



FEARNHILL SCHOOL

Headteacher – Mr T Spencer, BSc

Leave of Absence from School during Term Time

Dear Parent/Carer,

An application form for Leave of Absence from School during Term Time which should be completed and returned to school [can be found here](#).

All schools by law must follow the Department for Education's statutory guidance relating to school attendance. They must use the appropriate national attendance or absence code, and follow the criteria set out within the guidance. The statutory guidance states:

- A leave of absence must not be granted unless there are exceptional circumstances and must be requested in advance.
- A leave of absence must be requested in advance by a parent who the pupil normally lives with.
- Schools must judge each application individually, considering the specific facts and circumstances and relevant background context behind each request.
- Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school.
- A need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.
- A school cannot grant a leave of absence retrospectively. If the parent did not apply in advance, the leave of absence should not be granted.
- Where this guidance refers to a parent, the school and/or local authority will need to decide which adult(s) is most appropriate. Generally, parents include:
 - All natural parents, whether they are married or not.
 - All those who have parental responsibility.
 - Those who have day to day responsibility for the child.

Please note all schools are expected to regularly inform parents about their child's attendance and absence.

Taking your child out of school during term time could be detrimental to their educational progress. If the absence is not authorised and the leave is taken, schools may refer to the Local Authority for legal action.

Please find attached information regarding Helping Parents understand Penalty Notice Fines for School Attendance.

Yours sincerely

Mr T Spencer
Headteacher

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Statutory Attendance Support Team Penalty Notice Fines – Sept 2024



Helping Parents understand Penalty Notice Fines for School Attendance

From 19 August 2024, there is a National Framework for Penalty Notice Fines being issued for unauthorised absences recorded by schools.

National Threshold

A single consistent national threshold for when a Penalty Notice **must** be considered by **ALL** schools in England, this is:

- 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period.
- These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence.
- For example, a 5-day unauthorised leave of absence would meet the national threshold.
- The 10-school week period can span different terms or school years.

Who may be fined?

- Penalty Notice Fines are issued to each parent who allows their child to be absent without authorisation from school.
- For example, 3 siblings absent for unauthorised leave during term-time would result in each parent/carer receiving 3 separate fines.

Definition of Parent

- Section 576 of the Education Act 1996 states that, in relation to a child or young person, a 'parent' includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility for or care of the child.
- Parent refers to a person who typically has care of a child or young person if the child lives with them either full or part time and they look after them, irrespective of what their biological or legal relationship is with the child.

First Offence

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

- £80 per parent, per child if paid **within 21 days**.
- If **not paid within 21 days**, the fine will increase to **£160 per parent, per child**, payable between the 22nd and 28th day.

Second Offence (within 3 years)

The second time a Penalty Notice is issued for unauthorised absence, a reduced rate is not available. The amount therefore will be:

- £160 per parent, 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 the case will be presented **straight to the Magistrate's Court**:

- **Prosecution** can result in **criminal records** and **fines of up to £2,500**.
- Cases found **guilty** in a **Magistrates Court** can show on the parent's future DBS (Disclosure and Barring Service) certificate (Disclosure and Barring Service) due to a **'failure to safeguard a child's education'**