

8th September 2023

Dear Parent/ Carer,

Attendance at school and legal intervention

Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly.

[Research](#) commissioned by the Department for Education shows missing school for even a day can mean a child is less likely to achieve good grades, which can have a damaging effect on their life chances. At Nelson Academy, our aim is to work with parents to ensure that all our pupils receive the most from their education and reach their full potential.

This letter is to remind all parents about the law that requires them to ensure that their child attends school regularly. The Government is very clear that no child should miss school apart from in exceptional circumstances and schools must take steps to reduce absence to support children's attainment.

The DfE policy document entitled, '[Working together to improve school attendance](#)' states:

- Only exceptional circumstances warrant a leave of absence. Schools should consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request.
- If a leave of absence is granted, it is for the headteacher to determine the length of the time the pupil can be away from school.
- As head teachers should only grant leaves of absence in exceptional circumstances it is unlikely a leave of absence will be granted for the purposes of a family holiday.

If the school does not receive a request for leave, the head teacher will be unable to consider your individual circumstances and the absence will be recorded as unauthorised. There will be no obligation on the head teacher to reconsider authorising the leave if an application has not been made in advance.

The Local Authority operates a system where any pupil will meet the criteria for legal intervention if they have **at least 9 sessions (4.5 school days) lost to unauthorised absence by the pupil during 6 school weeks.**

The intervention could be in the form of a fixed penalty notice. Any pupil at Nelson Academy who meets the criteria, will be referred to the Local Authority for action to be considered.

If a fixed penalty notice is issued, the arrangement for the payment will be detailed on the notice. The penalty is £60 if paid within 21 days of receipt, rising to £120 if paid after 21 days but within 28 days. A parent may receive more than one separate penalty notice resulting from unauthorised absence. When penalty notices are issued each parent will receive one per child. Therefore, each parent could receive multiple notices if they have more than 1 child who has been absent. You should be aware that failure to pay the total amount within the timescale will result in legal action being taken. In some circumstances, the Norfolk County Council Attendance Team may choose not to issue a further penalty notice in the same academic year and may instead choose to prosecute a parent under the Education Act 1996 S444. There is no right of appeal by parents against a fixed penalty notice.

I hope we can count on your support in this matter, please do not hesitate to contact me if you have any questions.

Yours Sincerely,

Sarah Wilson
Headteacher