City of York Council
Education. and Skills
Virtual School and Inclusion Services

GUIDANCE RELATING TO PUPIL LEAVE OF ABSENCE FROM SCHOOL

May 2023

1. Introduction

1.1 The following policy is aimed at helping schools manage requests from parents for leave of absence, including for family holidays and trips abroad, in term time. It is intended to make this process clearer and more consistent.

1.2 As part of the Local Authority's (LA) support to schools to improve pupil attendance levels in schools this document is intended to assist head teachers, governors, school staff and parents / carers in making decisions about the timing, need and educational impact which can occur when taking a child out of school for leave of absence such as for holidays in term time.

1.3 Schools are required to provide education for 190 days per year and it is expected that children who are registered at a school will attend for all this time. Parents do not have an automatic right for their children to have authorised absence including for a holiday in term time or for any other reason. Each week of absence equates to 2.6% of the year's attendance and therefore a child absent for two weeks is likely to have higher than average absence.

1.4 There are clear links between children's attendance and their attainment. A child absent from school for two school weeks each year will miss the equivalent of two terms' education over their school career. This is a strong factor in seeking to reduce all avoidable absence.

1.5 Head teachers may have been reluctant to unauthorise parental request for leave of absence, fearful this would have a detrimental impact upon their relationship with families. However, it is felt an authority wide policy used consistently will reduce absence without negatively affecting the strong relationship between schools and families.

Legislation and guidance.

The Education (Pupil Registration) (England) Regulations 2006

The Education (Penalty Notices) (England) (Amendment) Regulations 2013

Working together to improve school attendance (DfE 2022)

2 Criteria for assessing requests for leave of absence

2.1 Working together to improve school attendance (DfE 2022) states that parents should plan their holidays around school breaks and avoid seeking permission from schools to take their children out of school during term time unless it is unavoidable.

An application for leave of absence should not be granted unless it is made in advance by a parent the pupil normally lives with, and the school is satisfied that there are exceptional circumstances based on the individual facts and circumstance of the case which justify the leave. Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school. A leave of absence is granted entirely at the headteacher's discretion.

This means that:

- Parents CAN NOT demand leave of absence as an automatic right
- Schools CAN NOT apply blanket policies to approve or reject all applications for leave of absence.
- All requests MUST be considered on their own merits
- Leave of absence MUST only be granted in exceptional circumstances.
- The power to un/authorise leave belongs to the head teacher.

2.2 Leave of absence for any reason, such as family holidays, is not a right. Whilst head teachers may wish to adopt a policy, such as a blanket ban, they should not restrict their discretion and thus prevent them assessing each application on its own merits. It is for head

teachers only, not parents, to determine whether a request is exceptional.

A pupil may be granted leave of absence when

- an application has been made in advance to the head teacher by a parent/carer
- the head teacher considers that leave of absence should be granted due to the exceptional circumstances relating to that application.

2.3 Advice on what may constitute **exceptional** circumstances to grant a request for leave of absence suggests examples such as:

- service personnel who are prevented from taking holidays outside term time if the holiday will have minimal disruption to the pupil's education
- When a family needs to spend time together to support each other during or after a crisis.
- Any other circumstances the head teacher considers to be exceptional.

2.4 It is expected that head teachers will not authorise requests for leave of absence where the following apply:

- availability of cheap holidays
- availability of desired accommodation
- poor weather experienced in school holiday
- periods overlap with beginning or end of term.

2.5 Parents should be informed that in the case of a pupil granted leave of absence i.e., for a family holiday, should the pupil fail to attend within ten school days immediately following the expiry of the period for which leave was granted, the child's name can be removed from the school roll. However schools should only remove a pupils name from their roll in such circumstances following discussion with the School Attendance Adviser and having read the local guidance available at www:yorkeducation.co.uk

3 Marking of Registers

3.1 Approved leave of absence for a family holiday should be marked as 'H' in the school register, which is authorised absence.

3.2 Where the school and parents fail to reach agreement, and the child is then absent from school due to leave of absence then the school register should be marked as 'G' which is unauthorised absence.

3.3 Where the leave of absence is authorised for a family holiday and the parents keep a child away for longer than agreed then the additional absence should be marked as 'G' in the register.

3.4 Requests for other leave of absence that are authorised i.e., for a funeral or wedding should be marked using code C. Request that are declined and therefore not authorised should be marked using code O.

4 Publication of arrangements

4.1 A clear procedure for requesting leave of absence should be available to parents and included in the school's prospectus and policy statement. School must include in policies that are issued to parents, advice regarding leave of absence, and make clear that a parent who takes a child out of school without absence being authorised can be issued with a Penalty Notice of £60. When declining requests for absence schools should inform parents that a penalty can be issued if the leave is taken without consent (see appendix 3 for example letter).

4.2 Other measures to ensure parents are fully aware of the potential consequences of pupils with leave of absence which is not authorised by the headteacher may include:

- Parents being written to regularly to inform them of the school's position regarding leave of absence in term time and that a Penalty Notice can be issued in certain circumstances. This letter needs to be sent to all parents with consideration to a copy being placed in each pupil's file. This is particularly important as it may be part of any evidence presented to court should any enforcement action need taking in the event of a Penalty Notice not being paid

- the handbook and school website for parents issued by school, contains information about the school's position and views on leave of absence in term time

- the recommended Leave of Absence Request Form is used and all correspondence relating to applications for leave in term time (including any notes for supporting a decision to decline an application) is retained as this may be needed as evidence.

5 Issuing of Penalty Notices.

5.1 The LA has a code of conduct regarding the issuing of Penalty Notices. This covers the issuing of Penalty Notices when children have been absent for leave of absence, without the head teacher's consent. When a head teacher decides to make a request for a Penalty Notice they should contact the School Attendance Adviser on 01904 551817 or e mail fpn@york.gov.uk

6 Further Information

6.1 Further information relating to the current regulations and recommended practice in relation to this issue may be obtained from the attendance section on the DfE website.
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6.2 Guidance was issued, in 2014, by The National Association for Head teachers and is available to members on their website.

Appendix 1

Leave of Absence Request Form

[Name of school]

APPLICATION FOR PUPIL LEAVE OF ABSENCE FROM SCHOOL

Full name of child(ren)

Address

Exceptional Reasons for application and dates

Has leave of absence been taken in term time before?

Are you requesting leave of absence for any siblings at another school? If so, you should also make a separate application to that school. Please provide details of that child's name and school details:

Signature of parent(s) / carer(s) (applications can only be made by parents/carers)

Date

Office use only Seen by headteacher / head of year Agreement reached Other outcome Date / /

Appendix 2

Standard letter from schools re Leave of Absence Guidance

Dear Parent

I am writing to remind you of guidance from the Department for Education which impacts on the way in which any requests for leave of absence, including for holidays in term time, will be dealt with.

Head teachers have clear guidance to say that they should not authorise any requests for leave of absence in term time unless in exceptional circumstances. It is for each head teacher to decide as to what circumstances they consider to be exceptional. However, things such as the cost of a holiday or availability of a particular holiday are not considered exceptional. There should be very few requests for leave of absence in term time that will be regarded as exceptional and therefore most requests will be declined and therefore marked as unauthorised.

Parents do not have an automatic right for their children to have authorised absence to go on holiday. Parents can be issued with a Penalty Notice if their child is absent from school for a holiday in term time which is not authorised by the head teacher. A Penalty Notice can require a parent to pay a sum of either £60 or £120. Each parent can be issued with a notice for each child so two parents with two children can potentially be issued with four notices.

If you wish to talk about this matter with me, please contact the school to make an appointment

Yours faithfully.

Appendix 3

Sample Warning Letter following refusal to authorise a request for leave of Absence

Dear *name*

I am writing to you regarding your recent request that your child, *name* be given authorised leave of absence to take a holiday in term time *(or other circumstance – insert as appropriate.)*

Unfortunately, I am not able to authorise this absence. The circumstances in which we can authorise these requests are limited, and it is only in exceptional circumstances. Advice on what constitutes exceptional circumstances suggests situations such as children of service personnel and other employees who are prevented from taking holidays outside the term time, and families who need to spend time together following a crisis.

The guidance, clearly states, that where families take children out of school for holidays for reasons such as availability of cheap holidays and availability of desired accommodation the absence should not be authorised.

Should you choose to take the leave of absence in term time it will, as I said, be regarded as unauthorised absence and I may consult with the Local Authority and ask that they consider what action they can take. I am aware that they could consider issuing you with a Penalty Notice under Section 23 of the Anti-Social Behaviour Act. Any parents/ issued with such a notice will be subject to a prompt fine of either £60 per parent per child (if paid within 21 days) or £120 (if paid after the 21st day but within 28 days). Failure to pay the Fixed Penalty Notice is likely to lead to prosecution.

If you wish to discuss this matter further, with me, then I can be contacted on 01904 XXXXXX.

Yours sincerely