

# Are you thinking of taking your child out of school in term time?

## Information for Parents

**Regular attendance at school is vital to help children achieve and get the best possible start in life.**

Children who frequently miss school often fall behind. There is a strong link between good school attendance and achieving good results. It is proven that attainment is connected to good attendance and that missing school could have an impact on your child's education. Remember, that one day's absence is 5 lessons missed. This is valuable learning time that cannot be given back.

### Thinking of taking your child out of school in term time?

New legislation introduced in September 2013 stated that Headteachers could no longer authorise 10 days holiday during term time.

Leave of absence during term time, can now only be authorised by the Headteacher if they are satisfied that there are exceptional circumstances.

If the Headteacher does not authorise the leave of absence but your child is absent during the requested time, parents may receive a Fixed Penalty Notice.

### How do I make a request for leave of absence in term time?

1. You need to write a letter to the Headteacher requesting leave and explaining the exceptional circumstance at least four weeks before the start of the holiday.
2. The school will then write to you within seven school working days to authorise or unauthorise the request.

### What will happen if my request is refused but I still take the leave of absence?

If on return from holiday your child's attendance is less than 96% over the last 3 terms, school will notify the Local Authority who may issue a Penalty Notice to you if 5 days or more have been taken.

A Penalty Notice of £60 could be imposed **per child** and **per parent**. If this is not paid within 21 days of receipt of the notice the cost rises to £120 which must be paid between 21 and 28 days of receipt of the notice.

If the notice has not been paid in full by 28 days of receipt, the Local Authority may prosecute you for the offence under Section 444 1 of the 1996 Education Act.

## Frequently asked questions

### Can I dispute the Fixed Penalty Notice?

Only a Headteacher can authorise leave of absence from school. If there are other exceptional or compelling circumstances of which the school were not aware of, you can make a representation to the Headteacher. If the school maintain the absence was unauthorised, the Penalty Notice will stand. There is no right to appeal a Fixed Penalty Notice, but you may choose not to pay and make your representations in the Magistrate's Court. You should be aware that should the court find you guilty of the offence of irregular school attendance, they can impose a higher punishment upon conviction. The court may also charge you court costs.

### I do not live with the child or I am a step-parent, can I still be fined?

Yes, *Section 576 Education Act 1996* defines 'parent' as:

- Any natural parent, whether married or not
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person
- Any person who, although not a natural parent, has care of a child or young person on a day to day basis. However, for any parent who does not reside with the child(ren), applications will be considered on an individual basis by the Headteacher.

### Why do some schools authorise absence and another does not?

The Headteacher is the only person who can authorise leave of absence. Headteachers are only able to authorise leave of absence requests for exceptional circumstances and each case will be looked at individually.

### My child has never had unauthorised leave of absence before?

The Penalty Notice will be issued based on the referral criteria. School attendance is crucial to children and any absence will have an impact upon your child's education. The Headteacher will have based their decision on whether the leave of absence request was exceptional.