

# Zouch Academy



## Little Green Guide Leave of Absence During Term Time

## **Introduction**

The **Department for Education** states; every day at school counts enormously and so does every consecutive day attended by pupils. Pupils need to be able to absorb new facts and knowledge, acquire new skills and consolidate before building further and progressing. They simply cannot do so if their structured school terms are disrupted by too many preventable absences.

As you may be aware the DfE made amendments to the **Education (Pupil Registration) (England) Regulations 2006** in 2013 which came into effect on 1<sup>st</sup> September 2013. According to the DfE website *'These amendments removed any reference to family holidays and extended leave as well as the statutory threshold of ten school days. The amendments make clear that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days a child can be away from school if the leave is granted'*.

## **Absence during Term Time**

Parents do not have a legal right to take children out of school. Whilst schools are required to **consider** parental requests for absence from school in term time, it still remains the legal duty of parents to ensure the regular attendance of a child of compulsory school age. Failure to do so could result in the Local Authority issuing a penalty notice or prosecuting the parents in the Magistrates Court. DfE guidelines clearly state that absence from school can only be taken in exceptional circumstances and this means that the parent must make a strong case for taking a child out of school in an academic year. Exceptional circumstances must be explained fully to the school who will then consider the request. Parents should not expect that schools would automatically agree to an absence from school during term time.

## **Requests for Leave of Absence**

A request for a leave of absence must only be considered if

- The parent the child normally lives with applies in advance for the absence; and
- There are exceptional circumstances for the absence

If the parent with whom the child normally lives does not apply for the absence this would be considered as an unauthorised absence and this parent would be liable to the issue of a Penalty Notice. Absence cannot be authorised if anybody else applies for the holiday.

## **What is unauthorised absence?**

A parent has made a request to a school for a absence in term time and this has not been agreed by the school;

A parent has not applied for an absence in advance (the regulations do not allow retrospective approval).

## **In what circumstances could an absence be authorised?**

Principals/Headteachers may not grant any leave of absence during term time unless there are 'exceptional circumstances' with each case examined on its merits before making a decision and should determine the number of school days a child can be away from school if the leave is granted.

A request for leave of absence could be considered exceptional in the following circumstance:

- For service personnel and other employees who are prevented from taking leave of absence outside term time at any point in the academic year (this will need to be supported in writing).

**Any other absence?**

There may be other circumstances when a parent may request an absence for their child, which may involve some time away from home.

Examples of these include:

- The wedding of a family member
- Family bereavement
- Prison visits

Schools must consider each request individually taking the following into account:

- The nature of the event for which leave is sought;
- Its frequency (is it a one-off or likely to become a regular occurrence?);
- Whether the parent has given advance notice; and
- The pupil's overall attendance

Consideration should also be given to whether the family will need to travel during the absence.

In some cultures specific religious occasions are very important and the family may want to return to their country of origin to celebrate this with family. Again, consideration should be given as to whether or not the absence is authorised due to 'exceptional circumstances'.

**Medical treatment abroad**

Some families return to their country of origin for medical or dental treatment for a number of reasons. In most cases doctors will provide a letter stating that a child has an appointment or is undergoing medical treatment. Consideration should be given to how long it would be reasonable to allow for travel.

**Penalty Notices for unauthorised absence**

If the absence has not been authorised by the school and an absence occurs, where the child's total unauthorised absences amounts to 10 or more sessions (5 school days), continuous or aggregated within the previous six months within the current academic year (including the most recent unauthorised absence), schools are expected to notify the Education Welfare Service.

**Who receives a Penalty Notice?**

A Penalty Notice will be issued to each parent for each child named on the notification. In all cases this will be parent with whom the child lives. For absent parents, step-parents or partners it may be helpful to consider the following:

- With whom the child was with at the time of the absence?
- Was the absent parent aware of the absence?
- Has the school sent a letter of refusal to all concerned?
- Does the absent parent have regular contact or live

**All Wiltshire Schools are expected to follow the Wiltshire Code of Conduct and send notification to the Penalty Notice Officer after a period of unauthorised leave of absence.**

For further advice please contact the Penalty Notice Officer:

**Tel: 01722 438123 Email: [PNLO@wiltshire.gov.uk](mailto:PNLO@wiltshire.gov.uk)**