

Penalty Notice

Following a request from school Gateshead Council may issue a Penalty Notice to each parent of a child in accordance with its Code of Conduct.

If there is more than one child, each parent will receive a Penalty Notice for each child of statutory school age who has had an unauthorised leave of absence.

There is no limit on the number of times you can be issued with a Penalty Notice for unauthorised leave of absence.

The Penalty Notice is a fine of £120 per parent (for each child) which must be paid within 28 days. The amount of the fine is reduced to £60 if the payment is made within 21 days.

Details about how payment can be made are included with the Penalty Notice. However, payment in part or by instalment is not an option, and there is no statutory right of appeal once a notice has been issued.

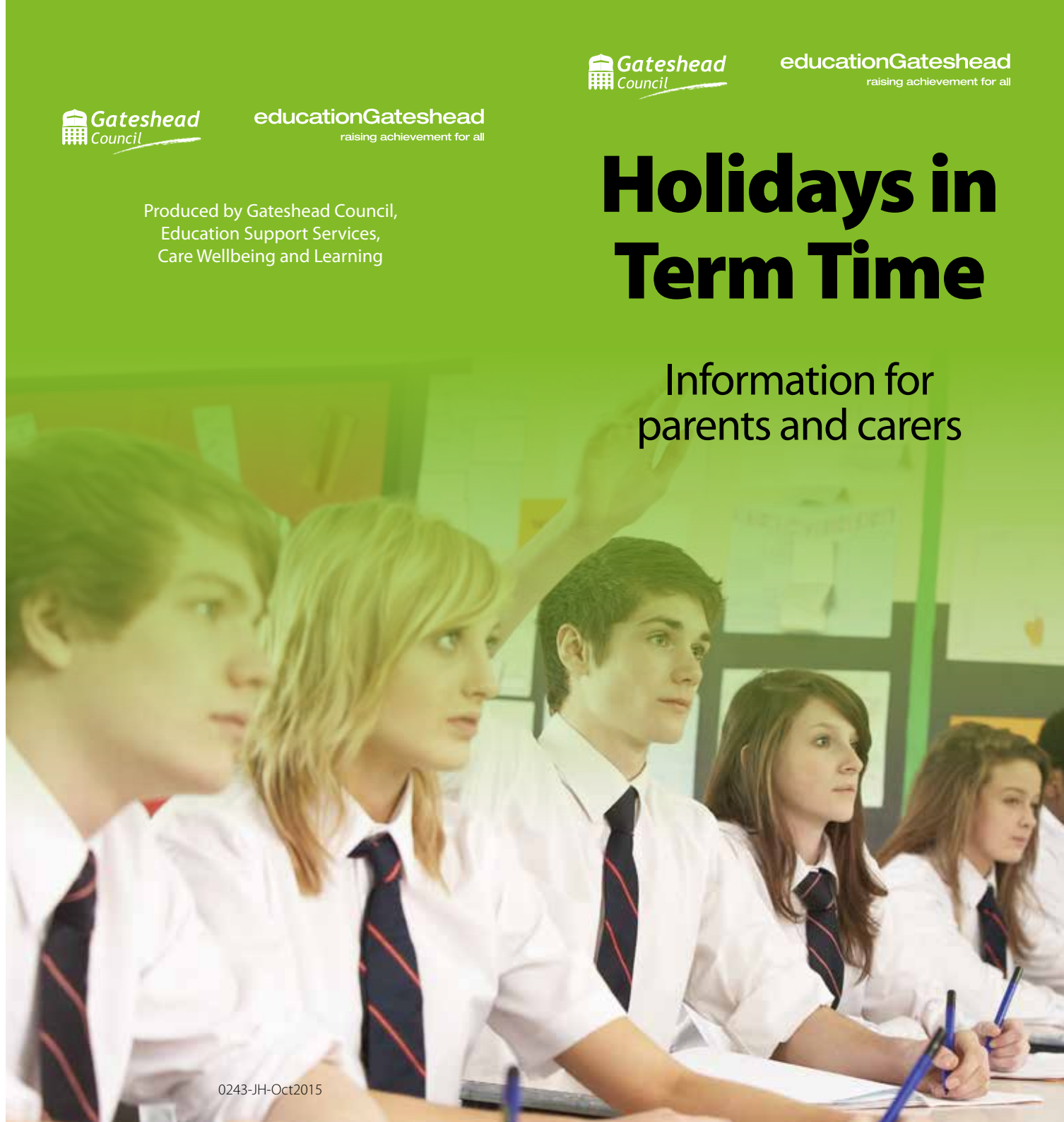
If the Penalty Notice is not paid, you may be prosecuted in the Magistrates Court for the original offence of failing to ensure your child's regular school attendance. This can result in a penalty of up to £2,500 and/or a Community Order and a criminal conviction.

More information

For more information about the issues raised in this leaflet contact your child's school or Gateshead Council's Legal Intervention Team, Dryden Centre, Evistones Road, Gateshead NE9 5UR, or phone them on 0191 433 8758.

Holidays in Term Time

Information for parents and carers



This leaflet sets out what you need to know about leave of absence during term time; what the law says; the process for requesting time away from school; and the implications for you as the parent/ carer, if you take your child out of school without authorisation.

Why regular attendance is vital

Regular attendance is important, not just because the law requires it, but also because it is the best way of ensuring your child makes the most of the educational opportunities available to them. Any absence from school disrupts their learning.

Children of school-age who are on roll at a school must, by law, attend that school regularly and punctually.

What the Law says about leave of absence

From 1 September 2013, Government changes to the Education (Pupil Registration England) Regulations 2006, made it very clear to Head Teachers that they should not authorise a pupil's leave of absence from school unless they consider that there are exceptional circumstances.

The regulations make it clear that you don't have an automatic right to take your child out of school for a holiday. Indeed, in most cases Head Teachers will decide not to authorise this kind of absence.

Requests for leave of absence

Your child's school will provide you with an absence request form which you should complete and return at least 14 days before the proposed absence. The Head Teacher will make a decision about whether there are exceptional circumstances, and will inform you of the decision in writing.

If it is considered:

- there are exceptional circumstances, the absence will be authorised.
- there are not exceptional circumstances, the absence will not be authorised.

Where the Head Teacher decides not to authorise an absence, Gateshead Council can't override the decision. Therefore, any queries in relation to why an application for a leave of absence has not been authorised must be referred to the Head Teacher, not to the council.

What is meant by 'exceptional circumstances'?

The Department for Education has not specifically defined 'exceptional circumstances', so the Head Teacher makes a decision based on the information provided by the parent as to whether there are exceptional circumstances.

Unauthorised leave of absence

If your request has not been authorised, or you haven't submitted a request, the Head Teacher may decide to refer to the council to request a Penalty Notice be issued against you as the parent(s).

Under education law (Education Act 1996 s576) a parent is defined as:

- all natural parents, whether they are married or not; or
- any person who, although not a natural parent, has responsibility for the care of a child.

This means that a person who lives with and looks after the child, whatever their relationship to the child, is considered to be a parent in Education Law.

If there is more than one parent (under this definition) each is responsible for the child's attendance and any action by the council will affect each parent individually.

