

## Penalty Notices

Sections 444A and 4441B of the Education Act 1996 Empowers designated Local Authority (LA) Officers, to issue Penalty Notices in cases of unauthorised absence from school.

The School Attendance Support Service has a statutory duty to remind parents of their legal responsibilities regarding ensuring their children are receiving the full-time education to which they are entitled. Where a parent has failed to ensure the regular attendance the School Attendance Support Service will consider issuing Penalty Notices, in line with the Local Code of Conduct for irregular attendance including unauthorised Term Time leave.

A Penalty Notice is currently £60 per parent per child, if not paid within 21 days this increases to £120 per parent per child. The purpose of the Penalty Notice is to prevent the escalation of unauthorised absences and to avoid prosecution. There is no power of appeal.

The Penalty Notice can be an alternative to prosecution. Payment of a Penalty Notice enables parents to discharge what is potentially the liability of a criminal conviction.

## Prosecution

Under existing legislation parent/carers commit an offence if a child has failed to attend school regularly. Where parent/carers have knowingly failed to ensure the regular attendance of their child/children, legal action will be considered/proceed under Section 444(1a) of the Education Act 1996. All cases are heard at a Magistrates Court.

Where parent/carers are found guilty they will receive a criminal record, which must be declared to their employer as well as being at risk of receiving much higher fines, community orders, rehabilitation orders or probation. This may affect your current and future employment.

**If you require advice, please contact  
School Attendance Support Service**

**SASS Duty 0208 583 2622  
(08:30am – 16:30pm)  
[SASSDuty@hounslow.gov.uk](mailto:SASSDuty@hounslow.gov.uk)**

**Hounslow House  
7 Bath Road  
Hounslow  
TW3 3EB**

**School Absence**

**Term Time  
Leave!**



**London Borough  
of Hounslow**

## Warning

Regulations state that Headteacher's cannot grant a leave of absences to a pupil except where an application has been made in advance and the Headteacher considers there are exceptional circumstances relating to the application.

An exceptional circumstance is an unavoidable event, such as an emergency that can't normally be planned for in advance.

Each application will be considered by the Headteacher on a case-by-case basis; however the Local Authority strongly advise Headteacher's against authorising Term Time Leave as school absence must be kept to an absolute minimum.

The Headteacher will write to the parent/carer warning them that the leave has not been approved. All periods of leave that have not been agreed by the Headteacher and is still taken, will be shown as unauthorised absence and will affect your child's levels of attendance.

Where a child has failed to return to school on the agreed date, they may be at risk of being removed from the school roll. The parent/carer would need to reapply on their return. There is no guarantee that they will receive a place at the same school.

School's may refer all cases of unauthorised Term Time Leave to the School Attendance Support Service (SASS).

The London Borough of Hounslow's School Attendance Support Service, issue parent/carer's with a Penalty Warning letter for a first period of unauthorised leave taken. It is hoped that the warning will discourage any further periods of leave being taken and avoid the need for further action. The letter informs the parent/carer of the risk of being issued with Penalty Notices or prosecution if further unagreed leave is taken.

## Term Time Leave!

There are 190 school days a year and the expectation of schools and the Local Authority is that children of statutory school age who are on a school roll, attend school every day the school is open.

That means there are 175 days remaining, for you to use for appointments, celebrations, birthday treats, events, and family holidays.

There may be some acceptable occasions where a child is not able to attend school, such as when they are too ill or has a medical appointment which cannot be held outside of school hours.

Taking a child out of school on Term Time Leave is not an acceptable reason to be absent from school. Parent/carer's do not have an automatic right to take their child out of school on Term Time Leave.

There is a clear statistical link between irregular school attendance and educational achievements. Absence from school has a disruptive effect on the pupil and the whole class. Each day a child is absent from school they miss out on the valuable education and planned teaching time, and their daily routine is disrupted. This may lead to a risk of falling behind academically, underachieving, and social isolation.

Regular school attendance is important for all aspects of a child's life not just because it is law. Parent/carer's, school staff, Local Authorities and all other services must work together to improve school attendance to reduce unauthorised absence to ensure that each child is getting the fulltime education to which they are entitled.

## The Law

The Law states that all parent/carer's have a legal responsibility to ensure that their child gets a full-time education that meets their needs (for example if they have a special educational need).

Children must receive an education whilst they are of statutory school age, between the school term after their 5<sup>th</sup> birthday, and the last Friday in June in the school term in which they turn 16 years old.

You can choose to teach them yourself (Elective Home Education EHE), or you can enrol your child at a school, either way guidance is very clear that every child is entitled to a fulltime education. You can be prosecuted for failing to ensure your child is receiving that education.

The word 'regular' in relation to school attendance, is in accordance with the rules applied by the school meaning a child is expected to attend every day the school is open unless leave of absence has been granted by the Headteacher.

All schools are required to have an Attendance Policy which clearly sets out the school expectations, processes, and the need to keep all absences to an absolute minimum.

Regular and punctual attendance at school is a legal requirement and is essential if pupils are to maximise their educational opportunities.

A pupil missing 10 percent or more of their own possible sessions due to authorised or unauthorised absence is classified as a persistent absentee (PA). As defined by the Department for Education and Skills (DfE).