

### Leave of Absence in Term Time

1. Section 444A Education Act 1996 empowers designated Local Authority (LA) officers, Head Teachers (and Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.
  2. The Education (Pupil Registration) Regulations 2006 as amended by The Education (Pupil Registration) Regulations 2013 sets out requirements in respect of leave of absence in term time.
  3. No parent can demand leave of absence as a right.
  4. Any request for leave of absence must be made in advance.
  4. The request for leave of absence **should** be made by the parent /carer who is taking the child out of school / academy, the full name and address of all parents /carers of the child should be provided on the form.
  5. There is no requirement to authorise the leave of absence just because a request has been made. The amendments under The Education (Penalty Notice) (England) (Amendment) Regulations 2024 make it clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances\*.
- \*See Code of Conduct /Guidance relating to Leave of Absence
6. The circumstances of each individual request for leave of absence will be taken into account on a case by case basis.
  7. **The decision to approve / not approve the request is for the school / academy, not the Authority or the parent. Only schools / academies can authorise / not authorise absence.**
  8. If important work has been missed by the pupil due to the parents making a request for leave of absence the parents should not expect special arrangements to be made by the school/ academy for that pupil to catch up that work.

Penalty Notices are requested from schools and issued by the Local Authority to the parents/carers of statutory school age children, and can be issued per parent, per child. For example: 3 siblings absent for leave of absence in term time could result in **each** parent/ carer receiving 3 separate fines at the below rates.

- **First offence** - The first time a Penalty Notice is issued the amount will be: £80 per parent, per child paid within 21 days. This fine increases to £160 per parent, per child if paid after day 21, until day 28.
- **Second Offence (within 3 years)** - the second time a Penalty Notice is issued the amount will be £160 per parent, per child paid 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 may be presented straight to the Magistrates' Court under s.444 of the Education Act (1996) or other legal interventions considered. The Magistrates' Court can order fines up to £2500 per parent, per child.

**Failure to pay a Penalty Notice will render you liable to criminal proceedings in the Magistrates Court under Section 444 of the Education Act 1996.**

## Appendix 2