





## Kettlefields Primary School

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### Guidance

Education (Pupil Registration) (England) Regulations 2006 has been amended (as of 1 September 2013) to prohibit the proprietor (headteacher) 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. The expectation of the Local Authority is that term time holidays should not be planned or booked as a matter of course as they are likely to be **unauthorised** and may lead to the issuing of a penalty notice (fine).

### Exceptional circumstances

These are defined as: rare, unavoidable, short. Each case will be considered on an individual basis.

Authorised officers have the discretion to issue a penalty notice without warning where the parent has either chosen to take the child on leave during term time without authorisation or evidence is subsequently found to suggest a child was away from school with the knowledge of the parent and does not meet the statutory defences mentioned below.

### Penalty Notices

As a parent(s) it is your legal responsibility, as stated under Section 444 of the Education Act 1996, to ensure that your child attends the school at which he/she is registered, regularly and punctually. Failure to do so may result in a referral to the Local Authority for enforcement actions to be considered. The Local Authority could issue a Penalty Notice fine or initiate legal proceedings through the Magistrates court for failing to ensure regular school attendance of your child.

If a pupil takes unauthorised term-time leave for 10 consecutive sessions or more they will be subject to a Penalty Notice. The fine for a penalty notice is £80 per child, per parent/carer, increasing to £160 if not paid after 21 days but within 28 days for pupils who are of statutory school age. If a penalty notice remains unpaid, parents may be the subject of court proceedings for failing to ensure the regular school attendance of their child and this could result in a fine of up to £2,500 and/or a term of imprisonment of up to 3 months per parent.

For second offences of unauthorised term-time leave (10 consecutive sessions or more) within a three-year rolling period, the fine is a flat £160 per parent, per child. For the third offence in a three-year rolling period, the referral will be automatically considered for prosecution in relation to Section 444 Education Act 1996.

The only statutory defences to the offence under Section 444(1) Education Act 1996 are:

- The child was absent for medical reasons;
- The LEA failed to provide transport when required to do so;
- The absences were due to religious observance;
- You had permission of the school or there was an unavoidable cause.

There is no obligation upon the school to provide work for a pupil on holiday or on return to compensate in any way for missed work.