fine has to be paid in full – instalments cannot be accepted. Remember that if a fine is not paid, then you could be summoned to the magistrate's court, which has more serious consequences. If found guilty in court parents can be fined up to £1000 and will have a criminal record, which may affect current or future employment.

What do you mean by 'per parent'?

The law has always allowed each parent to be fined for the same child's absence. A parent is classed to be anyone with parental responsibility. Cases involving separated parents will be judged individually.

What is an 'exceptional circumstance'?

The council has issued guidance to schools about what could be classed as an exceptional circumstance. However, schools will develop their own policies on an individual basis or in groups. So parents should always make contact with their child's school directly to discuss their own individual circumstances.

What will the money generated from fines be used for?

Revenue from payment of fines is retained by the council to cover the cost of administering the penalty notice scheme, and to cover the cost of prosecuting parents that fail to pay their fine.

How long do the parents get to pay?

Once the penalty notice is issued, the parent has 21 days in which to pay £60. If they fail to pay in that time period, the fine increases to £120 and they then have another seven days in which to pay, taking the total time in which to make payment to 28 days.

What happens if the parent doesn't pay?

If the parent has failed to make payment after 28 days then the local authority has the power to prosecute them in the magistrate's court for the offence of failing to ensure their child/ren attends school regularly. A guilty verdict at court can lead to a fine of up to £1000, a Parenting Order, and a criminal record which can affect employment opportunities.

What if I receive a fine but I disagree with it?

The legislation states that requests for leave must be made to the school in advance of leave being taken. The decision to issue a penalty notice is made by the Head Teacher therefore if you have any information that you feel should be taken into consideration about whether the fine is valid or not you should contact the school direct. The Council will take reasonable steps to ensure that a fine is only issued in the right circumstances and will only withdraw the fine if there is sound evidence that it should not have been issued in the first place.