

## Response to Request for Information

Reference      FOI 002650  
Date            10 August 2018

### ***School Penalty Notices***

#### **Request:**

We would like to ask a few questions about school Penalty Notices under the ANTI SOCIAL BEHAVIOUR ACT 2003 SECTION 23. Here I am writing to try to understand what kind of data is available through the Freedom of Information Act. The following questions refer to numbers breakdown by level of education (primary, secondary, alternative provision or special school) and type of school (community schools, foundation and voluntary schools, academy and grammar schools).

1. Could you provide data on the number of the penalty notice issued, breakdown by reasons (e.g., holiday/truancy sweep/persistently late...)?

Ideally, I would like to obtain the above data on a half-term basis during the period 2009/10 to 2017/18. If half-term is not possible, what is the frequency of the data that you are able to provide (e.g., termly, yearly...)?

(I am aware that <https://www.gov.uk/government/collections/parental-responsibility-measures> has published similar data but they do not have the penalty notice number breakdown by reasons for any year before 2016/17. Therefore, I kindly ask you for it.)

2009 - 2010 = 69  
2010 - 2011 = 59  
2011 - 2012 = 82  
2012 - 2013 = 125  
2013 - 2014 = 381  
2014 - 2015 = 698  
2015 - 2016 = 645  
2016 - 2017 = 487  
2017 - 2018 = 1,771

Please note all of our PRN's are for unauthorised holidays, there are no other reasons.

For the same time period (2009/10 to 2017/18), I would also like to know:

2. the number of unpaid vs. paid penalties?

2009 - 2010 = 20  
2010 - 2011 = 22  
2011 - 2012 = 22  
2012 - 2013 = 44  
2013 - 2014 = 262  
2014 - 2015 = 580  
2015 - 2016 = 501  
2016 - 2017 = 390  
2017 - 2018 = 1,512

3. how many penalties are withdrawn?

2009 - 2010 = 14  
2010 - 2011 = 12  
2011 - 2012 = 22  
2012 - 2013 = 27  
2013 - 2014 = 62  
2014 - 2015 = 103  
2015 - 2016 = 102  
2016 - 2017 = 73  
2017 - 2018 = 181

4. how many unpaid penalties lead to prosecution?

2009 - 2010 = 35  
2010 - 2011 = 25  
2011 - 2012 = 38  
2012 - 2013 = 54  
2013 - 2014 = 57  
2014 - 2015 = 15  
2015 - 2016 = 42  
2016 - 2017 = 24  
2017 - 2018 = 78

At last, in case the Code of Conduct for Penalty Notice being revised or updated, is it possible to obtain all the historical versions of the Code of Conduct for Penalty Notices?

In answer to your above question, please see attached codes of conduct and also a copy of our leaflets we give to parents.

# Are you thinking of taking your child out of school in term time?

Information for Parents  
Read this leaflet



## **Regular attendance at school is vital to help children achieve and get the best possible start in life.**

Children who frequently miss school often fall behind. There is a strong link between good school attendance and achieving good results. It is proven that attainment is connected to good attendance, missing school could have an impact on your child's education, remember that one day's absence is 25 lessons missed. This is valuable learning time that cannot be given back. For example, only 12% of pupils with below 80% school attendance achieve five or more GCSEs at grades A\*-C including English and Maths, compared to 68% for pupils with attendance greater than 95%.

## **Thinking of taking your child out of school in term time?**

New legislation introduced in September 2013 stated that Headteachers could no longer authorise 10 days holiday during term time.

Leave of absence during term time, can now only be authorised by the Headteacher /Principal if they are satisfied, that there are exceptional circumstances.

If the Headteacher/Principal, does not authorise the leave of absence but the child is absent during the requested time, parents may receive a Penalty Notice (fine).

## **How do I make a request for leave of absence in term time?**

1. You need to complete a leave of absence request form, which is attached at the back of this leaflet, at least four weeks before the start of the holiday. This form is also available to download from [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)





2. The completed form must then be sent to the school for approval.
3. The school will then write to you within seven school working days to confirm/decline the request.

### **What will happen if my request is refused but I still take the leave of absence?**

Your school will notify the delegated local authority officer who may issue a Penalty Notice to you if 5 days or more have been taken.

A Penalty Notice of £60 could be imposed per child and per parent. If this is not paid within 21 days of receipt of the notice the cost rises to £120 which must be paid between 21 and 28 days of receipt of the notice. All Penalty Notices will be delivered by hand or first class post.

If the notice has not been paid in full by 28 days of receipt, the local authority must either prosecute for the offence or withdraw the notice.

*Once issued a Penalty Notice may only be withdrawn in the following circumstances:*

- Proof has been established that the Penalty Notice has been issued to the wrong person.
- The notice ought not to have been issued e.g. where it has been issued outside the terms of the Code of Conduct.

This prosecution is for the offence of failing to secure attendance at school not for non-payment of the fine.

Prosecutions are brought under S444 of the Education Act 1996.

Parents/carers need to be mindful that a conviction for this offence can result in a criminal record.

## Frequently asked questions

### 1. Can I dispute the Fixed Penalty Notice?

Only a Headteacher/Principal can authorise leave of absence from school. If there are other exceptional or compelling circumstances of which the school were not aware of, you can make a representation to the Headteacher/Principal. If the school maintain the absence was unauthorised, the Penalty Notice will stand. There is no right to appeal a Fixed Penalty Notice, but you may choose not to pay and make your representations in the Magistrate's Court. You should be aware that should the court find you guilty of the offence of irregular school attendance, they can impose a higher punishment upon conviction. The court may also charge you with court costs.

### 2. I do not live with the child or I am a step-parent, can I still be fined?

*Yes, Section 576 Education Act 1996 defines 'parent' as:*

- Any natural parent, whether married or not
- Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person
- Any person who, although not a natural parent, has care of a child or young person on a day to day basis. However, for any parent who does not reside with the child(ren), applications will be considered on an individual basis by the Headteacher/Principal and may still be liable for prosecution.

### 3. Why do some schools authorise absence and another does not?

The Headteacher/Principal is the only person who can authorise leave of absence. Headteachers/Principals are only able to authorise leave of absence requests for exceptional circumstance and each case will be looked at individually.

### 4. My child has never had unauthorised leave of absence before?

The Penalty Notice has been issued based on the referral criteria. School attendance is crucial to children and any absence will have an impact upon your child's education. Your child's Headteacher/Principal will have based their decision on whether the leave of absence request was exceptional rather than based on your child's attendance level percentage.

*If you require more information, please contact the*

**Behaviour and Attendance Team** on **01902 550621**



**Please complete the request form opposite and return to your school for approval.**





# Leave of Absence *(Holiday in Term Time)* Request Form

## Child/Young Person Details

Full name:

---

Date of birth:

---

School name:

---

## Parent/Carers Details

Full name:

---

Relationship:

---

Address:

---

---

Postcode:

Tel No:

---

Date of birth:

---

Full name:

---

Relationship:

---

Address:

---

---

Postcode:

Tel No:

---

Date of birth:

---

## About the request for your child/young person's absence from School

Please state the reason for taking your child/young person out of school:

---

---

---

Length of absence: *(school days)*

---

From: *(Date)*

To: *(Date)*

---

.....  
Parent/guardian's signature:

*(Parent who lives with child or has day to day care of the child)*

.....  
Date:



You can get this information in large print, Braille, audio  
or in another language by calling 01902 551155



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City of Wolverhampton Council, Civic Centre, St. Peter's Square,  
Wolverhampton WV1 1SH

# Children, Young People and Families

## Social Inclusion

### Non-School Attendance Penalty Notice

#### Policy and Procedure

**Purpose:**

The Purpose of this Policy is to ensure that children and young people in the City are not taken out of School in term time.

Approved by – Children, Young People & Families Management Team (17<sup>th</sup> July 2013)

Published – 19<sup>th</sup> July 2013

Review Date – July 2014

<b>REVIEW LOG</b>			
<b>Date</b>	<b>Version</b>	<b>Comments</b>	<b>Approved by</b>
July 2013	1.0	New Policy Introduced	Children, Young People and Families Management Team

<b>CONSULTATION</b>
<p>The following people have been consulted on this policy:</p> <ul style="list-style-type: none"> <li>- Senior Education Welfare/Court Officer</li> <li>- Education Welfare Officer</li> <li>- Children, Young People &amp; Families Management Team</li> <li>- Wolverhampton School Improvement Partnership</li> </ul>

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## 1.0 **INTRODUCTION**

This Policy and Procedure has been produced to outline the process that must be followed for issuing Penalty Notices for unauthorised absences from School. This Policy is split into three sections:

- Part A – Penalty Notices (Unauthorised Absence)
- Part B – Penalty Notices (Leave of Absence)
- Part C -

When a Penalty Notice is imposed a penalty of £60 is payable within 21 days of receipt of the notice; and £120 if paid within 28 days of receipt of the notice.

If the notice has been paid in full by 28 days of receipt the Council must either prosecute for the offence or withdraw the notice.

This prosecution is for the offence of failing to secure attendance at School not for non-payment of the fine.

Prosecutions are brought under S444 Education Act 1996.

Withdrawal of the notice can only take place in very limited circumstances as set out in this Policy and Procedure.

## **PART A – PENALTY NOTICES (UNAUTHORISED ABSENCE)**

### **1.0 LEGISLATIVE FRAMEWORK**

Section 23 of the Anti-Behaviour Act 2003 empowers designated Local Authority Officers, Head Teachers (Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from School.

The Education Penalty Notice (England) regulations 2004 came into force in February 2004.

The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Equal Opportunities Legislation.

Regular and punctual attendance at School is both a legal requirement and essential for pupils to maximise their educational opportunities.

In law, an offence occurs if a parent fails to secure their child's attendance at School and that absence is not authorised by the School.

Penalty notices supplement the existing sanctions currently available under S444 Education Act 1996 or S36 Children Act 1989 to enforce attendance at school where appropriate.

Education Welfare Officers in Multi-Agency Support Teams deliver this Local Authority responsibility.

### **2.0 RATIONALE**

Parents and pupils are supported at School and LA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies.

Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.

Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.

### **3.0 WHO MAY ISSUE A PENALTY NOTICE**

A Penalty Notice may only be issued by:

- Wolverhampton City Council's Senior Education Welfare Officer.

### **4.0 WHEN CAN A PENALTY NOTICE BE ISSUED?**

A Penalty Notice can only be issued in cases of unauthorised absence. It would be considered appropriate to serve a notice in the following circumstances:

- Overt Truancy
- Parentally condoned absences

- Excessive leave of absence in term-time (see Leave of absence in Term Time Policy)
- Excessive delay in returning from extended holidays without agreement
- Persistent late arrival at School e.g. after the register has closed.
- A registered pupil has been absent for 10 or more sessions of recent unauthorised absence and the parents have been called into a meeting and further unauthorised absences persist.

And

- The LA is satisfied that there is sufficient evidence to show the parent has committed an offence under S444(1) of the Education Act 1996

And

- A formal warning of the possibility of a Penalty Notice being issued has been served and no improvement is evident within a set period.

And

- A maximum of two Penalty Notice can be issued in the academic year in respect of the child in question.

## **5.0 OPERATIONAL GUIDANCE**

School and Education Welfare Officer discuss all cases of unauthorised absence under 90% in line with the MAST Referral Policy.

Three levels of activity by MAST staff can be identified:

**Level 1** Brief pieces of activity that will not be recorded. Examples might be brief responses to telephone calls from parents seeking advice or a communication with a child, teacher or other colleague in the MAST

**Level 2** This includes more substantial but still one off consultation activity often that time was set aside for, e.g. if parents drop into the MAST Centre for advice. It also usually includes single home visits by EWOs following up a non attendance concern. Level 2 activity should be recorded by the worker concerned completing the Level 2 activity form during or immediately after the consultation. These are retained by the worker as a record of his/her activity, copied to the i file system and logged on the ONE database. However, files do not need to be opened.

If no improvement is evident then a meeting (UA1) will be arranged.



### **Level 3**

Level 3 activity will require the referrer to complete a CIF. Staff may receive these in two ways either directly, for example during a school visit, or through the post/email. The good practice that should be encouraged is that CIFs are only completed after some initial discussion. This might result in agreement there and then to accept it as a referral or it might lead to further discussion with the MAST Manager or with other colleagues before a decision is made to accept it (or not) and who will follow it up.

At the point of Level 3 consultation where no improvements of attendance are evident the following will take place:

- A letter (UA1) to be sent out to parents with Legal Action Information.
- A Meeting (UA1) will take place, the meeting will be recorded and a CAF offered. If parents do not attend a further letter (UA2) will be sent out. A UA2 will be sent out to the parents with a copy of the minutes. The letter will advise parents they are under caution of legal action being taken. Unauthorised absences will be monitored for the timescale of approximately 3 months. If improved, a discussion will take place in supervision and case closed.
- If no improvement is evident then either legal action via a penalty notice/prosecution will take place or no legal action is necessary and further case work will take place via a CAF/CIN/TAC/Complex Case Panel/Referral to other agencies.

#### **5.1 Issuing of Penalty Notice Process**

Before a case is to be progressed for the issuing of a Penalty Notice the Area Education Welfare Officer must review the case and authorise a Penalty Notice.

The case must then be passed to the Court Officer.

A Penalty Notice is to be issued.

If a Penalty Notice is not paid then an Education Welfare Officer must progress to prosecution (see 3.2).

#### **5.2 Process for Prosecution**

A statement for court is completed by the Education Welfare Officer or by the Area Education Welfare Officer if it is their case. This should then be passed to the Area Education Welfare Officer to complete the case for prosecution form and pass to the Court Officer. The Court Officer will then process for prosecution.

#### **6.0 WITHDRAWAL OF A PENALTY NOTICE**

Once issued a Penalty Notice may only be withdrawn by the Local Authority in the following circumstances.

Proof has been established that the Penalty Notice has been issued to the wrong person.

The notice ought not to have been issued e.g. where it has been issued outside the terms of this code of conduct or no offence has been committed.

## **7.0 REPRESENTATION**

The parent will be advised, when they receive the warning that they may make representation to the Head Teacher setting out reasons why they should not be subject to a warning.

There is no statutory right of appeal against the issuing of a Penalty Notice.

## **8.0 PAYMENT OF PENALTY NOTICE**

Arrangements for payment will be detailed on the Penalty Notice. Generally, arrangements will be in place to allow for either personal payment at an office address or by post.

Payment of the notice discharges the parent's liability for the period in question and they cannot be subsequently prosecuted under other enforcement powers for the period covered by the notice.

The Local Authority retains any revenue from any Penalty Notice to cover enforcement costs. It is unlikely that revenue will be greater than enforcement costs.

If revenue is greater than enforcement costs that sum is held by central Government.

## **9.0 NON-PAYMENT OF PENALTY NOTICE**

Non-payment of a Penalty Notice will result in the withdrawal of the Notice and will trigger the prosecution process under the provisions of S444 1996 Education Act.

## **PART B – PENALTY NOTICES (LEAVE OF ABSENCE)**

### **1.0 LEGISLATIVE FRAMEWORK**

The Education (Pupil Registration) (England) (Amendment) Regulations 2013.

*“(1A) Subject to paragraph (2), leave of absence shall not be granted unless—  
(a) an application has been made in advance to the proprietor by a parent with whom the pupil normally resides; and (b) the proprietor, or a person authorised by the proprietor in accordance with paragraph (1), considers that leave of absence should be granted due to the exceptional circumstances relating to that application.”;*

### **2.0 OPERATIONAL PROCESS**

1. Parents make a request for leave of absence to the School using the information leaflet are you thinking of taking your child out of school in term time.
2. Leave of absence request is refused by Head Teacher.
3. Parents are notified.
4. Parents then take refused leave of absence.
5. School to complete pro-forma (appendix A) and send to the Social Inclusion Court Officer along with a copy of the original request and refusal letter and the certificate of attendance.
6. Process outlined in Part A for issuing of Penalty Notice will be followed.

## **PART C – INTENSE WORK (AREAS HIGHLIGHTED FOR CONCERN)**

### **1.0 POLICY STATEMENT**

Where high unauthorised absence is highlighted in specific areas the Area Education Welfare Officer may decide on intense project work to address issues such as direct project work with a specific school or area.

Some initiatives may be designed to raise individual and whole school attendance by the use of legal action. Where this is the case the principles outlined in Part A of this Policy will be followed.

UNAUTHORISED LEAVE OF ABSENCE NOTIFICATION FORM

**Child/Young Persons Name:** Click here to enter text.

**Home Address:** Click here to enter text.

**School Name & Address:** Click here to enter text.

**School Contact Name:** Click here to enter text.

**Telephone Number:** Click here to enter text.

**Reason Holiday Refused:**

Click here to enter text.

**Any other relevant information:**

Click here to enter text.

**Please attach a copy of the certificate of attendance, original request and refusal letter. To be sent to the Senior Education Welfare Officer/Court Officer at Priory Green, Whitburn Avenue, Pendeford, WV9 5NJ**

# Children & Young People

## Leave of Absence Penalty Notice

### Code of Conduct

**Purpose:**

The Purpose of this Code of Conduct is to ensure that children and young people in the City are not taken out of School in term time.

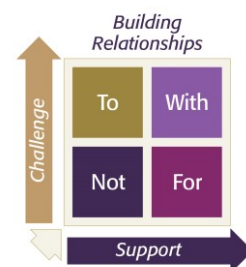
**Approved by –**

**Implemented-**

**Review date-**

**RESTORATIVE PRACTICE**

All contact and work received by families from the City of Wolverhampton Council within the City will be based around restorative practice principles. This is to ensure we improve the life outcomes for all children, young people and families we work with. In Wolverhampton we intend to use restorative principles and behaviours with colleagues as well as children and families, to help develop positive working relationships.



<b>REVIEW LOG</b>			
<b>Date</b>	<b>Version</b>	<b>Comments</b>	<b>Approved by</b>
July 2013	1.0	New Policy Introduced	Children, Young People and Families Management Team (17 <sup>th</sup> July 2014)
July 2016	1.1	Policy reviewed and amended to reflect leave of absence penalty notices.	
September 2017	1.2	Policy reviewed and amended to reflect current legislation and guidance on penalty notices.	

### **CONSULTATION**

The following people have been consulted on this policy:

- Head of Service Specialist Support Service
- Behaviour & Attendance Coordinator

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- 1.0 Introduction
- 2.0 Legislative Framework
- 3.0 Case Law
- 4.0 Operational Process
- 5.0 Parent(s) Who Do Not Apply For Leave Of Absence
- 6.0 Administration and Issue Of Penalty Notices
- 7.0 Withdrawal of Penalty Notice

## **Appendices**

A - Template Letter for Schools to decline requests for absence of leave

B - Request for a Penalty Notice for unauthorised leave of absence in term time



## 1.0 INTRODUCTION

This Code of Conduct has been produced to outline the process that must be followed for issuing Penalty Notices for Leave of Absence from School during term time.

Penalty Notices will be issued where there are 5 or more consecutive days of unauthorised leave of absence.

When a Penalty Notice is imposed, a fee of £60 per parent per child is payable within 21 days of issue of the notice; and £120 if paid between 21 and 28 days of issue of the notice.

If the notice has not been paid in full within 28 days of issue of the notice, the Local Authority must either prosecute for the offence or withdraw the notice.

This prosecution is for the offence of failing to secure attendance at School, **not** for non-payment of the fine.

## 2.0 LEGISLATIVE FRAMEWORK

The Education (Pupil Registration) (England) (Amendment) Regulations 2013.

*“(1A) Subject to paragraph (2), leave of absence shall not be granted unless—*

*(a) an application has been made in advance to the proprietor by a parent with whom the pupil normally resides and;*

*(b) the proprietor, or a person authorised by the proprietor in accordance with paragraph (1), considers that leave of absence should be granted due to the exceptional circumstances relating to that application.”*

The Education Act 1996 states:

Offence: failure to secure regular attendance at school of registered pupil.

(1) If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence. If in the circumstances mentioned in subsection (1) the parent knows that his child is failing to attend regularly at the school and fails without reasonable justification to cause him to do so, he is guilty of an offence.]

(2) Subsections (3) to (6) below apply in proceedings for an offence under this section in respect of a child who is not a boarder at the school at which he is a registered pupil.

- (3) The child shall not be taken to have failed to attend regularly at the school by reason of his absence from the school:
- (a) with leave;
  - (b) at any time when he was prevented from attending by reason of sickness or any unavoidable cause; or
  - (c) on any day exclusively set apart for religious observance by the religious body to which his parent belongs.
- (4) The definition of parent under education law Section 576 of the Education Act 1996 defines “parent” as:
- (a) All natural (biological) parents, whether they are married or not;
  - (b) Any person who, although not a natural parent, has parental responsibility for a child or young person;
  - (c) Any person who, although not a natural parent, has care of a child or young person.

It is the responsibility of schools to ensure that they are aware of all persons who meet the criteria of parent as indicated above. School must ensure that they have included all parents in the Penalty Notice request.

### **3.0 CASE LAW**

The Local Authority is mindful of the recent Supreme Court decision in the case of *Isle of Wight v Platt*. The Supreme Court makes it clear that regular attendance shall mean attendance in accordance with the school rules (i.e. when the school is open). Therefore, any non-attendance which is not in accordance with the school rules will be deemed unauthorised and it would therefore be appropriate to issue a Penalty Notice.

Lady Hale, Deputy President of the Supreme Court, expressed clear policy reasons for the judgement:

*“Unauthorised absences have disruptive effect, not only on the education of the individual child but also on the work of other pupils”*

The Supreme Court’s decision emphasised the need for parents to ensure their children receive a full and uninterrupted education, which is essential in order to promote a child’s life chances. Full details of the judgement can be found on the Supreme Court website: [www.supremecourt.uk](http://www.supremecourt.uk).

Schools must clearly state in their behaviour and attendance policies that leave of absence in term time will not be authorised unless in exceptional circumstances and this must be made freely accessible to parents.

## **4.0 OPERATIONAL PROCESS**

- 4.1 Parent(s) make a request for leave of absence to the School, at least four weeks before the leave of absence, using the Information Leaflet- '**Are you thinking of taking your child out of school in term time**'.
- 4.2 A leave of absence request is considered and granted entirely at the Head Teacher's discretion.
- 4.3 Head Teacher either accepts or declines the request.
- 4.4 Where the request is declined the Head Teacher notifies the parent in writing that the leave of absence is refused, within seven days of receipt of request.
- 4.5 If the Head Teacher has refused the request but the pupil is absent during this period, the absence should be unauthorised. The Head Teacher will then decide whether to request the Local Authority to issue a Penalty Notice.

## **5.0 PARENT(S) WHO DO NOT APPLY FOR LEAVE OF ABSENCE**

- 5.1 If a parent does not apply for leave of absence in advance, the absence should be recorded as unauthorised. If the school wish to pursue the matter and request a penalty notice to be issued, a letter must be sent to parent(s) advising that the absence will not be authorised and warning that a penalty notice maybe issued.

## **6.0 ADMINISTRATION AND ISSUE OF PENALTY NOTICES**

- 6.1 It is at the Head Teacher's discretion whether a case should be referred to the Behaviour and Attendance Team for a Penalty Notice to be issued. At City of Wolverhampton Council, the Behaviour and Attendance Team is responsible for the administration and issuing of Penalty Notices.
- 6.2 A request for a Penalty Notice will be actioned by the Local Authority, if the following information is supplied:
  - The completed request form from the parent(s), date stamped with the date received by the school;
  - The letter from the head teacher to the parent(s) advising the leave of absence has not been authorised (Appendix A);
  - The proforma signed and dated by the head teacher asking for a penalty notice to be issued (Appendix B); and
  - A copy of the attendance certificate showing the unauthorised leave, with the correct code 'G'.

6.3 If parent(s) have not requested the leave of absence the following information is required:

- A letter from the head teacher indicating an unauthorised leave of absence has been taken. The letter needs to indicate how the school became aware and what actions have been taken, for example, a telephone call to the parent(s) or a visit to the home address. The letter also needs to state that the parent(s) may be served with a Penalty Notice.
- The proforma signed and dated by the head teacher asking for a penalty notice to be issued (Appendix C);
- A copy of the Attendance Certificate showing the unauthorised leave, with the correct code 'G'

6.4 A request for a penalty notice must be made to the Local Authority within one month of the leave of absence being taken.

6.5 The Local Authority will then issue the penalty notice within one month of the request being received.

6.6 If the Penalty Notice remains unpaid after the maximum 28 days, a letter will be sent to the parent/s advising them that the case will now be passed to Legal Services for prosecution in the Magistrates' Court using section 444 of the Education Act of 1996.

## **7.0 WITHDRAWAL OF PENALTY NOTICE**

7.1 There is no statutory right of appeal against issuing a penalty notice.

7.2 Once issued, a penalty notice can only be withdrawn if the Local Authority is satisfied that:

- The Penalty Notice was issued to the wrong person;
- The Penalty Notice ought not to have been issued, i.e. where it has been issued outside of the terms of this Code of Conduct or no offence has been committed

## Appendix A

## SCHOOL LETTERHEAD

Parent/Carer Name  
Address

Date

Dear Parent/Carer

**Re: Leave of Absence in term time request for (child's/children's name)**

Following your request for leave of absence in term time for **(child's/children's name)**. I regret that I am unable to authorise this absence. My reasons are as follows:

- .
- .
- .

Should you however choose to take the requested leave of absence, the school's attendance policy makes it clear that this absence will not be authorised and I will be making a request to the Local Authority to issue a Penalty Notice.

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.

**Parent/Carer's have a duty to ensure their child/children's regular attendance at school and failure to do so is an offence under Section 444 of the Education Act 1996.**

Yours sincerely

**Head Teacher/ Principal**

**Appendix B**

**Request for a Penalty Notice for unauthorised leave of absence in term time**  
**This form must be completed in full**

School	
--------	--

	Parent/Carer 1:	Parent/Carer 2:
First Name		
Surname		
DoB		
Address		
Contact Number		

	Pupil 1	Pupil 2	Pupil 3
First name			
Surname			
Dob			

Information about this leave of absence:

Was permission for this absence requested in advance from parent/carers?

**Yes / No**

Dates of unauthorised absence, from \_\_\_\_\_ to \_\_\_\_\_  
number of school days \_\_\_\_\_.

Signed \_\_\_\_\_ Head Teacher / Principal

Date: \_\_\_\_\_

Please forward this request to the Local Authority via  
[AttendanceandExclusions@Wolverhampton.gov.uk](mailto:AttendanceandExclusions@Wolverhampton.gov.uk) together with:

- A copy of the request for leave of absence if applicable
- A copy of the letter to the parent/carers advising them that the leave was not authorised
- A copy of the child/children's attendance certificate