

Bradford Children's Services

Education Social Work Service

Holidays in Term Time

Penalty Notice Procedures and Guidance

Updated January 2017

Holidays in Term Time – Penalty Notice procedures and guidance

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1. Introduction

It is well recognised that good, consistent attendance at school is crucial to a child or young person's future prospects. Reducing absence from school continues to be a priority both nationally and locally, because missing school damages pupils' attainment levels, disrupts school routines, affects the learning of others and can leave young people vulnerable to anti-social behaviour and crime.

Both locally and nationally, term time holidays continue to be a major cause of absence from school. In the autumn and spring terms 2015/2016 a huge amount of school days were lost due to authorised term time holidays. There have been significant improvements to attendance in Bradford schools in recent years and in order to continue that improvement the Education Social Work Service revised the protocols for issuing Penalty Notices in respect of unauthorised absence due to holidays in term time in line with the DFE Pupil Registration) (England) Regulations 2006

Schools who have identified unauthorised leave of absence as having a significant impact on their schools attendance figures have used this protocol effectively.

This document sets out the procedures for schools to follow where they believe it is appropriate to issue a penalty notice.

Alina Tai
Strategic Manager, Education Safeguarding

(For help or advice please contact the Education Social Work Service on 01274 439651)

2. DfE Guidance

DfE Guidance

The Education (Pupil Registration) (England) Regulations 2006 Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

- Where family holidays or leave of absence are taken without the permission of the school, parents can be given a Penalty Notice for periods of unauthorised holidays.

From 1 September 2013, payment of a Penalty Notice within 21 days is £60 per parent per child and payment after this time but within 28 days is £120.

Schools can delete pupils from the registers if they fail to return within 10 school days of the agreed return date or after 20 days of unauthorised absence if the holiday/leave of absence has not been agreed.

2.1 Schools should have in place a clear attendance policy that is communicated to all parents which sets out the schools ethos toward holidays/leave of absence in term time. The policy should give clear guidance to parents on how they should apply for permission for leave of absence in term time.

The policy should also inform parents of the possible consequences of taking their children out of school without first seeking permission or if they take children out of school after permission has been denied or if more days than have been authorised are taken

2.2. It is for headteachers to determine if the requests for leave of absence are reasonable. Each request should be judged on a case by case basis, and we expect that head teachers will use their discretion sparingly. Headteachers should not confine their discretion by applying policies (for example, blanket bans) which prevent assessment of each application on its individual merits.

2.3. In a small number of cases schools could have concerns about a pupil's welfare, such as that the pupil will be **forced into marriage** whilst abroad. In such cases, the school should follow agreed Child Protection procedures

2.4. Where family holidays or leave of absence are taken without the permission of the school, parents can be given a Penalty Notice for periods of unauthorised holidays.

2.5. Schools can delete pupils from the registers if they fail to return within 10 school days of the agreed return date or after 20 days of unauthorised absence if the holiday/leave of absence has not been agreed. However, the

school must check that the pupils do not have a good reason for their absence, such as disrupted travel arrangements or illness, before deleting the pupil. If after making reasonable enquiries the school deletes the pupil from the school roll then a Children Missing Education referral should be made to the Education Social Work Service.

3. Guidance for Bradford Schools

It is a widely held view that children should not be absent from school for the purposes of a holiday. Therefore, there is an assumption that term time holidays will be discouraged, unless the circumstances are special or exceptional.

When deciding whether or not to authorise the absence, head teachers may take the following into consideration:

- The reasons for the holiday;
- The wishes of the parent(s);
- The age of the child and their educational stage;
- The time of year for the proposed holiday (for example if it is near to any exam dates);
- The child's overall attendance record, including any holidays already taken in term time;
- The child's ability to catch up on work missed.

Decisions to authorise/not authorise holiday absence should be applied consistently and equitably.

4. Good Practice

In line with DfE guidance, it is good practice to respond to all requests for leave of absence **in writing**, giving the reasons for the decision. It is particularly important that letters approving a request clearly state:

- the expected date of return;
- That the parents are expected to contact the school if anything delays the pupil returning to school when expected; and
- The action that will be taken if the pupil fails to return when expected.

Similarly, a letter refusing a request should explain the reasons for the refusal and what action will be taken if the parents ignore the refusal and keep their child away

Should the parent(s) take family holidays/leave of absence without prior permission, the school should also put this in writing, explaining the consequences.

Sample letters are included in the appendix of this document

5. Recording the absence

From **September 2006** the appropriate coding is

H – family holiday (agreed)

G – family holiday (not agreed or days in excess of agreement) – unauthorised absence

F – extended family holiday (agreed) – authorised absence

6. Deletions from the Register

Schools can only delete pupils who fail to return within 10 school days of the agreed return date. However, it is essential that the school check that the pupils do not have a good reason for their delayed return, such as disrupted travel arrangements or illness, before deleting the pupil. The school must make reasonable enquiries to locate the pupil before the deletion is made.

If the decision is to delete the pupil from the register the school should write to parents informing them of this and a Children Missing Education referral should be made to the Education Social Work Service.

7. Penalty Notices for Unauthorised Holidays

DfE's "*Advice on School Attendance*" – April 2013 states that all Penalty Notices must be issued in accordance with the Local Code of Conduct. **(Currently under review)**

Under the Code, all Bradford schools are required to have a written school attendance policy which includes:

- The school policy in relation to term time holidays;
- The criteria to be used when deciding whether to authorise holiday absence;
- The information required from parents requesting term time holiday;
- The sanctions to be used if agreements are not kept - this could include requesting that a penalty notice be issued.

A summary of the school's policy on term time holidays must be included in the school brochure/prospectus and parents should be reminded annually of the policy and of the procedure to request term time holiday or other exceptional leave.

Under the Code, Penalty Notices may be issued:

- If parents have not sought permission from the headteacher before taking their child out of school for a holiday in term-time;
- If the headteacher has refused the request but the absence occurs anyway;

- If a pupil has not returned to school by the agreed date with no satisfactory explanation and the pupil remains on the roll of the school. (Penalty Notices cannot be issued when a child has been removed from roll)

AND

- Where the absence has been recorded by the school as unauthorised in the attendance register on at least 10 sessions (5 school days).
- Penalty Notices will not be issued for term-time holiday with less than 5 days (10 sessions) unauthorised absence.
- Penalty Notices cannot be issued if the parents are known to be out of the country
- Penalty Notices cannot be issued against the parents of children who are not of statutory school age

8. Procedure for requesting a Penalty Notice

Pro-forma documentation for requesting a Penalty Notice is included in the appendix of this guidance, and is also available on Bradford Schools Online.

Please complete the following forms to request a Penalty Notice:

- **‘Request for Penalty Notice’** Please note that the first and last names of both parents/carers are needed, as Penalty Notices are issued against both parents/carers;
- Definition of a Parent –
 - All natural parents, whether they are married or not
 - Any person who has parental responsibility for a child or young person
 - Any person who has care of the child or young person i.e lives with and looks after the child.

It has been necessary to withdraw a number of penalty notices during the last academic year when it has come to light that one parent does not reside in the child’s household and could not be held responsible for the child’s unauthorised absence from school

- Please also submit a copy of the leave request form, the letter to the parents/carers advising them that the holiday request had been refused (if applicable), and/or a copy of the letter to the parents/carers advising them that a Penalty Notice will be issued to each parent of each child. Please note that the Bradford Children’s Services will NOT issue a Penalty Notice without copies of such letters, as there needs to be clear evidence that the parents were fully aware of the potential consequences of the unauthorised absence.
- Please note it is important that all letters to parents are dated

- Please also include an attendance printout detailing attendance for the current academic year which includes the period of unauthorised holiday/leave of absence

Please submit Penalty Notice Requests as soon as possible after the child and family have returned. Should the fine go unpaid and the matter has to be taken before the Magistrates Court, then the case must be lodged with the court within 6 months of the first day of absence.

The Principal Education Social Worker will have the final decision as to whether or not a Penalty Notice will be issued. If the decision is not to issue a Penalty Notice, the school will be informed.

9. Prosecution

Should the Penalty Notice not be paid, the Bradford Children's Services will review the case for prosecution in the magistrate's court.

The school will be notified that the Penalty Notice has not been paid. The school will then need to complete and return to the Education Social Work Service pro forma :-

- **'Statement of Witness'** This is a pro-forma witness statement and will be presented in the magistrates court. The statement only needs to be brief – confirming that the holiday/leave was not authorised or that the child did not return by the due date and that parents were aware of the consequences of taking unauthorised absence. The 'Statement of Witness' should be completed by the Headteacher or senior member of staff responsible for school attendance

- **'Headteachers Certificate of Attendance'** This is an extract of the school register and details the unauthorised holiday absence. This will also be presented in court.

The school may also need to provide copies of

- The schools attendance policy including the procedures in relation to term time holidays
- Any communications sent to all parents regarding holidays in term time ie Newsletters

The case will be heard in the Magistrates Court following the receipt of the completed 'Statement of Witness' and 'Headteachers Certificate of Attendance'

The school will be informed of the outcome of the prosecution.

Notes for completion of the Statement of Witness

‘Compulsory School Age’ – children are of compulsory school age after the term following their fifth birthday and until the last Friday in June of the academic year their 16th birthday falls.

‘Headteachers Certificate’ – is an extract from the school’s attendance register and will give details of the child’s attendance over a six week period which includes the unauthorised holiday in term time/leave of absence. Please note a Headteacher’s Certificate must be completed for each child.

Appendix

Pro Forma Documentation

Sample Letters

- Letter 1 – Term Time Holiday request – authorised
- Letter 2 – Term Time Holiday request – not authorised
- Letter 3 – Did Not Return by Due date – Penalty Notice
- Letter 4 – Holiday Absence not authorised – Penalty Notice

Pro Forma Documents

- Request for Penalty Notice
- Pro Forma Statement of Witness
- Headteachers Certificate of Attendance

Our ref: School HR Let 1 -
Your ref:

Term Time Holiday request authorised

Parent
Address

Date

Dear (Parent)

Re: Term time holiday request for (Childs/Children's name)

Following your recent request for (childs/children's name) to be allowed term time holiday, I am writing to confirm that I have authorised this planned absence from
to

However, I must point out that the school strongly discourages holidays in term time because of the impact on education and social progress.

I must also draw your attention to the school's attendance policy. This makes it clear that if a holiday is taken in term time which has **not** been authorised, a Penalty Notice may be issued.

The Penalty Notice is for £60 per parent, per child if paid within 21 days and £120 per parent, per child if paid after this date but within 28 days.

Yours sincerely

Headteacher

Our ref: School HR Let 2 -
Your ref:

Term Time Holiday request not authorised

Parent
Address

Date

Dear (parent)

Re: Term time holiday request for (childs/children's name)

Following your recent request for (child's/children's name) to be allowed term time holiday, I regret that I am unable to authorise this absence. My reasons are as follows:

-
-
-

Should you however choose to take the holiday, the school's attendance policy makes it clear that if a holiday is taken in term time which has not been authorised, a Penalty Notice may be issued.

The Penalty Notice is for £60 per parent, per child if paid within 21 days and £120 per parent, per child if paid after this date but within 28 days.

Yours sincerely

Headteacher

Our ref: School HR Let 3 -
Your ref:

Did not return by due date – Penalty Notice

Parent
Address

Date

Dear (Parent)

Re: Penalty Notice for Term Time Holidays

It has come to my attention that (child's name) did not return from the authorised holiday by the agreed date. This means that (no of days) of this absence have been treated as unauthorised.

The school's attendance policy makes it clear that parents must seek permission in writing from the Headteacher in advance should they wish to take students out of school for a holiday and that if a holiday, or part of a holiday, is taken in term time which has not been authorised, a Penalty Notice may be issued.

As you did not request permission for the excessive holiday, the school will be arranging for a Penalty Notice to be issued against you. You will receive notification from Bradford Children's Services in due course.

The Penalty Notice will be issued to each parent of each child. Each Penalty Notice will be £60 if it is paid within 21 days. It will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the Penalty Notice could result in Bradford Children's Services starting legal proceedings against you for the offence of failing to ensure your child's regular attendance at school

Yours sincerely

Headteacher

Our ref: School HR Let 4 -
Your ref:

Holiday Absence not authorised – Penalty Notice

Parent
Address

Date

Dear (Parent)

Re: Penalty Notice for Term Time Holidays

It has come to my attention that (child's name) has taken (no of days) leave in order to go on holiday from to..... This holiday absence was not authorised by the school.

The school's attendance policy makes it clear that parents must seek permission in writing from the Headteacher in advance should they wish to take students out of school for a holiday and that if a holiday, or part of a holiday, is taken in term time which has not been authorised, a Penalty Notice may be issued.

As you did not request permission for this holiday/although you requested permission for this holiday it was not granted (*delete as appropriate*), therefore the school will be arranging for a Penalty Notice to be issued against you. You will receive notification from Bradford Children's Services in due course.

The Penalty Notice will be issued to each parent of each child. Each Penalty Notice will be £60 if it is paid within 21 days. It will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the Penalty Notice could result in Bradford Children's Services starting legal proceedings against you for the offence of failing to ensure your child's regular attendance at school

Yours sincerely

Headteacher

Penalty Notice Request - Unauthorised Term Time Holiday/Leave of Absence

1) Parent or Carer	Title	First Name		Last Name	
2) Parent or Carer	Title	First Name		Last Name	

(Note: Penalty Notices are issued against both parents/carers. Full names are essential. Please complete in Block Capitals or type)

Address	
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Pupil	First Name		Last Name		DOB	
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(Note: One form per child)

School	
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Information about this term time absence:

Was permission for this absence requested in advance by the parent/carer? **Yes/No**

Was permission given? **Yes/No**

Dates of unauthorised absence	From		To	
Dates of any absence you have authorised	From		To	

Signed (Headteacher) **Date**.....

Please forward this form to the Education Social Work Service together with:

- A copy of the Leave Request
- A copy of letter to parent(s) advising that the holiday request has been refused (if applicable)
- A copy of letter to parent(s) advising them that a Penalty Notice will be issued
- Copies of the children's attendance for this academic year
- (If this request is in the autumn term please ensure there is 6 full weeks of attendance data)

**ESWS Admin only

PN Spreadsheet

First day 6 week period		21 day due date		Sessions	Admin	Date	Checked
Last day 6 week period		28 day due date					

1) PN
2) PN

Date Paid	Method
Date Paid	Method

Withdrawn	Reason
	A B C
Withdrawn	Reason
	A B C

Database

Worker	Date opened	Admin	Closure Signature	Date closed	Admin