

September 2020

Dear Parents and Carers

During the pandemic it has been very pleasing to see the vast majority of children and young people have remained engaged with their schools and attended whenever the national guidance would allow.

As of 1st September the Department for Education has set a clear expectation that all children will return to school unless there is specific advice from a clinician or local restrictions that prevent this,

Each year the Local Authority is expected to communicate with all parents of children attending a school in Torbay, to remind you of Torbay Council's policy in relation to school attendance. **This letter is not a concern about any particular child's attendance.** We are encouraged to send it so all parents and carers understand the framework.

Parents/carers have a legal duty to ensure their child who is of compulsory school age receives an efficient, full time education. Therefore if your child has no unauthorised absences and their attendance is at 96% or above, you are giving your child the best chance to achieve their potential. If parents/carers fail to ensure their child's regular and punctual attendance at school, they are committing an offence, unless the absence has been authorised by the school.

We acknowledge that some absence, e.g. illness, is unavoidable. However, any requests for avoidable absences from school (including holidays) can only be agreed by the school in advance, so it is therefore essential that you apply to the school in writing as far in advance of the absence as is reasonably possible using a form supplied by the school. Please be aware that a school can only grant leave in exceptional circumstances. The Department for Education guidance states that "leave is unlikely to be granted for the purposes of a family holiday as a norm."

In situations where a child accumulates 10 or more sessions of unauthorised absences (one school day is made up of two sessions) within any six month period, parents/carers will make themselves liable to receiving a Penalty Notice per parent/carer, per child. If a Penalty Notice is issued it carries a penalty of £60 if paid in full within 21 days or £120 if paid in full after this time but within 28 days. Part or late payments cannot be accepted and there is no legal right to appeal the Penalty Notice once it has been issued. If a Penalty Notice goes unpaid, this is likely to result in Court proceedings being instigated for an offence of failing to ensure regular school attendance contrary to section 444 Education Act 1996. Upon conviction of such an offence the maximum fine of £2500, or a maximum 3 months imprisonment, can be imposed.

Please note: only one Penalty Notice will be issued in any two year period. This means that if a Penalty Notice is paid, and the child accumulates a further 10 sessions of unauthorised absence within the following two years, this will result in the parent/carer receiving a summons to Court for an offence contrary to s444 Education Act.

If you are considering taking your child out of school you are reminded to read both your child's School Attendance Policy (normally on the school website) regarding avoidable absence in term time and the Local Authority's Penalty Notice Code of Conduct which can be accessed at: www.torbay.gov.uk/attendance.

Yours sincerely



On behalf of the Attendance Improvement Service