

## Guidance

Education (Pupil Registration) (England) Regulations 2006 have been amended (as of 1 September 2013) to prohibit the proprietor (Head Teacher) of a maintained school granting leave of absence to a pupil except where an application has been made in advance and the proprietor considers that there are **exceptional circumstances** relating to the application. The expectation of the Local Authority is that term time holidays should not be planned or booked as a matter of course as they are likely to be **unauthorised** and will lead to the issuing of a Fixed Penalty notice (fine).

### Exceptional Circumstances

Are defined as:

Forces Personnel on leave from a foreign posting

Significant family events or circumstances – these will be considered on an individual basis with you

The Head Teacher will consider every above request individually but the **following will not meet the criteria:**

Relatives coming to visit

Cheaper holidays in England and abroad

Family day trips

Visiting family / friends who have different half terms or holidays

Authorised officers have the discretion to issue a Fixed Penalty Notice without warning where the parent has chosen to take the child on leave during term time without authorisation or evidence is subsequently found to suggest a child was away from school with knowledge of the parent and does not meet the statutory defences mentioned below.

### Penalty Notices

Through section 444(A) and section 444(B) of the Education Act 1996, it has become possible that certain cases of unauthorised absence can be dealt with by way of a Penalty Notice. Penalty Notices require **each parent** of a child of compulsory school age, whose attendance has been unsatisfactory, to pay a penalty, currently £60 if paid within 21 days or £120 if paid within 28 days.

If you do not pay the Penalty Notice

In such cases you will be automatically summoned to appear in court for an offence under section 444(1) of the Education Act 1996 and can result in a criminal conviction being recorded against you.

Courts have a wider range of sentencing options, which could include a maximum fine of up to £1000

The only statutory defences to the offences under section 444(1) of the Education Act 1996 are:

The child was absent for medical reasons (evidence to be provided)

The LEA failed to provide transport when required to do so

The absences were due to religious observance

You had permission of the school or there was an unavoidable cause