The Department for Education have confirmed that school attendance is compulsory again from the beginning of September 2021 when schools re-open after the summer break.

This means from 1 September 2021, the usual rules on school attendance apply, including:

- It is a parents' duty to send their child to school regularly if they are of compulsory school age
- It is schools' responsibility to record attendance and follow up absence
- The local authority is able to resume the use of legal sanctions, including penalty notices and processes that may lead to prosecution in court for persistent absence.

In addition, the view from Sefton Local Authority is that it would not be advisable to take your child out of school for a family holiday or other term time leave once schools re-open, as your child could miss out on the focused additional support for pupils to close the gap in learning missed during the period of lockdown. If any parents are considering taking their child out of school they must request the leave by following the schools 'request for leave of absence' procedure, allowing ample time for the Headteacher to consider if there are exceptional circumstances. The more regularly your child attends school, the more they will be able to benefit from teaching and catch up. Any leave that is unauthorised by the school may lead to penalty notices being issued.

After so much disruption to your child/ren's education over recent months, the most important thing is that schools and parents work together to get children back into school. The school is ready to listen so please contact them if you have any worries and they will try to help you.

Penalty notices for school non-attendance

A penalty notice is a fine issued to parents or carers for their child's unauthorised absence from school. A penalty notice is an alternative to being prosecuted under Section 444 of the Education Act 1996. In Sefton, penalty notices are most often used for unauthorised absence/holidays in term time.

Penalty notices are sent through the post. The penalty notice contains information explaining how and where to pay.

All penalty notices must be issued within the local Code of Conduct. You can get a copy of the Sefton Code of Conduct from the Localities Schools Regulatory Service.

Taking children out of school during term time

The law was changed in 2013 and made it clear that head teachers may not grant leave of absence during term time unless there are exceptional circumstances.

You should not take your children out of school during term time unless you are granted authorised leave of absence by the head teacher. If you do take your child out of school without the leave of absence being authorised, the head teacher may direct the Council to take measures to issue either a penalty notice or prosecute you as parents.

Responsibility for paying the penalty notice

The parent/carer named on the letter and on the invoice, is responsible for paying the penalty notice. If penalty notices have been issued to two parents at the same address, each individual parent is responsible for paying their own penalty notice. Penalty notices are issued to each individual parent/carer of each individual child separately.

Under Section 576 of the Education Act 1996 a parent is defined as:

- All natural parents, whether they are married or not
- Any person who, although not a natural parent, has parental responsibility for a child or young person
- Any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, is considered to be a parent in education law.

How much a penalty notice costs

The penalty notice is for £60, per parent, per child, which rises to £120 if you don't pay within 21 days. If you don't pay the fine after 28 days you may be prosecuted (under Section 444 of the Education Act) for the offence of failing to ensure your child's regular attendance at school.

You must pay the whole of the amount owing in one payment - you cannot pay in instalments and you cannot pay part of the penalty notice.

Withdrawal of a penalty notice

A penalty notice can only be withdrawn if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local Code of Conduct.

If you believe that a penalty notice has been wrongly issued to you as a result of a leave of absence, you should raise this with the school in the first instance.

If a penalty notice is not withdrawn and you do not pay it, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

Appeals

There is no statutory right of appeal once a Penalty Notice has been issued.