

### **What are s444A and s444B of the Education Act 1996?**

Section 444A and section 444B of the Education Act 1996 give powers to the Local Authority (LA) to issue Penalty Notices where the parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance.

### **Why are these powers available?**

Reducing absence from school is a key priority at both national and local level. Missing school reduces a pupil's educational attainment and life chances.

### **What is a Penalty Notice?**

A Penalty Notice is an alternative to prosecution and is used to try and secure an improvement in a pupil's school attendance without the need to appear in Court. As long as the penalty is paid the Penalty Notice enables parents or carers to discharge their potential liability for prosecution for the period covered by the Penalty Notice.

### **What are the costs?**

Payment of £120 is required within 28 days of receipt of the Penalty Notice; this sum is reduced to £60 if paid within 21 days. If the penalty is not paid in full within 28 days the LA is required to commence proceedings in the Magistrates' Court for the original offence of your child's poor school attendance. If you plead guilty or are found guilty the Courts have a wider range of options which could include a maximum fine of £1000. In addition a Parenting Order could be imposed.

Penalty Notices are issued to each parent for each child and payment is required for each Penalty Notice issued.

### **Who issues them?**

The Local Authority through the Education Welfare Service.

### **How are they issued?**

By post to your home.

### **Can I be prosecuted if I pay the penalty but my child is still missing school?**

Yes. You will not be prosecuted for the period included in the Penalty Notice – payment discharges your liability in this respect. However, legal proceedings might be considered for further periods of poor attendance not covered by the Penalty Notice, depending upon the circumstances.

### **When are they issued for unauthorised Leave of Absence**

Penalty Notices are issued for absence taken during term time where the leave of absence has not been authorised by the school or an absence has not been requested in advance and pupil will have had a minimum of 10 sessions (5 school days) lost to unauthorised leave of absence during the previous six months up to and including the day the Education Welfare Service is notified.

### **What is unauthorised Leave of Absence?**

- A parent has made a request for leave of absence in term time and this has not been agreed by the school;
- A parent has not applied for leave of absence in advance of the absence (the regulations do not allow retrospective approval); or
- If the parents keep the child away from school for longer than was agreed, the extra time is recorded as unauthorised

## When can Leave of Absence be authorised?

Amendments made to the 2006 regulations in the **Education (Pupil Registration) (England) (Amendment) Regulations 2013** make clear that headteachers may not grant any leave of absence during term time unless there are **exceptional** circumstances.

## Why have I received this leaflet?

This leaflet is sent to parents in Wiltshire to inform them of the extended use of Penalty Notices for unauthorised leave of absence or for parents who have requested leave of absence during term time.

If the leave of absence you have requested is not agreed by the school and your child's total unauthorised leave of absence amounts to 10 or more sessions (5 school days), continuous or aggregated within the previous six months within the current academic year the Education Welfare Service will be notified. The six months includes all unauthorised leave of absence up to the day the Education Welfare Service is notified.

Following this notification from a school that a parental request for a leave of absence in term time has not been authorised and the leave of absence is taken the Local Authority will issue a Penalty Notice to each parent for each child.

## What can I do now?

If the leave of absence that you have requested is not authorised, you are advised not to take your child out of school.

## Who can I discuss this with?

In the first instance the Penalty Notice Officer can be contacted on:  
**Tel: 01722 438123 Email: [PNLO@wiltshire.gov.uk](mailto:PNLO@wiltshire.gov.uk)**

# PENALTY NOTICES FOR UNAUTHORISED LEAVE OF ABSENCE DURING TERM TIME

**s444A and s444B Education Act 1996  
&  
The Education (Pupil Registration) (England)  
Regulations 2006**

## Information for Parents and Carers

March 2021