



2nd October 2019

Dear Parents and Carers,

It is some time since we wrote to you outlining the position of taking holidays in term time. Research has shown that children who miss time off school amounting to 5 days or more, miss out on vital learning opportunities. Some topics, eg Measuring in Maths, may only be covered once in a school year, and they are often planned to coincide with each year group, so in a specific week all classes may be covering capacity, or weighing. If you choose to take your child out of school on a family holiday each year at the same time, they may subsequently miss all the teaching for this topic, and leave us without a secure knowledge and understanding in that area, because they have always been absent when it has been taught.

Our curriculum is rich and varied and extremely fast moving, in order to cram everything in that the National Curriculum dictates! We therefore need your help, and request that you choose to **keep your children in school in term time**, and keep family holidays for the school holidays, to support your child and their progress at school, giving the best chance for the best possible outcomes. The school year is 190 days, which leaves 175 days for family holidays, days out etc.

Please take this into consideration when booking any future holidays.

Cheshire West and Cheshire council have asked us to make you aware that following the release of the Judgment of the Supreme Court in Spring 2017, unless there are exceptional circumstances, a term time holiday is contrary to s.444(1) of the Education Act 1996 and a Fixed Penalty Notice can be issued accordingly. Therefore, from **September 2017**, in line with the local authority, Aston has been issuing a Fixed Penalty Notice for any unauthorised absence taken.

Should you choose to take your child out of school during term time, the leave of absence will be recorded on your child's registration record as unauthorised, unless the criteria for EXCEPTIONAL circumstances is met. The process works as follows: Should an unauthorised absence take place, the school will inform the Local Authority. Cheshire West and Chester council will issue Fixed Penalty Notices for any holidays of 5 days or more (10 sessions) taken during term time. The law stipulates that the current penalties payable by parents/carers are £60 when the penalty is paid within 21 days, increasing to £120 when the penalty is paid within the next 7 days (giving a total of 28 days to pay). This penalty is per parent/carer, per child for the duration of the absence.

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Head Teacher: Mrs A Plant

If the Fixed Penalty is not paid you could be prosecuted in the Magistrates' Court. For any questions or queries, please do not hesitate to contact Debbie Ward on 01244 976175 or email FPNPayments@cheshirewestandchester.gov.uk.

Any request for a leave of absence should be made in writing to the school for consideration by the Head Teacher in line with the criteria of 'exceptional circumstances' as provided for by the current regulations, and we request that you also complete the leave of absence form. This can be found <https://www.aston.cheshire.sch.uk/cheshire/primary/aston/site/pages/parents/forms/leaveofabsence>
There is also a graph to show how attendance can affect your child in the long run.

I hope this has clarified the issue to you. If anyone has any further questions, please do not hesitate to get in touch.

Kind Regards

Anna Plant

Head teacher

What sanctions can be put in place for non-attendance?

Parents can be issued a **Fixed Penalty Notice** by the Local Authority for their child's non-attendance. The penalty is £60 and this rises to £120 if paid after 21 days but within 28 days. Each Local Authority should publish a 'Code of Conduct' for Fixed Penalty Notices. The School's headteacher decides if they wish to fine unauthorised absences from school by issuing a Fixed Penalty Notice. The headteacher then requests by a referral to the Local Authority to issue a fixed Penalty Notice on his or her behalf.

There is no right of appeal against a Fixed Penalty Notice. If this is not paid, the Local Authority can proceed to prosecution or withdraw the notice. The Local Authority can also prosecute parents for non-attendance without issuing a Fixed Penalty Notice. Only the Local Authority can prosecute parents and they must fund all associated costs. Local authorities must conduct its investigations in line with the **Police and Criminal Evidence Act 1984 (PACE)**.

If a registered pupil of compulsory school age fails to attend school regularly, the parent could be guilty of an offence under **section 444 Education Act 1996**. In April 2017, the Supreme Court held that attending school "*regularly*" means attendance in accordance with the rules prescribed by the school and not "*sufficiently frequent attendance*". This means that a child must attend school on every day that the school requires him or her to do so and failure to do this may lead to the commission of an offence.

There are 2 offences:

1. **Section 444(1) Education Act 1996** – If the child is absent without authorisation then the parent is guilty of an offence. This is a strict liability offence i.e. all that needs to be shown is a lack of regular attendance. Sanctions can include a fine of up to £1,000.

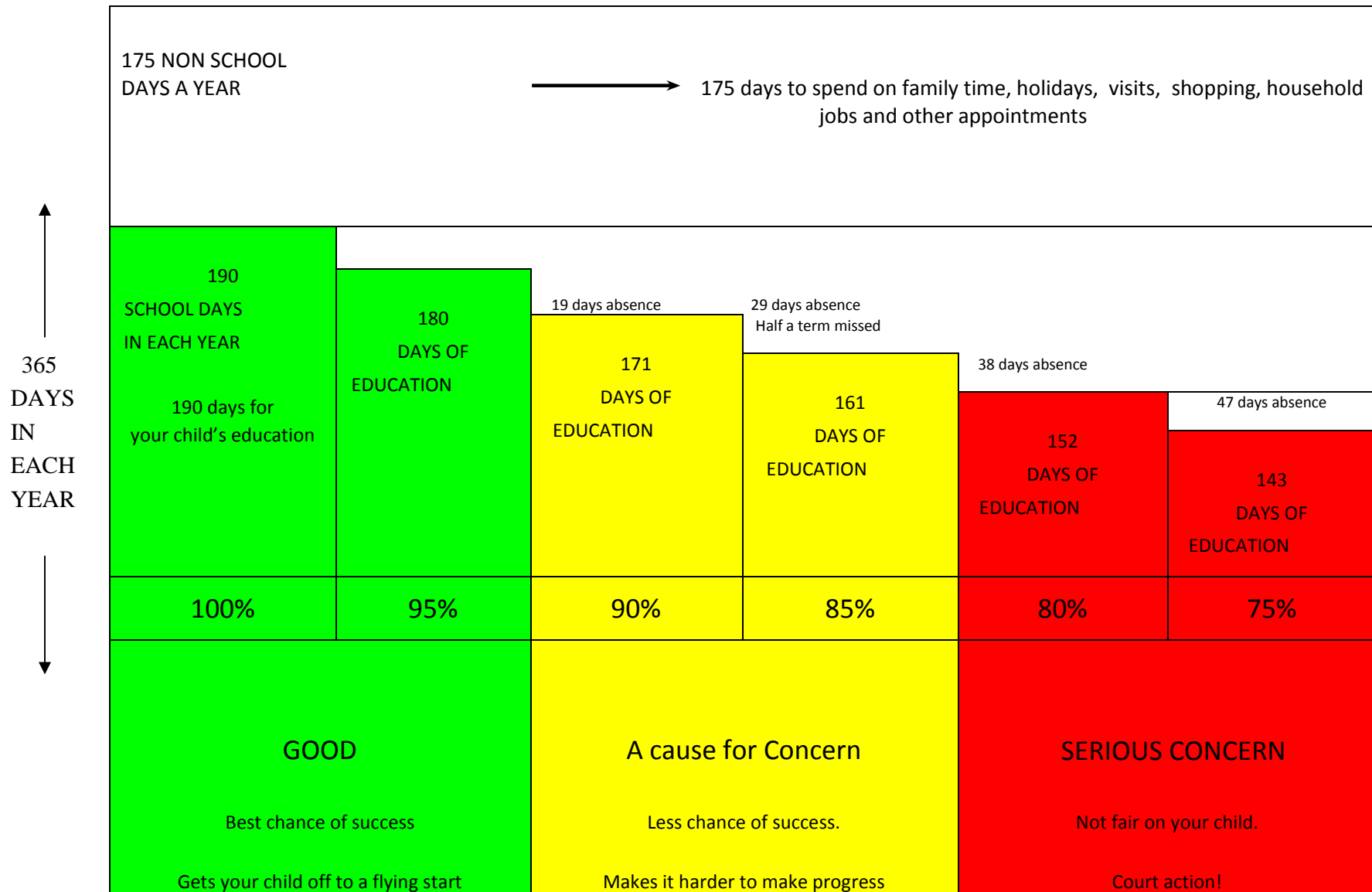
2. **Section 444(1A) Education Act 1996** – an aggravated offence. If the child is absent without authorisation and the parent knew about the child's absence and failed to act then the parent is guilty of an offence. Sanctions can include a fine of up to £2,500 and a prison sentence of up to 3 months.

There are some limited defences to these offences:

- The head teacher authorised the absence.
- The child could not attend because of sickness or 'unavoidable cause' in an emergency. Case law has held that stress arising from bullying, behavioural or mental health difficulties or a 'chaotic lifestyle' should not be considered an 'unavoidable cause'.
- The child was absent on a day exclusively set apart for religious observance.
- The school is outside of the statutory walking distance of the child's home and the Local Authority has a duty to make travel arrangements in relation to the child under and has failed to discharge that duty
- The child is not registered at the school and the parents are providing a suitable alternative education.
- The parents' trade or business requires them to travel from place to place.

Attendance Service

Days off school add up to lost learning



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