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

Information for Parents



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

Penalty Notices for Leave of Absence were introduced in 2013. This guidance has been updated and applies from the 19 August 2024

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

If the Headteacher/Principal, does not authorise the Leave of Absence but the child is absent during the requested time, parents may receive a Penalty Notice (fine).

How do I make a request for Leave of Absence in term time?

1. You need to complete an Absence request form from your school. Please refer to your child's school attendance policy for the timescales required.
2. The completed form must then be sent to the school for approval.
3. The school will then write to you to approve or decline the request.
4. For more information, please refer to the school attendance policy relevant to your child.



What will happen if my request is refused but I still take the Leave of Absence?

Your school will notify the authorised local authority officer who may issue a Penalty Notice to you if your child has been absent for five or more days.

If the notice has not been paid in full by 28 days of receipt, the local authority must either prosecute for the offence or withdraw the Notice.

Once issued, a Penalty Notice may only be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice has been issued to the wrong person.

- The Notice ought not to be issued e.g. where it has been issued outside the terms of the Code of Conduct. This prosecution is for the offence of failing to secure attendance at school not for non-payment of the fine.

Prosecutions are brought under S444 of the Education Act 1996. Parents/carers need to be mindful that a conviction for this offence can result in a criminal record.

New National Framework for Penalty Notices

With the introduction of the new National Framework for Penalty Notices, the following changes will come into force for Penalty Notice Fines issued for unauthorised holidays recorded by schools after 19 August 2024.

Who may be fined?

Penalty Notice Fines are issued to each parent who allow their child to be absent from school.

For example:

Three siblings absent for term time leave, would result in each parent who allowed the holiday receiving three separate fines.

National Threshold

There will be a single consistent national threshold for when a Penalty Notice must be considered by all schools in England of 10 sessions (usually equivalent to five school days) of unauthorised absence within a rolling 10 school week period.

For example:

A five day holiday would meet the national threshold. The 10-school week period can span different terms or school years.



First Offence

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

- **£80 per parent**, per child if paid within 21 days.
- Increasing to **£160** if paid between days 22-28.

Second Offence *(within 3 years)*

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

- **£160 per parent** (who allowed the holiday), per child, payable within 28 days.

Third Offence and Any Further Offences *(within 3 years)*

The third time an offence is committed a Penalty Notice will not be issued and local authorities will need to consider other available measures to address the absence concerns. This may mean that cases are presented before a Magistrate's Court. Prosecution can result in criminal records and fines of **up to £2,500.**

Cases found guilty in the Magistrates' Court can show on the parent's future DBS certificate due to 'failure to secure a child's regular attendance'.

Part payments or payment plans are not available and fines must be paid in full within 21 or 28 days, at the rate specified within the Penalty Notice.

Frequently Asked Questions

1. Can I dispute the Fixed Penalty Notice?



Only a Headteacher/Principal 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/Principal. If the school maintain the absence was unauthorised, the Penalty Notice will stand. There is no right to appeal a 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 with court costs.

2. 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/Principal and may still be liable for prosecution.

3. Why do some schools authorise absence and another does not?

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

4. My child has never had unauthorised Leave of Absence before?

The Penalty Notice has been issued based on the referral criteria. School attendance is crucial to children and any absence will have an impact upon your child's education. Your child's Headteacher/Principal will have based their decision on whether the Leave of Absence request was exceptional rather than based on your child's attendance level percentage.

If you require more information, please contact the Attendance Advisory Team by calling 0121 704 6191 or emailing attendanceenquiries@solihull.gov.uk




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