

NOTES FOR GUIDANCE AHEAD COMPLETING AND SUBMITTING APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME

This School's Attendance Policy is set in consideration and consequence of the provisions of the following.

- The Education Act 1996
- The Education (Pupil Registration) (England) Regulations 2006, as amended by The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Penalty Notice) (England) Regulations 2007, as amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2012 and The Education (Penalty Notices) (England) (Amendment) Regulations 2013
- Department For Education Guidance as from time to time issued on school attendance matters

This School, the Local Education Authority and the Government all believe that absence during term time should be avoided as they can have a damaging effect on a pupil's education and overall achievement. However, it is recognised that there may be "exceptional" circumstances that may justify a Headteacher's decision to authorise the absence.

The explanatory note to The Education (Pupil Registration) (England) (Amendment) Regulations 2013, which themselves amend The Education (Pupil Registration) England Regulations 2006, states:

Regulation 7 of the 2006 Regulations is amended to prohibit the proprietor 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

This school's Attendance Policy includes the following:

- Any application is to be made in writing, two weeks in advance by the parent with whom the child normally resides, using the form headed '*Application for Leave of Absence During Term time.*' These may be obtained from the school office **AND**
- Leave of absence will only be granted where the Headteacher, or person authorised by the Headteacher to do so, considers it is due to 'exceptional circumstances.' Parents will be informed by letter within 7 school days as to whether the request has been authorised or unauthorised.

Leave of absence taken without authorisation may be referred to the Education Welfare Service. This may result in a Fixed Penalty Notice, prosecution, or other legal intervention. If a Fixed Penalty Notice is issued, a separate Notice will be issued to each parent for each child. Fixed Penalty Notices can only be issued to the same parent in respect of the same child within a 3-year rolling period.

THE CURRENT RATE PER PARENT, PER CHILD IS:

FIRST FIXED PENALTY NOTICE: Charged at £160.00 if paid within 28 DAYS, reducing to £80.00 if paid within 21 days.

SECOND FIXED PENALTY NOTICE: Charged at a flat rate of £160.00 if paid within 28 days.

If the national threshold is met for a third instance for the same parent in respect of the same child, other legal intervention including prosecution will be considered.

PLEASE NOTE THE FOLLOWING POTENTIAL CONSEQUENCES SHOULD TERM TIME LEAVE BE TAKEN WITHOUT AUTHORISATION OF THE SCHOOL.

If an issued Fixed Penalty Notice is not paid within the prescribed time limit for payment, each parent may be liable to prosecution at the Magistrates' Court for an offence contrary to Section 444 Education Act 1996, (failure to secure regular attendance at school of a registered pupil of compulsory school age), in the same way as if the Fixed Penalty Notice had never been issued.

The purpose of the Fixed Penalty Notice, where it is considered appropriate for such Notice to be issued, is to give a parent the time limited opportunity to avoid prosecution for a substantive offence contrary to Section 444 Education 1996. Any such prosecution following non-payment of an issued Fixed Penalty Notice will be for a substantive offence contrary to S. 444 Education Act 1996, rather than for non-payment of an issued Fixed Penalty Notice.

Prosecution for the substantive offence, if proved, may, in respect of the less serious offence contrary to S. 444(1) Education Act 1996 (being the parent of a child of compulsory school age who fails to regularly attend school), result in each such parent receiving a criminal conviction and /or Sentence by way of a Fine not exceeding £1,000.00.

Prosecution for the substantive offence, if proved, may, in respect of the more serious offence contrary to S. 444 (1A) Education Act 1996 (where the parent knows that the child is failing to attend regularly at the school and the parent fails without reasonable justification to cause that child to regularly attend school), result in each such parent receiving a criminal conviction and / or Sentence by way of a Fine not exceeding £2,500.00 and / or to a term of imprisonment not exceeding three months, or else any such community based Sentence as deemed appropriate by the Court.

In addition, in all cases where one of the substantive offences is proved, the Prosecution will seek an Order for the Defendant to pay a contribution towards the Prosecution Costs of the case, including investigation costs, the application for which will be served upon the Defendants at the time of the relevant Court proceedings.

In addition, when a Court passes a sentence, it must also order that the relevant "Victim Surcharge" be paid by Defendants. Revenue raised from the Victim Surcharge is used by Central Government to fund victim of crime services through the "Victim and General Fund." The amount of the Victim Surcharge to be paid by Defendants depends on the type of Sentence imposed and, in the case of an adult offender receiving the maximum level of Sentence applicable for the type offences covered by this School's Attendance Policy, may result in a Victim Surcharge of up to £170.00 per Defendant / parent.

In addition to any other Sentence imposed, the Court has the ancillary power to impose a "Parenting Order," not exceeding 12 months in duration, on parents, where the Court considers such an Order appropriate. Any person found guilty of failing without reasonable excuse to comply with the requirement of a "Parenting Order" or with a direction of the nominated Responsible Officer in respect of it is liable to Breach proceedings and, in the event of conviction for the same, to a fine, not exceeding £1,000.00, and or any other non-imprisonable Sentencing option available to the Court in such case.

Note: The term "Parent" is as defined under Section 576 Education 1996, meaning.

- all natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility (as defined by 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

St. Michael's Easthamptead CofE (Aided) Primary School



APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME

PLEASE NOTE THE FOLLOWING AND READ THE ACCOMPANYING NOTES FOR GUIDANCE BEFORE COMPLETING THIS APPLICATION.

Under The Education (Pupil Registration) (England) (Amendment) Regulations 2013: Regulation 7 of the 2006 Regulations is amended to prohibit the proprietor 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

PUPIL NAME		DATE OF BIRTH		CLASS/YEAR	
HOME ADDRESS & POSTCODE					

FIRST DATE OF ABSENCE		LAST DATE OF ABSENCE		DATE OF RETURN TO SCHOOL		NUMBER OF DAYS ABSENT	
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Reason for Leave of Absence Request - THIS SECTION MUST BE COMPLETED

Siblings at other schools		
Name	Date of Birth	School attended

Name of parent that child resides with			
Mobile phone no.		Home phone no.	
Email address			
Parent/Carer signature		Date	

OFFICE USE ONLY

FORM RECEIVED DATE		FORM ASSESSED DATE	
EXCEPTIONAL REASON ACCEPTED	YES/NO	DATE OF PREVIOUS FPN REQUEST/S	
DECISION LETTER SENT DATE		FPN REQUESTED	YES/NO
HEADTEACHER SIGNATURE			DATE