

Norfolk County Council Guidance For Parents School attendance

Parents are required by law to make sure their children attend school regularly. For further information see the [Education Act \(1996\) Section 444](#).

Children's Services attendance staff deal with issues concerning pupils who are not attending school regularly. Every school has access to an Attendance Improvement Officer for help and advice on issues concerning attendance. They can be contacted through your child's school.

Can my child take time off during term time?

Headteachers can allow time off during term time. However, the Department for Education has made it very clear that a headteacher must only authorise such absences in **exceptional circumstances** based on the individual facts of the case.

It is not an entitlement and is completely at the discretion of the school's headteacher. Schools should not authorise absences if they believe it will have a negative impact on a student's education or if the absences are during school exam periods or SATs. The decision made is final and there is no opportunity to appeal. **Parents can be [fined](#) for taking a child out of school during term time without the school's permission.** Before speaking to the school parents should consider how the absences will affect their child's education. National statistics show ten days of absence in any academic year have a negative effect on attainment. Schools are not obliged to provide work for students taking time off; however some schools may choose to do this.

Fixed penalty notice for absence

Regular and punctual attendance at school is a legal requirement under Section 7 of the Education Act 1996. Parents can be issued with a fixed penalty notice in relation to their child's unauthorised absence from school.

The legal context

Under Section 444 of the Education Act, an offence occurs if a parent/carer fails to secure their child's regular attendance at the school where they are a registered pupil, and the absence is not authorised by the school. Only headteachers can authorise absence and the only legal reasons for absence are:

1. That the absences are with leave (ie that they have been agreed by the headteacher)
2. That the absences are because of sickness or unavoidable cause. Parents may be asked to provide evidence to support absences due to ill health, this can be through a copy of an appointment card or prescription or information from a medical practitioner.
3. That the absences fall on days of religious observance for the religion to which parents belong
4. That the child is entitled to free transport to school and the County Council has failed to provide this.

If absences do not fall into any of these four categories or the school has not been informed of reasons for absence, absences will be marked as unauthorised. Section 23 of the Anti-Social Behaviour Act 2003 introduced powers for issuing fixed penalty notices for unauthorised absence from school. The Education (Penalty Notices) (England) Regulations came into force on 27 February 2004. These were updated with amendments in 2007, 2012 and 2013.

In Norfolk, Fixed Penalty Notices are issued in accordance with the Norfolk Local Protocol (May 2014).

A school can refer a case to the County Council to issue a Fixed Penalty Notice for either:

1. Fifteen percent or more unauthorised absence for reasons **other than** a term-time holiday within a six week period
2. Ten consecutive sessions of unauthorised absence where some or all of the absence may be attributed to an unauthorised holiday in term-time (for absences from 1 September 2017)

Other legal interventions are available and your child's school can provide you with more information if it is required.

Failure to pay a fixed penalty notice reverts back to a Section 444 1 Education Act 1996 offence and you will face prosecution in the Magistrates Court.

Fixed Penalty Notices (FPN) for term-time holidays and the Isle of Wight case

Following the High Court Judgement Isle of Wight case, the Supreme Court has subsequently heard an appeal in respect of the previous judgement. On 6 April 2017 the Supreme Court unanimously ruled that a child fails to attend school regularly if they fail to comply with the rules prescribed by the school. The Supreme Court decision is of importance to local authorities, schools and parents across England and Wales because it clarifies the meaning of regular school attendance. Prior to this decision uncertainty existed around the correct interpretation of the word 'regularly' in this context - the Supreme Court has concluded that the term means in accordance with the school's rules.