



# **Penalty Notices**

**For**

# **Unauthorised Leave of Absence During Term Time**

**Information for schools**

## Penalty Notices For Unauthorised Leave of Absence During Term Time

The Department for Education guidance “*Advice on School Attendance*” (April 2013) states that all Penalty Notices must be issued in accordance with the Local Code of Conduct. The Gateshead Code of Conduct was reviewed and revised in July 2015.

### Introduction

All children of statutory school-age who are registered at a school must, by law, attend that school regularly. Any absence from school can seriously disrupt a pupil’s continuity of learning and have a detrimental effect their future progress. Regularly taking time off school for family holidays or events can have a significant impact on a child’s achievement.

### Authorising leave of absence during term time

Amendments to the 2006 pupil registration regulations make clear that:-

**Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of school days a child can be away from school if the leave is granted.**

While leave of absence may be granted during term time, it is entirely at the Head Teacher’s discretion and it is not a parental right.

Decisions made in relation to whether a leave of absence request is granted (authorised) or not (unauthorised) should be applied consistently and equitably.

Parents should seek permission for a leave of absence during term time prior to the leave, fully explaining the reasons for the request. Each request should then be judged on a case by case basis by the Head Teacher.

Schools should have in place a clear attendance policy that is communicated to all parents which sets out the schools ethos toward leave of absence in term time including:-

- clear guidance to parents on how they should apply for permission for leave of absence in term time
- information about the possible consequences for parents taking their children out of school without the permission of the Head Teacher

The following process is suggested for considering applications for leave during term time (*\*Please note, example forms and letters are included in appendices 1 – 5*):

- A parent requesting a leave of absence during term time should make the application in writing at least two weeks in advance
- The Head Teacher should invite parents in to school to discuss the reasons for the application (especially when the reasons are unclear) and the impact the absence may have on the child’s education
- The school should reply to all applications in writing stating whether or not the absence has been agreed
- If leave is not granted, the reason for not authorising a request must be clearly

stated, as well as the possible consequences of disregarding the refusal

- If leave is granted, the length of authorised absence must be clearly stated including the date the child is expected back in school and the possible consequences if the child fails to return on that date
- If a parent removes their child from school without requesting a leave of absence or without authorisation from the Head Teacher, the parent should be informed in writing that a referral is being made to the Local Authority requesting a Penalty Notice be issued

### **Requesting a Penalty Notice for unauthorised leave of absence during term time**

The Local Authority (LA) will issue a PN (or in the first instance a PN Warning Letter) in response to requests made by school provided that the following conditions have been met:-

- a leave of absence has been taken without the permission of the Head Teacher
- a leave of absence has been agreed and the pupil returns to school after the agreed date without explanation
- no application for leave has been made
- the child has been removed from school for 10 or more sessions
- the LA is satisfied that the parent had full knowledge of the procedures and the possible consequences
- the request is made within 4 weeks of the child's return

It is vital that schools ensure parents are fully aware of the possibility of a Penalty Notice being issued and that failure to pay could lead to prosecution in Magistrates Court. This information should be included in school literature, such as school prospectus, home school agreements, holiday request forms, newsletters, attendance and behaviour policies and web site.

The decision whether to authorise a leave of absence or not should be justifiable and any reasons for rejection recorded and conveyed to the parents in writing. A letter refusing a request should explain the reasons the request is not deemed to be an exceptional circumstance and that a Penalty Notice may be issued if the leave is taken without permission.

In each case the school must be satisfied that the parent had full knowledge of the procedures and the possible consequences.

### **Procedure**

A referral form requesting a Penalty Notice (*appendix 6*) should be completed and submitted with the supporting paperwork and information attached.

The referral form includes information which is required in order to issue a Penalty Notice in accordance with the Code of Conduct. It is therefore essential that the information is complete and accurate.

The referral form includes:-

- The **full** name(s) of each parent and their title (Mr, Mrs, Miss, Ms). A Penalty Notice cannot be issued if the first name, last name, and title are not provided. If there are two parents it is important that this information is provided for both parents as each parent will be issued a Penalty Notice (in respect of each child concerned).
- An accurate current address, including post code. A Penalty Notice cannot be issued if the full address and post code are not provided.
- Child's details; name, date of birth, address, school attended.

### **Supporting documents required**

The supporting documents needed at the point of referral may serve as evidence in the Magistrates Court should the parent fail to pay the Penalty Notice. Therefore all correspondence to parents from school should be clearly dated.

Please note that Gateshead Local Authority will not issue a Penalty Notice without copies of the information listed below, as there needs to be clear evidence that the parents were fully aware of the potential consequences of the unauthorised leave of absence.

The following should be attached to the referral form

- The attendance certificate (printout) detailing attendance for the current academic year which includes the period of unauthorised leave of absence.
- Attendance register(s) for siblings
- A copy of the application for leave of absence from the parent(s)
- A copy of the schools written response to the request for leave of absence, outlining why the request was rejected, and informing that a Penalty Notice may be issued if the family take an unauthorised leave of absence during term time
- Copies of notes/minutes from any meetings/conversations the school has had with the parent regarding the application
- Three pieces of evidence demonstrating that the school has published the consequences of taking unauthorised leave of absence during term time. For example, newsletter, prospectus, web site
- Copies of any supplementary documents provided by parents (medical certificates etc)
- A copy of the letter to the parents from school informing that the school will be referring the matter to the Local Authority requesting a Penalty Notice

Penalty Notice requests should be submitted as soon as possible (within 4 weeks) after the child and family have returned to meet the timescale requirements should the fine be unpaid and the case proceed to the Magistrates Court.

Once the school has submitted the referral form with the supporting documents and the LA has confirmed that all requirements have been met a PN Warning Letter (in the first instance) or a PN will be issued.

Where the referral form and supporting documents are incomplete, the school will be contacted to explain why the request can not be processed.

### **Prosecution**

If a parent fails to pay the Penalty Notice, the notice is withdrawn and the case will proceed to Magistrates Court for the original offence of failure to ensure the child's regular attendance at school.

The LA will notify the school that the Penalty Notice has not been paid.

Schools will need to complete the following documents for court with support and guidance from the Legal Intervention Team (LIT). The case will then be submitted by LIT for prosecution in the Magistrates Court.

- **Witness Statement** The witness statement will be presented in the Magistrates Court. The statement confirms the leave was not authorised, or that the child did not return by the due date, and that parents were aware of the consequences of taking unauthorised leave of absence. The statement should be completed by the Head Teacher or senior member of staff responsible for school attendance.
- **School Attendance Certificate** This is an extract of the school register and details the unauthorised leave of absence. This will be presented as evidence in court.
- **Evidence cover sheets** Two signed and dated evidence sheets.

The copies of all correspondence and information provided with the referral will also be submitted as evidence in court.

The school will be informed of the outcome of the prosecution.

**Relevant Legislation:**

Education Act (1996) – Section 444 as amended by the Anti-Social Behaviour Act (2003).

**Regulations:**

Education (Penalty Notice) (England) Regulations (2007)

Education (Pupil Registration) (England) Regulations 2006

Education (Pupil Registration) (England) (Amendment) Regulations 2013

**Guidance:**

DCSF Guidance on Education Related Parenting Contracts, Parenting Orders and Penalty Notices (September 2007).

**Policy/code:**

Penalty Notice Code of Conduct: Gateshead Council

Reviewed and updated 20<sup>th</sup> July 2015

Sharon Napier

\*Name of School\*

**REQUEST FOR LEAVE OF ABSENCE**  
**DURING TERM TIME (exceptional circumstances only)**

**Education (Pupil Registration) (England) Regulations 2006**  
**Education (Pupil Registration) (England) (Amendment) Regulations 2013**

The 2013 amendments to the 2006 regulations make clear that Head Teachers may not grant any leave of absence during term time unless there are **exceptional circumstances** and that Head Teachers should determine the number of school days a child can be away from school if the leave is granted.

<b>Name of pupil</b>	
<b>Date of birth</b>	
<b>Tutor/year group</b>	
<b>Address</b>	
<b>Contact Numbers</b>	
<b>Sibling Details</b> (or other children living in the household)	

<b>I request permission for my child to be absent from school between: -</b>	
<b>First Day of Absence</b>	
<b>Date of Return</b>	
<b>Total School Days</b>	
Please fully explain the <b>exceptional circumstances</b> that you would like the Head teacher to consider (continue on a separate sheet if necessary).	

**Declaration**

*I have read and understood the information about leave of absence during term time, unauthorised absence, and Penalty Notices. I am aware of the possible consequences should my child take a leave of absence without the prior authorisation of the Head teacher.*

**Signature**.....  
**(Parent/Carer)**

**Date**.....

## **Important information for Parents**

Parents are required under the Education Act (1996) to ensure their child attends school regularly. There is no automatic right to take a child out of school during term time but the law allows Head Teachers to consider individual requests to authorise a leave of absence in exceptional circumstances.

The Head Teacher must be satisfied that the exceptional circumstances justify an authorised absence and it is entirely the responsibility of the parent submitting the request to provide sufficient information and evidence in order to establish this fact.

The request for an authorised leave of absence must be made in advance and the Head Teacher may invite the parent into school to discuss the request before a decision is made.

If the circumstances relating to this request are considered exceptional and the absence is authorised by the Head Teacher, the expectation is that child's attendance will be of a satisfactory level both prior to and after the date covered by the request.

If the request for a leave of absence is refused and the absence is recorded as unauthorised, the Head teacher may refer the matter to the Local Authority requesting a Penalty Notice be issued against you.

A Penalty Notice is £60 if paid within 21 days of receipt, rising to £120 if the notice is paid after 21 days but within 28 days. If the penalty is not paid in full by the end of the 28 day period the Local Authority may prosecute for the offence to which the notice applies.

Where there is more than one child, each parent may be issued with a Penalty Notice in respect of each child.

As a parent/carer, you can demonstrate your commitment to your child's education by not allowing your child to miss school for anything other than an exceptional and unavoidable reason. Research suggests that children who are taken out of school may never catch up on the learning they have missed, which may ultimately affect exam and test results.

*Appendix 2: Request for leave of absence authorised by Head teacher*

Dear (Parent's name)

**Re: Request for leave of absence during term time**

As you may be aware, amendments to The Education (Pupil Registration) (England) Regulations 2006 make it clear that Head Teachers may not grant any leave of absence during term time unless there are **exceptional circumstances** and that Head Teachers should determine the number of days a child can be away from school if the leave is granted.

I have considered your recent request for a leave of absence during term time for (child's/children's name) and feel it meets the criteria. I therefore confirm that in this instance I have authorised this planned absence from .... to ....

However, I must point out that the school strongly discourages leave of absence during term time (as outlined in the school attendance policy) due to the impact any absence has on a child's education and social progress.

May I also remind you that future requests for leave of absence may not be authorised, and if leave is taken without prior authorisation, a Penalty Notice may be issued by the Local Authority. The Penalty Notice is £60 per parent, per child if paid within 21 days and £120 per parent, per child if paid after this date but within 28 days.

Failure to pay the Penalty Notice could result in the Local Authority starting legal proceedings against you for the offence of failing to ensure your child's regular attendance at school.

Yours sincerely

Head Teacher

*Appendix 3: Request for leave of absence **not** authorised*

Dear (Parent's name)

**Re: Request for leave of absence during term time**

As you may be aware, amendments to The Education (Pupil Registration) (England) Regulations 2006 make it clear that Head Teachers may not grant any leave of absence during term time unless there are **exceptional circumstances** and that Head Teachers should determine the number of days a child can be away from school if the leave is granted.

I have considered your recent request for a leave of absence during term time for (childs/children's name) and feel it does not meet the criteria for the following reasons:-

- 
- 
- 

I am therefore unable to authorise the absence in instance.

The school attendance policy clearly states that should a leave of absence be taken without prior authorisation, a Penalty Notice may be issued by the Local Authority. The Penalty Notice is £60 per parent, per child if paid within 21 days and £120 per parent, per child if paid after this date but within 28 days.

Failure to pay the Penalty Notice could result in the Local Authority starting legal proceedings against you for the offence of failing to ensure your child's regular attendance at school.

Yours sincerely

Head teacher

*Appendix 4: Request for leave of absence not made*

Dear (Parent's name)

**Re: Request for leave of absence during term time**

As you may be aware, amendments to The Education (Pupil Registration) (England) Regulations 2006 make it clear that Head Teachers may not grant any leave of absence during term time unless there are **exceptional circumstances** and that Head Teachers should determine the number of days a child can be away from school if the leave is granted.

Unfortunately It has come to my attention that (child's name) has taken (no of days) leave of absence without the prior request being made to the school.

The school's attendance policy makes it clear that parents must seek permission in writing from the Head Teacher in advance should they wish their child to take a leave of absence during term time.

As you did not request permission for this leave of absence it has not been authorised. Therefore the school will be referring the matter to the Local Authority to request a Penalty Notice to be issued against you.

The Penalty Notice is £60 per parent, per child if paid within 21 days and £120 per parent, per child if paid after this date but within 28 days.

Failure to pay the Penalty Notice could result in the Local Authority starting legal proceedings against you for the offence of failing to ensure your child's regular attendance at school.

Yours sincerely

Head teacher

*Appendix 5: Letter informing parent a request for a PN has been made*

Dear (Parent's name)

**Re: Unauthorised leave of absence during term time**

As you may be aware, amendments to The Education (Pupil Registration) (England) Regulations 2006 make it clear that Head Teachers may not grant any leave of absence during term time unless there are **exceptional circumstances** and that Head Teachers should determine the number of days a child can be away from school if the leave is granted.

Unfortunately, as your child has taken an unauthorised leave of absence during term time, I am referring the matter to the Local Authority to request a Penalty Notice be issued against you.

The Penalty Notice is £60 per parent, per child if paid within 21 days and £120 per parent, per child if paid after this date but within 28 days.

Failure to pay the Penalty Notice could result in the Local Authority starting legal proceedings against you for the offence of failing to ensure your child's regular attendance at school.

Yours sincerely

Head Teacher

Appendix 6: Referral form requesting PN for unauthorised leave of absence

**Request for Penalty Notice  
Unauthorised Leave of  
Absence**



**Pupil Details**

Name		DOB		Gender	
Address		Post Code		Contact Num	
School		Year Group			
Ethnicity		Language used at home			

**Parents names**

Title	First name	Surname	Relationship	Address and contact number if different

Siblings name/s	Age	School/s

**Supporting documents attached**

Supporting documents attached	Yes
Attendance certificate	
Attendance certificate for siblings	
Copy of leave of absence request	
Copy of written response to leave of absence request	
Copies of notes/minutes of subsequent meetings/conversations regarding the request	
Three pieces of evidence demonstrating school has publicised consequences	
Copy of letter informing the matter being referred to LA requesting PN	

**Referrer Details**

Name of Referrer		Date	
Contact Details			

**Education Welfare Service Use Only**

Request and documents complete	Date		EWS	
Request incomplete	Date	<b>Action(s)</b>		

