



# Barden Primary School

Only my best is good enough for me

Dear Parent,

## EXCESSIVE LEAVE IN TERM TIME - S444 EDUCATION ACT 1996

Holidays in term time are not permitted. This is at the direction of the government.

As you will be aware, Barden Primary School uses penalty notices when pupils are absent from school without permission, including unauthorised leave/holidays, in accordance with our school attendance policy.

When penalty notices are issued, it gives parents an opportunity to discharge liability for an offence under S444 of the Education Act instead of being prosecuted by the Local Authority. Lancashire County Council are currently reviewing these arrangements, with particular focus on the amount of time that pupils miss due to unauthorised leave/holidays.

The penalty notice regulations determine the amount of the penalty notice fine. There is evidence to suggest that some parents are choosing to remove their children from school for longer periods, as the fine amount is the same regardless of the number of school days missed.

In order to address this, the Local Authority will now review any requests made by our school for penalty notices in respect of unauthorised leave/holidays and **if the leave is excessive (3 weeks or more out of school), they may prosecute parents and not offer the opportunity to pay a penalty notice fine instead.**

Attendance at school is so important to help children thrive and achieve their best. Children who are absent from school can fail to meet their academic potential and those who fall below 90% attendance are at significant risk of underachieving. This means leave during term time should be avoided. However, if you are considering taking your child out of school it is important that you request permission for the absence, even where it is not likely to be authorised.

Where enough notice is given for a warning to be issued, and a request made is for 3 weeks (15 school days) or more out of school, the Local Authority may issue you with a warning explaining that you will not have the opportunity to pay a fine and that you will be prosecuted if the leave is still taken.

It is important to understand however, that even if the authority doesn't send you a warning letter, you can still be prosecuted for the offence as there is no legal entitlement to a warning or a penalty notice. Failure to ensure your child attends school regularly is a criminal offence which means that if you are convicted you will have a criminal record.

Where unauthorised leave is taken for **less than 15 school days** a penalty notice will be issued to offer a chance to avoid prosecution.

We have been asked by Lancashire County Council to issue this letter to parents to inform you that this procedure will now be applied to all excessive leave requests made to this school.

Yours faithfully,

Mrs C Holgate  
Head teacher