

Appendix – Briefing from Surrey County Council

Penalty Notices for unauthorised absence

Please be aware that The Education (Pupil Registration)(England) (Amendment) Regulations 2013 state that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. The Headteacher should determine the number of school days a child can be away from school if leave is granted.

In accordance with the above Regulations, requests for leave of absence are treated sympathetically, but only in exceptional circumstances can they be approved. The policy of the Government to which this school has agreed, states that parents who take their child out of school for five days or more during term time, without the authority of the Headteacher, will each be liable to receive a penalty notice. Penalty Notices will be issued by the Local Authority.

The penalty is £60 if paid within 21 days of receipt of the notice, rising to £120 if paid after 21 days but within 28 days of receipt of the notice. If the penalty is not paid in full by the end of the 28-day period the Local Authority must prosecute the recipient for failing to ensure regular school attendance under section 444 Education Act 1996.

Please be aware that each parent is liable to receive a Penalty Notice for each child who incurs unauthorised absences, for example, if there are two parents and one child, each parent will receive one Penalty Notice.

If there are two parents and two children incurring unauthorised absences, each parent will receive two Penalty Notices, which in this case would amount to £120 each if paid within 21 days.

Penalty notices may also be used by the Local Authority in the following circumstances:-

When a pupil is stopped during school hours by the Truancy Team, and there is a history of unauthorised absence, a warning letter will be sent to the parents informing them that their child's attendance will be monitored for the following 15 school days. If there are further unauthorised absences, which may include a pupil arriving late after close of registration, a Penalty Notice will be issued.

Where a parent is failing to ensure their child's regular school attendance, which may include a pupil arriving late after close of registration, and is failing to engage with any supportive measures proposed by the school or Education Welfare. Before a Penalty Notice is issued, the parent will be sent a formal warning of their liability to receive such a notice.