

LEAVE OF ABSENCE / EXCEPTIONAL CIRCUMSTANCE LEAVE REQUEST FORM

The law does not grant parents an automatic right to take their child out of school during term time. Any absence from school will disrupt your child's learning. You may consider that a holiday will be educational, but your child will miss out on the teaching that their classmates will receive during your holiday. Attendance is vital to academic success and lost education poses a potential risk of underachievement. This is something we all have a responsibility to avoid.

The Department for Education no longer allows Headteachers to grant any leave of absence during term time unless there are exceptional circumstances. If you consider that your request for absence is exceptional you will need to complete the form attached to this notification. A response will be sent to you as soon as possible. If leave is not authorised and you nevertheless withdraw your child from school, the absence will be recorded as unauthorised absence.

If your child is absent from school without authorisation, you will be committing an offence under the Education Act 1996. We may submit a request to Cornwall Council for a Penalty Notice to be issued, in accordance with Sections 444A and 444B of the said Act. Penalty Notices are issued per liable parent, per child and each carry a fine of £80 if paid within 21 days or £160 if paid after this but within 28 days.

If your child is further absent from school without authorisation within any 3-year period, you will be committing a further offence under the Education Act 1996. We may submit a request to Cornwall Council for a Penalty Notice to be issued, in accordance with Sections 444A and 444B of the said Act. Penalty Notices for a second offence are issued per liable parent, per child and each carry a fine of £160, payable within 28 days. Importantly, fines per parent will be capped to two fines within any three-year period. Once this limit has been reached, other action such as a parenting order or prosecution will be considered.

Failure to pay the Penalty Notice may also result in legal action. If you are prosecuted and attend court because your child has not been attending school, you could get a fine of up to £2,500. Cornwall Council may also apply for the costs incurred in taking the matter to Court, including legal costs.

Absence not authorised by the school may also result in a prosecution in the Magistrates' Court under Section 444(1) or Section 444(1A) of the Education Act 1996, leading to a fine of up to £2,500 and/or a custodial sentence. Again, Cornwall Council may also apply for the costs incurred in taking the matter to Court, including legal costs.

Money raised from fines is only used by the local authority to cover the costs of administering the system, and to fund attendance support. Any extra money is returned to the government.

'Parent' as set out in Section 576 of the Education Act 1996, defines parent to include: natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989) and; any person who, although not a natural parent, has care of a child. Having care of a child means a person with whom a child lives and who looks after a child, irrespective of what their relationship is with said child.

All requests must be completed on this form; letters will not be accepted. This form should be returned to the Attendance Office at least 15 school days before the start of the absence.

I hope you will support our efforts in raising attendance and attainment at (SCHOOL NAME).

APPLICATION BY PARENT/CARER

If you consider an absence during term time to be an exceptional circumstance, please complete this form and return it to the Attendance Office at least 15 school days before the date you wish to remove your child from school.

Student Name: _____ DOB: _____

Tutor Group: _____

Home Address: _____

Post Code: _____

Name of Parent/Carer completing this form: _____

First day of absence: _____

Date of return to school: _____

If leaving your home address before the first day of absence, please provide the date on which you will leave _____

Total number of days missed: _____ days

Reason for absence: _____

I understand that if the absence request is unauthorised the school may request that Cornwall Council issue a Penalty Notice. I understand that a Penalty Notice is issued to **each** liable parent/carer of **each** child taken out of school and that this carries a fine of £80 if paid within 21 days, increasing to £160 if paid within 28 days (or £160 with no option to pay the lower amount if it is the 2nd penalty notice within a rolling 3-year period). I understand that if I do not pay the fine, it may result in legal action being taken against me. **I understand that parents have a duty to ensure their child's regular attendance at school and failure to do so is an offence under Section 444(1) and Section 444(1A) of the Education Act 1996.**

Signed

Dated

(Please ensure you give at least 15 school days' notice of the proposed absence)

Below to be completed by the school: FAO – Headteacher

% Current	% Last Year	Comments

Student Name: Tutor:
Year:

☐ **AUTHORISED:**

☐ **UNAUTHORISED:**

Request has been authorised for the following dates **only:**

___ / ___ / ___ to ___ / ___ / ___

Signed Headteacher

Date ___ / ___ / ___

Letter sent / Phone Call / other	Signed:	Date:
Action: PN Request	Signed:	Date:

How is a Penalty Notice paid?

Penalty notices can be paid by card by calling the office on 01872 324201. If the 21st/ 28th day for payment falls on a weekend or bank holiday, payment will be accepted at the same rate on the following working day.

What happens if a Penalty Notice is not paid?

If a Penalty Notice is not paid within the 28 days of issue (as per the dates listed on the Penalty Notice), Cornwall Council will progress the matter to the Magistrates' Court, for the offence of failing to ensure regular attendance, NOT for failure to pay the fine.

If found guilty:

- under section 444(1), it can result in the parent being fined up to £1000
- under section 444(1A), it can result in the parent being fined up to £2,500 and/ or receiving a custodial sentence of up to 3 months

Cornwall Council may also apply for costs incurred in taking the matter to court.

Contact us

Education Welfare Service, New County Hall, Treyew Road, Truro, TR1 3AY
educationwelfare@cornwall.gov.uk
01872 324298

If you would like this information in another format or language please contact:

Cornwall Council, County Hall,
Treyew Road, Truro, TR1 3AY

e: customerservices@cornwall.gov.uk
t: 0300 1234 100

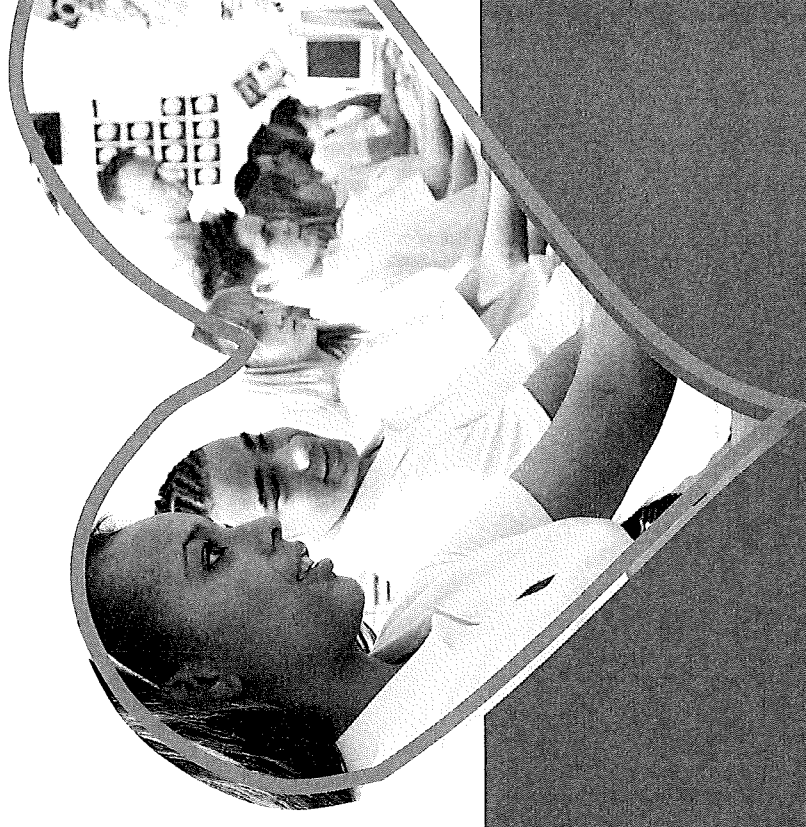


Sept 2024 jn54975
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Penalty Notices

A guide to Education Welfare Services
for parents and carers



www.cornwall.gov.uk/togetherforfamilies

What is a Penalty Notice?

A penalty notice is a fine that can be issued under section 444A and section 444B of the Education Act 1996. The fine is issued per parent, per child for:

- Leave of absence of 10 school sessions/5 days or more within any rolling 10 school week* period during term time, without authorisation from the school. This can include unauthorised absence for a holiday.
- Unauthorised absence of 10 or more sessions/5 days within any rolling 10 school week* period where a parent fails to provide an explanation for the absence, or where an explanation is provided but the school considers it insufficient to authorise the absence.
- Unauthorised lateness of 10 school sessions within any rolling 10 school week* period, whereby a child arrives at school after the registers have closed.

NB a penalty notice can be issued for any combination of the above reasons where there are 10 sessions/5 school days or more of unauthorised absence within any rolling 10 school week period. The unauthorised absence can be consecutive or non-consecutive and can span over two terms (including between academic years).

Or when

- A pupil is observed in a public place during school hours in the first five school days of a period of exclusion from school, without reasonable justification.
- * a school week is any week in which a school meets at least once.

Who can be issued with a Penalty Notice?

Parents and carers of a child can be issued with a Penalty Notice. The definition of a 'parent' as set out in section 576 of the Education Act 1996: By virtue of this section 'parent' includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989) and any person who, although not a natural parent, has care of a child. Having care of a child means a person who lives with and looks after a child, irrespective of what their relationship is with said child.

How much is a Penalty Notice fine?

As of the 19th of August 2024, a penalty notice is £80 if paid within 21 days. If the fine is not paid in 21 days, it will rise to £160 if paid within 28 days of being issued.

If a second penalty notice is issued to the same parent for the same child within a three-year rolling period, the fine will automatically rise to £160 with no option to pay the lower rate of £80.

If a parent then commits a third offence in a three-year rolling period, Cornwall Council will need to consider other enforcement optional options available. This could include prosecution under section 444(1) or section 444(1A) of the Education Act 1996. If found guilty a parent would receive a criminal record and substantial fine.

Penalty Notices are issued per parent, per child.

Therefore, if there are two parents and two children, the fines will total £320 if paid within 21 days or £640 if paid after 21 days but within 28 days (or for a second offence).

Can a Penalty Notice be paid in instalments?

No. Penalty Notices must be paid in full, within the designated dates. However, if a parent has more than one child and is therefore issued with more than one fine, they can pay the fines separately if they wish.

Who is responsible for issuing Penalty Notices?

It is a Headteacher's decision whether or not to authorise an absence and, if their decision is not to authorise, they have the right to request a Penalty Notice in line with their attendance policy process. Cornwall Council's role is to check that the evidence submitted is compliant with Cornwall Council's Code of Conduct for Education Related Penalty Notices and, if so, to issue as appropriate.

Can a parent appeal a Penalty Notice?

There is no statutory right of appeal once a Penalty Notice has been issued. If you believe that the Penalty Notice should not have been issued, you should make contact with the school or academy that your child attends at your very earliest convenience after receiving the Penalty Notice. If you wish to discuss the Penalty Notice procedure, you can contact Cornwall Council's Education Welfare Service on **01872 324298**, or email educationwelfare@cornwall.gov.uk

