



One minute guide

School Attendance - statutory responsibilities

No. 17, September 2024

Why is attendance important?

The right of children and young people to an education is enshrined in the [UN Convention on the Rights of the Child](#), and in UK law ([section 7 of the Education Act 1996](#)).

All parents and carers have a legal responsibility to ensure that their children receive a suitable education for their age and aptitude, either by regular attendance at school or through education otherwise (for example, through [elective home education](#) where parents take full responsibility to educate their child).

Where parents and carers are not fulfilling this responsibility, the local authority have a statutory responsibility to uphold the rights of children and young people to full time education. Where necessary, this includes taking legal action against parents. School attendance is mandatory during term times with the expectation that attendance will be 100% unless the child is unwell - attendance lower than 90% is of concern and schools are encouraged to have clear processes to communicate with parents/ carers where there is irregular attendance to seek return to school.

Evidence shows that excellent attendance is key for ensuring positive outcomes for children and young people. Missing school leaves children vulnerable to falling behind, achieving poorer outcomes at both primary and secondary level as well as post-16 choices and outcomes. The association between poor attendance and poor outcomes is the reason why school attendance is one of the 'obsessions' of children's services - we know that improving attendance can be a gateway to improving the overall life chances of children and young people.

What do Children and Families Services in Leeds do to support improved attendance?

Children and Families Services recognise that poor school attendance can be both a cause and a symptom of more complex problems in the lives of children and young people. Where this is believed to be the case, schools should initially work with the family to understand the barriers to accessing education and offer support to overcome them. However, in some cases the child and family may need support from a number of different agencies to meet their needs and this support drawn through referral to the school's Cluster Support, offer of an Early Help plan, School Attendance Service and social care.

Leeds School Attendance Service (SAS) offers schools advice and training as well as providing advice and guidance to parents/ carers. The SAS team also support families apply for school places and undertake the legal processes for schools where non-attendance needs to be escalated. Information on the service is available through [Leeds for Learning](#).

Queries from schools, parents and other professionals are responded to through the duty box at schoolattendanceservice@leeds.gov.uk.

What are the possible legal consequences for parents whose children miss school?

There are a number of [statutory options](#) available to the local authority for parents whose children miss school:

- Penalty notices, fines of £80 or £160, have been available to the local authority since 2007, but their use has increased since the change in legislation around unauthorised absence in term time; please see the current statutory guidance, [Working Together to Improve School Attendance \(2024\)](#). The local authority can prosecute parents in the Magistrates Court for non-payment of penalty notices, which can lead to a fine of up to £1000, a Parenting Order, and a criminal record;
- The local authority can apply to the Family Court for an Education Supervision Order, which means that the local authority can act directly on behalf of the child to ensure they attend school, removing some parental rights; and
- The local authority can also submit a case directly to the Magistrates Court. There are two types of such prosecution and, if found guilty of the most serious offence, parents can face a fine of up to £2,500 and/ or a community rehabilitation order, or even a custodial sentence of up to 3 months.

Paying a fine

The local authority is responsible for issuing fines (also known as penalty notices) on behalf of schools in Leeds. The [structure of the fines](#) is as follows; please note that these are set at a national level by central government, and not by Leeds City Council:

- For a first offence: £80 per child, per parent - if paid within 21 days. If paid between 22 and 28 days, the fine is £160 per child, per parent. This covers the whole period of the child's absence and must be paid in full.
- For a second offence within three years (this is a rolling period of three years from the time the first penalty notice is issued, rather than three separate school years): £160 per child, per parent if paid within 28 days. There is no reduced payment period.
- A third offence within three years of the first may result in prosecution.

If a fine is not paid, parents or carers face prosecution. Revenue from the payment of fines is retained by the council to cover the costs of administering penalty notices and legal costs of prosecuting parents who fail to pay their fines.

Key contacts and further information

For more information on attendance support services please contact: schoolattendanceservice@leeds.gov.uk.

Parents can pay fines by card over the phone by calling 0113 376 0360, Monday to Friday. If parents have lost their fine notice, they can call the School Attendance Service Monday to Friday on 0113 378 6955 for help with the correct details of how to pay.

Statutory guidance for schools and local authorities on improving school attendance was published in August 2024 and is available [here](#).