

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

Information for Parents  
Read this leaflet



## Regular attendance at school is vital to help children achieve and get the best possible start in life.

Children who frequently miss school often fall behind. There is a strong link between good school attendance and achieving good results. It is proven that attainment is connected to good attendance, missing school could have an impact on your child's education, remember that one day's absence is 25 lessons missed. This is valuable learning time that cannot be given back. For example, only 12% of pupils with below 80% school attendance achieve five or more GCSEs at grades A\*-C including English and Maths, compared to 68% for pupils with attendance greater than 95%.

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

New legislation introduced in September 2013 stated that Headteachers could no longer authorise 10 days holiday during term time.

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 a leave of absence request form, which is attached at the back of this leaflet, at least four weeks before the start of the holiday. This form is also available to download from [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)





2. The completed form must then be sent to the school for approval.
3. The school will then write to you within seven school working days to confirm/decline the request.

## **What will happen if my request is refused but I still take the leave of absence?**

Your school will notify the delegated local authority officer who may issue a Penalty Notice to you if 5 days or more have been taken.

A Penalty Notice of £60 could be imposed per child and per parent. If this is not paid within 21 days of receipt of the notice the cost rises to £120 which must be paid between 21 and 28 days of receipt of the notice. All Penalty Notices will be delivered by hand or first class post.

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 have been 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.

## 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 Fixed 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*  
**Behaviour and Attendance Team on 01902 550621**



**Please complete the request form opposite and return to your school for approval.**



# Leave of Absence *(Holiday in Term Time)* Request Form

## Child/Young Person Details

Full name:

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Date of birth:

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School name:

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## Parent/Carers Details

Full name:

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Relationship:

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Address:

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Postcode:

Tel No:

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Date of birth:

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Full name:

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Relationship:

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Address:

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Postcode:

Tel No:

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Date of birth:

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## About the request for your child/young person's absence from School

Please state the reason for taking your child/young person out of school:

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Length of absence: *(school days)*

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From: *(Date)*

To: *(Date)*

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Parent/guardian's signature:

Date:

*(Parent who lives with child or has day to day care of the child)*



You can get this information in large print, Braille, audio or in another language by calling 01902 551155



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