

## **PENALTY NOTICES FOR HOLIDAYS/LEAVE OF ABSENCE FROM SCHOOL**

### **What are my rights?**

From 1st September 2013 new guidance issued by the Department for Education will apply to all absences during term time. An absence during term time, including family holidays, is not a right.

Any absence from school disrupts a child's learning. In addition, children returning from a term-time absence generally require additional time from teachers to catch up on the teaching they have missed. This can have an impact on the education of other pupils in their class.

Therefore, the Department for Education only allows head teachers discretion to authorise an absence if they believe there are **exceptional circumstances**.

### **What are exceptional circumstances?**

These have not been specifically defined by the Department for Education, it is therefore the head teachers discretion that will determine this.

Only a head teacher can make that decision based on the information provided to them by you, not the Local Authority or a parent.

### **What circumstances are NOT exceptional?**

These include:

- the availability of cheap holidays
- an absence or holiday paid for, or booked, by someone else
- an overlap with beginning/end of term
- a mix up in term dates

(list is not exhaustive)

### **How do I request an absence?**

You can put your request in writing to the school either by letter or on the schools absence request form. You must send your request into school as soon as possible.

The head teacher will then make the decision whether the absence is considered to be exceptional. If it is considered not to be an exceptional circumstance then the request will be unauthorised. This decision will be relayed to you by the school.

If the absence has been authorised because of exceptional circumstances, you must ensure you return on the date you have specified. This absence is then recorded as an authorised absence and coded accordingly.

### **What if my request is not authorised?**

If you feel you have exceptional circumstances, have you made the school fully aware of these? If an absence has been unauthorised by the head teacher, the Local Authority cannot override their decision. Therefore, if you have any queries in relation to why your absence was unauthorised you must refer these to the head teacher, not the issuing Authority.

### **What are the costs?**

Payment within 21 days of receipt of notice is £60.00 and £120.00 if paid after this but within 28 days. The fine will apply to each parent for each child who fails to attend regularly. Both Penalty Notices must be paid.

For example, in a family where there are two parents who fail to ensure the regular attendance of their two children, the fine would be £240 for each parent, reduced to £120 for each parent if paid within 21 days.

### **Is a Warning Given?**

Yes, a warning letter will be issued from the Local Authority prior to your holiday **IF** you request a holiday/leave of absence in advance. If you choose to take the holiday regardless of the schools decision then you will be in receipt of a Penalty Notice on your return.

However, where you have taken a holiday during term time without requesting permission you will not receive a warning letter from the Local Authority. Instead you will receive Penalty Notice, the Local Authority is authorised to do this.

There is no limit to the number of times a formal warning of possible Penalty Notice issue may be made in any particular case.

### **What if the holiday is taken?**

The school may request the Local Authority to issue a Penalty Notice. This is a fine of £60 per parent for each child. If the fine is unpaid, court action may follow.

### **Is there an Appeal Process?**

There is no statutory right of appeal once a notice has been issued, but on receipt of a Penalty Notice you can make representation should you wish i.e. if you believe that the Penalty Notice has been issued to the wrong person.

## **REMEMBER**

- EACH PARENT WILL BE FINED FOR EACH CHILD
- A PENALTY NOTICE WILL BE ISSUED REGARDLESS OF PREVIOUS ATTENDANCE
- A PENALTY NOTICE CAN BE ISSUED WITHOUT WARNING

## **How do I pay?**

Details of payment arrangements will be included on the Penalty Notice. You need to be aware that payment in part or by instalment is not an option with Penalty Notices.

## **What happens if I do not pay?**

You have up to 28 days from receipt to pay the Penalty Notice in full, after which Salford Children's Services is required under the Act to commence proceedings in the Magistrates Court for the original offence of poor attendance by your child.

If proven, this can attract a range of fines up to £1,000.

## **Can I be prosecuted if I pay the Penalty Notice but my child is still missing school?**

Not for the period included in the Penalty Notice, the payment discharges your liability in this respect. However, it may be the case that a prosecution might be considered for further periods of poor attendance not covered by the Notice, depending on the circumstances.

If this is an issue, it is vital that you work closely with your child's school and support agencies within your area.

## **Can I get help if my child is not attending regularly?**

Yes, Salford Children's Services and your child's school will give you advice and support if you need to help secure an improvement in your child's attendance.

It is very important that you speak with the school at the earliest opportunity if you have any worries about securing your child's attendance.

**EVERY DAY COUNTS  
DO NOT LET YOUR  
CHILD MISS OUT**



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NOTICES FOR  
UNAUTHORISED  
LEAVE OF ABSENCE  
FROM SCHOOL**

**INFORMATION AND  
ADVICE TO PARENTS  
AND CARERS**

**MAD ABOUT SCHOOL  
IN SALFORD**