

## Penalty Notices for Holidays

### Guide for Parents

The Supreme Court of the United Kingdom recently made a very clear judgement on the meaning of regular attendance at schools. This is particularly relevant to parents taking children out of school for holidays. Briefly summarised:

***General good attendance is no protection from legal sanctions. Regular attendance at school is a legal obligation for parents. Regular attendance means your child must be in school unless ill or there are unavoidable circumstances preventing attendance. The legal sanctions available to head teachers are there to enforce school attendance. Absence for holidays affects the efficient education of all children, not just the child missing lessons. Head teachers will only authorise leave of absence if there are exceptional circumstances that outweigh the need to deliver effective education to all pupils.***

Parents have no right to take children out of school for holidays or family visits without the permission of the Head Teacher. A request for **leave of absence** must be made and parents have to accept the Head Teacher's decision.

Parents who do not ask for permission but take their children out of school will receive penalty notices. Claims that a child was ill, especially around school holiday times are challenged, and evidence is required.

The Head Teachers must apply Government regulations, assessing requests for leave of absence on whether or not there are **exceptional circumstances** that outweigh the need for the child to be in school.

### **EXCEPTIONAL CIRCUMSTANCES**

These are, in essence, circumstances that are outside people's control, are emergencies, are "one-off" occasions or matters of a compassionate nature.

Parents should understand that holiday costs, sick relatives who can be visited in school holidays and many family occasions are unlikely to be seen as exceptional. It is essential that parents provide schools with all relevant information and then respect the decision of the head teacher.

### **Disputing a penalty notice**

There is no right of appeal for parents but the Local Authority will examine any evidence that suggests an error has been made. Parents will be required to provide documentary evidence to the Education Welfare Team, using contact details on their invoice.

Parents are advised that the timescale for payment remains the same. All queries about penalty notices are dealt with promptly. Parents who delay their dispute are not given extra time to pay, if their challenge is unsuccessful.

Prosecutions when penalty notices are not paid result in higher fines and a criminal record for parents.