

School Leave of Absence Requests

If you wish to seek approval for any request of absence for your child(ren) from school i.e. for a holiday, then you must apply either by;

- Requesting the school office send you a copy of the leave of absence form. This will be sent via email.

Or you can apply:

- In writing, to Mrs Tomlins, interim Head Teacher. In the letter you must state what you believe to be the exceptional circumstances requiring the leave of absence.

You should only then remove your child(ren) if the absence has been authorised, and notified to you in writing by the School.

If you then choose to take your child out of school during term time and it is **not** deemed to be exceptional circumstances and/or has not been approved by the School, then this will be coded as an unauthorised absence and a Penalty Notice may be issued for the period of absence. We are unable to authorise holidays during school terms. Failure to pay the Penalty Notice may result in further legal action being taken against you.

We would like to remind all families of the legal framework surrounding term-time holidays and the issuing of penalty notices for unauthorised absences, in conjunction with advice from the Local Authority.

Please be aware that **there is no right of appeal** against a penalty notice once it has been issued. The decision to authorise or unauthorise an absence rests solely with the school. It is important to remember you should discuss any concerns you have with the school **before** a leave of absence is considered.

We understand that some employers may restrict when holidays can be taken, and that travel costs can vary significantly throughout the year. However, **neither of these factors constitutes an exceptional circumstance**, according to guidance from the Department for Education, [Working together to improve school attendance \(applies from 19 August 2024\)](#) and [Resources for families | Children's Commissioner for England](#) and therefore cannot be considered, as a valid reason for authorising term-time leave.

A Penalty Notice is a strategy used by schools to address the unacceptable levels of attendance of children in the term after they turn five at their school under the following legislation:

Please note: A Penalty Notice can also be issued if your child is seen in a public place within the first 5 days of an exclusion from their school.

- Section 7 of the Education Act 1996 places upon parents a duty to ensure that their child receives efficient full-time education either by regular attendance at school or otherwise.

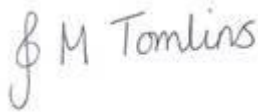
- Where a child is a registered pupil at a school and the parent fails to ensure that child's regular attendance at school the parent is liable to be prosecuted for a criminal offence under Section 444 of the Education Act

- In cases where this duty is not being fulfilled Section 444B of the same Act empowers the Local Authority to issue a penalty of either £160 **per parent, per child** if paid within 28 days or reduced to £80 per parent, per child if paid within 21 days.

We appreciate your understanding and cooperation in ensuring that your child's education remains a priority.

Please see attached additional information regarding Penalty Notices.

Yours sincerely,



Interim Executive Head Teacher

School Attendance: Changes in Law

From 19th August 2024



The Federation of
Gedney Hill CoE and
Shepeau Stow Primary Schools

5 days of unauthorised absence

Penalty Notice fines may be issued for any term-time absences that are unauthorised (for example, a 5-day term time holiday) - whether these absences are taken consecutively or cumulatively over a rolling period of 10 school weeks.

10 sessions of unauthorised absence in any 10-week period

Penalty Notice fines will also be considered when there have been 10 sessions of unauthorised absence in any rolling period of 10 school weeks

**A school day has 2 sessions:
1 morning and 1 afternoon session per day**

A school week means any week in which there is at least one school session. The threshold can be met with any combination of unauthorised absence (e.g. 6 sessions of holiday plus 4 sessions of arriving late after the register closes all within 10 school weeks). These sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence taken in 1 week and 1 per week for the next 4 weeks). The period of 10 school weeks can also span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

What is a Penalty Notice?

A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and they are not working to change behaviour they are unlikely to be most appropriate tool. Therefore, from August 2024, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3 year rolling period and any second notice within that period is charged at a higher rate. Any further offences will result in criminal prosecution.

The law will be clear that where a Penalty Notice threshold met – in each individual case, the school must consider if a Penalty Notice is appropriate.

First Offence

The first time a Penalty Notice is issued for unauthorised absence the amount will be:

- £160 per parent, per child (if paid within 28 days)
- Reduced to: £80 per parent, per child if paid within 21 days

Second Offence (in a 3-year rolling period)

The second time a Penalty Notice is issued for unauthorised absence the amount will be:

- £160 per parent, per child (if paid within 28 days) There is no reduction in the amount.

Third Offence or Any Further Offences (in a 3-year rolling period)

The third time an offence is committed for an unauthorised absence a Penalty Notice will NOT be issued but will be referred to Lincolnshire County Council for consideration of prosecution in a Magistrate Court for prosecution which may result in fines of up to £2,500 per parent, per child.

Cases found guilty in a Magistrate's Court can show on a parent's future DBS certificate due to 'failure to safeguard a child's education.'

Lincolnshire County Council have the discretion to issue Penalty Notice fines before the above threshold is met in cases where parents are deliberately avoiding the national threshold by taking several term time holidays below the threshold, or for repeated absences for birthdays or other family events.

Unchanged

Penalty Notice fines are issued Per Parent, Per child. This means that fines are issued to each parent, for each child who is absent. For example: If 2 siblings are absent for a term-time holiday this will result in each parent receiving 2 separate fines.

Who is a "Parent"?

Section 576 of the Education Act 1996 defines "parent" as:

All natural (biological) parents, whether they are married or not;

Any person who, although not a natural parent, has parental responsibility for a child or young person;

Any person who, although not a natural parent, has care of a child or young person.