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16/07/2024

Dear Parents and Carers,

We appreciate that this is a long email but it is very important that you are aware of the changes to Penalty Notices.

We have been asked to share this new Penalty Notice Regulations information with parents and carers by the Surrey Inclusion Team as the new regulations come into effect from 19th August 2024.

Please be aware that The Education (Pupil Registration) (England) (Amendment) Regulations state that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

The Headteacher is required to determine the number of school days a child can be away from school if leave is granted.

In accordance with the above Regulations, requests for leave of absence are treated sympathetically, but only in exceptional circumstances can they be approved.

If you consider that there are exceptional circumstances relating to your request, please complete a request for leave of absence in exceptional circumstances. Each application for a leave of absence will be considered on a case-by-case basis.

Penalty Notices to Address Poor Attendance at School

A Penalty Notice may be issued as an alternative to the prosecution of a parent/carer for their child's unauthorised absence from school (absence without the agreement of the school or not covered by a medical note) and will be used by Surrey County Council in the following circumstances :-

1. Pupils identified by police and Attendance Advice Officers (formerly Education Welfare Officers) engaged on Truancy Patrols and who have incurred unauthorised absences.
2. Leave of absence in term time (5 days or 10 sessions or more).
 - Please be aware that The Education (Pupil Registration)(England)(Amendment) Regulations 2013, which became law on 01 September 2013 state that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

- The Headteacher is also required to determine the number of school days a child can be away from school if leave is granted.
- In such cases the Headteacher/Governing Body must decide whether there are exceptional circumstances. They may request that Surrey County Council issue Penalty Notices when the absence is not authorised.

Warnings will not be given where it can be shown that parents have been notified that such absences will not be authorised.

3. Finally, the issuing of a Penalty Notice will also be considered where it is judged that a parent is failing to ensure their child's regular school attendance.

This will be considered when a pupil has incurred 10 or more unauthorised sessions in the previous 10 school weeks, which may include a pupil arriving late after close of registration.

If you believe at any stage that your child's absence from school may leave you liable to receive a Penalty Notice, it is extremely important that you act without delay to secure their regular attendance.

If you have any questions or require further support to achieve an improvement in your child's attendance, please contact your child's school or the Attendance Advice Officer.

Penalty Notice relating to Exclusions

If a child is excluded from school, Section 103 of the Education and Inspections Act 2006 places a duty on parents/carers to ensure that their child is not in a public place without justifiable cause during school hours.

This duty applies to the *first five days of each exclusion*. Failure to do so will render the parent/carer liable to a Penalty Notice. (Alternative education provision will be made available from the sixth day of any exclusion.)

Amount Payable for a Penalty Notice and Consequences for repeat unauthorised absences

1. If you have not incurred a penalty notice relating to this child/children in a rolling 3 year period since 19 August 2024, then the penalty notice will be charged at the rate of £160.00, **per parent/carer per child**, if paid within 28 days. This will be reduced to £80.00 if paid within 21 days of receipt of the notice. Failure to pay the Penalty Notice will result in Surrey County Council considering legal proceedings against you in the Magistrates Court.

2. If you have incurred a penalty notice relating to this child/children since 19 August 2024, the rolling 3 year period will be activated from the date of the first penalty notice and the second penalty notice will be charged at the flat rate of £160.00, **per parent/carer per child**, if paid within 28 days. There will be no reduction for payment within 21 days. Failure to pay the Penalty Notice



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will result in Surrey County Council considering legal proceedings against you in the Magistrates Court.

3. If you have incurred 2 penalty notices relating to this child/children in the rolling 3 year period since the first penalty notice was issued, then you will NOT receive a third penalty notice – Surrey County Council will have no option but to consider a prosecution, **per parent/carer per child**, in the Magistrates Court under s 444 Education Act 1996.

Surrey County Council is not responsible for authorising pupil absence and therefore cannot withdraw any Penalty Notice requests without the written permission of the Headteacher.

Advice and support is available from an Attendance Advice Officer by contacting Surrey Attendance Service as follows :-

North West - Tel: 01483 518130 South West - Tel: 01483 517179

North East - Tel: 01372 833588 South East - Tel: 01737 737777

Kind regards,

The Mead School Office Team