

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

Information for Parents - Read this leaflet



**Sandwell**  
Metropolitan Borough Council

[www.sandwell.gov.uk](http://www.sandwell.gov.uk)

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

### *Leave of Absence Legislation*

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

Legislation introduced in September 2013 stated that Head Teachers can no longer authorise 10 days holiday during term time.

Leave of absence during term time, can now only be authorised by the Head Teacher/Principal if they are satisfied, that there are “**exceptional circumstances**” that warrants the granting of leave.

If the Head Teacher/Principal, does not authorise the leave of absence but the children are 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 you can obtain from your child’s school.
2. The completed form must then be returned to the school for approval.
3. The school will then write to you to authorise/decline the request.



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

The school can ask the Attendance and Prosecution Service to issue a penalty notice to you for an unauthorised leave of absence.

A penalty notice of £60 (per parent, per child) maybe issued by first class post. If this is not paid within 21 days the penalty payment rises to £120 (per parent, per child) which must be paid within 28 days. If the notice has not been paid in full by 28 days of receipt, the council will proceed to prosecution for the offence (“failure to ensure regular attendance” at school).

Once issued a penalty notice may only be withdrawn in the following circumstances:

- Proof has been established that the penalty notice has been incorrectly issued (e.g. 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 or no offence has been committed.
- 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 (1) of the Education Act 1996.
- Please note that a conviction for this offence can result in a criminal record.





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If you need more help please get in touch with the  
Attendance and Prosecution Service on

Tel: 0121 569 8147

or Email: [attendance\\_service@sandwell.gov.uk](mailto:attendance_service@sandwell.gov.uk)

