

QUESTION	ANSWER
<p>Why should we adopt this procedure?</p>	<p>Headteachers recognise that parents' individual circumstances (financial position, work commitments etc) vary enormously. Nonetheless, they are required to ensure that children only miss school if it is absolutely unavoidable. Headteachers will wish to reduce the amount of time lost to learning because they believe that a child's absence during term-time can seriously disrupt his or her continuity of learning. There is a consequent risk of underachievement which both Headteachers and parents will wish to avoid.</p>
<p>Which holiday request form should we use?</p>	<p>Ideally, you should use the holiday request form/letter contained in this current Circular. The decision made must then be confirmed by the Head signing the request form.</p> <p>You can use/adapt your own letter but it <u>must</u> contain the warning in bold. In addition, a sample letter is attached in this current circular which is similar to that used by some schools already which can be used when returning the holiday request form when a holiday has been unauthorised. An additional document is a leaflet that can be sent back with the confirmation of unauthorisation which sets out in full the reasons why i.e. the supporting guidance/legislation.</p> <p>It is good practice to put a reason for the unauthorisation in this section – a standard reason is set out on the form but this can be added to if required.</p>
<p>Who decides whether or not a holiday is authorised?</p>	<p>Only the Head can make this decision. In this regard, nothing has changed. The Department for Education allows a Head the discretion to consider authorisation of any absence only in "exceptional circumstances".</p>
<p>Is guidance available to support Head teachers in making this decision?</p>	<p>Yes. You should refer to the publication "Keeping Pupil Registers, Guidance on applying the Education Pupil Registration Regulations, 2008" paragraphs 62-68.</p>
<p>Does a Penalty Notice have to be issued?</p>	<p>No. A holiday can remain unauthorised without a Penalty Notice being issued. However, if you require a Penalty Notice to be issued then the appropriate documentation is sent to ESBAS.</p>

<p>What if a parent refuses to sign the holiday request form?</p>	<p>If it can be “evidenced” that the parent has received/seen/been handed the holiday request form there is no reason why a Penalty Notice cannot be requested, once the holiday has been taken.</p> <p>If you are in any doubt please forward the registration certificate together with any other information/evidence you may have (e.g. a record of a telephone conversation or meeting etc) to ESBAS and we can advise whether issue is possible.</p> <p>In all cases, it is important to ensure that parents are aware of the procedures – this can be by updating the newsletter, updating a website etc.</p>
<p>Evidence</p>	<p>Any correspondence between the school and parent in relation to the absence should be kept. In addition, a file note of any telephone conversations in relation to the absence should also be retained. If these are accurately dated they can be essential when a parent is suggesting they were unaware of a decision etc.</p>
<p>Can a Penalty Notice be requested for a holiday of less than 5 days (10 sessions)?</p>	<p>No. In all cases, a Penalty Notice can only be issued if 5 days (10 sessions) or more have been unauthorised and taken. These days/sessions should be taken consecutively.</p>
<p>Who receives the Penalty Notice?</p>	<p><i>Each</i> parent (parent includes a step-parent or other carer and <i>can</i> include an absent parent) receives a PN for <i>each</i> child.</p> <p>1 parent/1 child = 1 Penalty Notice 2 parents/1 child = 2 Penalty Notices 1 parent/2 children = 2 Penalty Notices 2 parents/2 children = 4 Penalty Notices</p>
<p>What happens if a Penalty Notice is unpaid?</p>	<p>In all cases a reminder letter is sent to each parent – in the majority of cases the reminder letter has instigated payment. Once the final due date has passed – contact is attempted with the parent to see if payment is imminent or they have forgotten etc. If the fine remains unpaid the matter will proceed to Court.</p>

What does this (Court) involve?	<p>ESBAS will prepare a standard Statement for signature by the Head to confirm they made the decision to unauthorise the holiday sessions.</p> <p>It is essential that any Statement prepared by ESBAS for signature by a Head is returned promptly.</p>
Will attendance at Court be required?	<p>It is possible, although extremely unlikely, and all efforts will be made by the Legal & Interventions Officer to avoid this.</p> <p>Statements are prepared to satisfy Section 9 of the Criminal Justice Act 1967 - this provides that if the conditions in that section are satisfied, a written statement can be admissible in evidence in the same way as oral evidence.</p> <p>Therefore, if all parties agree, attendance at court will not be required. Once a Statement has been prepared a Head will be kept advised at all times as to progress of a case.</p>
Can a Penalty Notice be withdrawn?	<p>Not routinely. Legislation allows for a Penalty Notice to be withdrawn if:</p> <ul style="list-style-type: none"> i) it ought not to have been issued, or ought not to have been issued to the person named as the recipient; or ii) it contained material errors <p>Therefore, if you require a Penalty Notice to be issued you must be sure that this is the course of action you wish to pursue and all material facts are checked first.</p> <p>For example if a parent is claiming work commitments you may wish to request evidence of this i.e. a letter from an employer. A Penalty Notice cannot be withdrawn because a parent complains it is unfair</p>
Where do the monies received from paid fines go?	<p>Monies recovered cover the administration process in issuing and enforcing the Penalty Notices and prosecuting recipients who do not pay. Any surplus monies are paid to the Secretary of State.</p>