



# APPLICATION FOR PUPIL LEAVE OF ABSENCE FROM SCHOOL

\*\*\*Parents should refer to the Attendance Policy for further information\*\*\*

## SCHOOL ATTENDANCE: THE LAW IS CHANGING

EFFECTIVE FROM 19TH AUGUST 2024



### PENALTY NOTICE FINES FOR SCHOOL ATTENDANCE ARE CHANGING THE GOVERNMENT HAS INTRODUCED A NEW NATIONAL FRAMEWORK FOR PENALTY NOTICES

#### 5 DAYS OF UNAUTHORISED ABSENCE

Penalty Notice fines may be issued for any term-time absences that are unauthorised (for example, a 5-day term-time holiday) whether these absences are taken consecutively or cumulatively over a rolling period of 10 school weeks

#### 10 DAYS OF UNAUTHORISED ABSENCE

Penalty Notice fines will also be considered when there have been 10 sessions of unauthorised absence in any rolling period of 10 school weeks

A school day has 2 sessions:

1 morning and 1 afternoon session per day

A school week means any week in which there is at least one school session. The threshold can be met with any combination of unauthorised absence (e.g. 6 sessions of holiday plus 4 sessions of arriving late after the register closes all within 10 school weeks).

These sessions can be consecutive (e.g. 10 sessions of holiday in one week) or not (e.g. 6 sessions of unauthorised absence taken in 1 week and 1 per week for the next 4 weeks).

The period of 10 school weeks can also span different terms or school years (e.g. 2 sessions of unauthorised absence in the Summer Term and a further 8 within the Autumn Term).

#### UNCHANGED

Penalty Notice fines are issued Per Parent, Per child. This means fines are issued to each parent, for each child who is absent. Eg: If 2 siblings are absent for a term-time holiday this will result in each parent receiving 2 separate fines.

#### DEFINITION OF PARENT

For education law, **s576 Education Act 1996** defines a 'parent' as:

- all-natural (biological) parents, whether they are married or not.
- any person who, although not a natural parent, has parental responsibility for a child or young person (this could be a step-parent, guardian or other relatives).
- any person who, although not a natural parent, has care of a child or young person.

#### FIRST OFFENCE

The first time a Penalty Notice is issued for a Term-Time Leave of Absence or irregular attendance, the amount will be:

**£160** per parent, per child (if paid within **28 days**)  
Reduced to: **£80** per parent, per child (if paid within **21 days**).

#### SECOND OFFENCE (IN A 3 YEAR ROLLING PERIOD)

The second time a Penalty Notice is issued for a Term-Time Leave of Absence or irregular attendance to the same parent for the same child the amount will be:

**£160** per parent, per child (if paid within **28 days**)  
*There is no reduction in the amount.*

#### THIRD OFFENCE OR ANY FURTHER OFFENCES (IN A 3 YEAR ROLLING PERIOD)

The third time an offence is committed for a Term-Time Leave of Absence by the same parent for the same child (including those by other Local Authorities) a Penalty Notice will NOT be issued but the case may be referred to Kirklees Council for Prosecution which may result in a Parenting Order, a community order, or fines of up to **£2,500** per parent, per child.

Cases found guilty in a Magistrate's Court can show on a parent's future Disclosure & Barring certificate.

#### WHAT IS A PENALTY NOTICE?

A penalty notice is an out of court settlement which is intended to change behaviour without the need for criminal prosecution. If repeated penalty notices are being issued and they are not working to reduce absences they are unlikely to be the most appropriate tool. Therefore, from August 2024, only 2 penalty notices can be issued to the same parent in respect of the same child within a 3 year rolling period and any second notice within that period is charged at a higher rate. Any further offences will result in criminal prosecution.

The law will be clear that where a Penalty Notice threshold is met – in each individual case, the school must consider if a Penalty Notice is appropriate.