

# EXCEPTIONAL LEAVE DURING TERM TIME

Our Motto: Aim High, Learn Together, Feel Proud

## Introduction

This policy document has been developed to ensure Families have clear guidance in relation to the management of ALL term time leave of pupils who attend Westbrook school. It has been produced to ensure all decisions are within the national legislation.

Legally there is no entitlement for parents to take their child on holiday during term time. Any application for leave must be in exceptional circumstances and the head teacher must be satisfied that the circumstances warrant the granting of leave.

Parents can be fined for taking their child on holiday during term time without consent from the school.

This policy also responds to the updated guidance issued from Department for Education (DfE) which states

## Term-time holiday

The [Education \(Pupil Registration\) \(England\) Regulations 2006](#)

Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head teachers should determine the number of school days a child can be away from school if the leave is granted.

Headteachers have the discretion to grant leave, but they should only do so in exceptional circumstances. If a headteacher grants a leave request, it will be for them to determine the length of time that the child can be away from school. This leave is unlikely, however, to be granted for the purposes of a family holiday.

Parents can be fined for taking their child on holiday during term time without consent from the school.

## Rationale

This guidance is provided for parents/carers, schools, and governing bodies, on the process with regard to requesting, considering and the authorising of exceptional term time leave.

This guidance is provided for schools to manage and respond to situations where leave is not authorised or agreed and the procedures for the removal from school roll. This would include parents/carers who prevent their child from attending school regularly without a valid reason for the absence. Examples include: parents/carers who regularly take the extended weekend (Monday or Friday), advantage of last minute deals, or repeated visits abroad.

There may be exceptional circumstances where leave in school term time may be granted. This would be decided by the Head teacher on an individual basis for each request. There is strong evidence to indicate that significant absence from school during term time can have a negative impact upon a child's attainment and learning.

Research has shown that poor attendance impacts negatively on children's attainment. Children have to attend school for 190 days per year, this leaves 175 days (including weekends) free for families to take holidays.

### **Term time leave**

Westbrook Primary School recognises the important link between regular attendance at school and the educational attainment of children. **Head teachers may not grant any leave of absence during term time unless there are exceptional circumstances.**

Action may be taken by the Local Authority against parents/carers who fail to ensure that their child is properly educated. The action may result in a formal warning, a fine, or an appearance at court.

Parents and carers who regularly take their child out of school in term time may be prosecuted via the Magistrates Court.

Parents/carers are legally required to request exceptional term time leave from the Head teacher of the school at which their child is registered.

Head teachers of schools will consider all term time leave requests. Each request must be considered on its own merit and the impact upon the child's learning and wellbeing must be central to the decision made. However, a Head teacher may take into account previous leave requests and other factors related to the child when making their decision.

Parents/carers who do not request term time leave and take their child on 'unauthorised leave', or fail to keep the school informed of changes to leave arrangements, may receive a fine, be prosecuted and/or the children may lose their place at their school.

### **Requesting of term time leave in exceptional circumstances**

Requests for exceptional term time leave must be made at least 20 school days in advance of any arrangement being made. This will allow sufficient time for the request to be considered by the school. The request will be made in writing (letter or email) by the parent/carer using Appendix 1: Request for Exceptional Leave form. One form per child per request should be completed.

Schools should make arrangements to support parents/carers who have low literacy skills or for whom English is not their first language.

Exceptional Term time leave requests must include specific start and end dates, as this will formally constitute the leave period. Where no specific dates are provided, then the request cannot be considered or granted.

Parents/carers who are intending to travel abroad with their children during term time should not book travel prior to securing approval from the school.

Any changes to dates agreed by the school will require a re-submission for authorisation prior to departure.

The Head teacher's decision is final.

### **Family Emergency - where no leave has been requested**

There will be some occasions where it has not been possible for the parent/carer to make a request for exceptional term time leave. Whilst emergency situations are often difficult, parents/carers are still required to contact the school at the earliest possible opportunity and submit a written request for exceptional term time leave. This written request can be made on behalf of the parent/carer by someone nominated by the parent/carer. The request must include a specific leave period including a return date.

Parents/carers taking their children out of school due to a family emergency are encouraged to consider:

- That they have considered the impact and appropriateness for their child
- Whether or not alternative care arrangements could be made for the child to remain in school, e.g. stay with an extended family member;
- That they have looked at limiting the amount of time absent from school.

Where parents/carers have not requested leave from the school which their child attends, the child is at risk of losing their place at the current school in accordance with Section 8(h)<sup>1</sup>.

### **Considering the exceptional term time leave request**

The school should consider the exceptional term time leave request and provide a written decision to the parent/carer within 10 school days of the request being received.

The school will consider all requests for exceptional term time leave in accordance with the current legislation and this guidance. Schools may refer or seek the advice of the Local Authority, prior to making a decision but the final decision remains with the Headteacher.

It is good practice for schools to meet with parents/carers (wherever possible) to discuss the leave request prior to making the decision. The school will need to consider each request on its own merits and whether there are exceptional circumstances for authorising the absence.

When schools are considering exceptional term time leave requests, the following factors may help to reach a decision:

- Time of the academic year when the leave has been requested
- Duration of the absence – number of school days being missed
- The child's current attendance and punctuality rate

- Exceptional Term time leave requested/taken in previous academic years for a similar purpose
- Whether parent/carers have considered limiting the amount of time the child would be absent from school e.g. wrapping around school holiday
- Have alternative care arrangements been considered by the parent/carer to limit the time away from school?
- Impact on any interventions, assessments or referrals being undertaken with the child or family e.g. family support, social care assessments, CAMHS, SEN
- The impact that the absence will have on the child.

### **The decision and informing the parent/carer by the School**

The school will reach a decision and send a written response to the parent/carer within 10 school days of the leave request being received.

Schools must ensure that appropriate arrangements are made to communicate the decision to families who have low levels of literacy or where English is not the first language.

A decision may result in the term time leave request being

- (a) Authorised
- (b) Unauthorised
- (c) part Authorised and Unauthorised.

For example, Mr X has requested 3 weeks term time leave for his child. The school acknowledges that the reason given is important but feels that 3 weeks is excessive and authorise 1 weeks leave, with the remaining 2 weeks being unauthorised.

### **Penalty Notice Holiday Fine**

If parents/carers take their children on holiday during term time and this is not authorised by the School, they can be issued with a Fixed Penalty Notice (Holiday Fine) of £60 (if paid in 21 days) or £120 (if paid between 21 and 28 days). Each parent/carer can be issued with a notice, one per parent per family, i.e. one fine per parent/carer per family, regardless of the number of children in the family.

The responsibility for requesting Penalty Notice Holiday Fines is with the school and will be issued when requested by the Head Teacher.

### **Recording of Leave by the School**

School attendance registers are legal documents and the information recorded in them can be used as evidence in legal proceedings. It is therefore important that the information contained is accurate and the correct absence code is used. All absences must be coded in accordance with Absence and Attendance Codes: Guidance for Schools and Local Authorities (DCSF, Jan 2009).

Westbrook Primary School - Policy on Exceptional Leave  
During Term Time

<b>CODE</b>	<b>Description</b>	<b>Category</b>
B	Educated off site (NOT Dual registration)	Authorised (Attending approved educational activity)
C	Other Authorised Circumstances (not covered by another code or description)	Authorised

E	Excluded (No alternative provision made)	Authorised
<b>G</b>	<b>Family Holiday (NOT Agreed or days in excess of agreement)</b>	<b>Unauthorised</b>
<b>H</b>	<b>Family Holiday (Agreed) exceptional circumstances only</b>	<b>Authorised</b>
I	Illness (NOT medical or dental etc. appointments)	Authorised
J	Interview	Authorised (Attending approved educational activity)
M	Medical/Dental appointments	Authorised
N	No reason yet provided for absence	Unauthorised
O	Unauthorised absence - not covered by any other code/description)	Unauthorised
P	Approved sporting activity	Authorised (Attending approved educational activity)
R	Religious observance	Authorised
S	Study leave - Study leave should be used sparingly and only for Year 11 pupils during mock and public examinations	Authorised
T	Traveller Absence	Authorised
V	Educational visit or trip	Authorised (Attending approved educational activity)
W	Work experience - Work experience under section 560 of the Education Act 1996.	Authorised (Attending approved educational activity)
D	Dual registration i.e. pupil attending another establishment – indicates dual registration not attendance	Attending approved educational activity

Schools may use the code 'D' (dual registered) where they are able to demonstrate that a child will receive suitable education in another education establishment (in the UK or abroad) for a temporary basis. For example, a parent is required to travel abroad due to the nature of their work and they get their child registered at another school for the duration of their visit. The main school is required to ensure that it accurately monitors and records the attendance of the child at the dual registered base.

## **Process for removing a child's details from the school roll**

A child's name can only be removed from school roll if one of the conditions prescribed in the Education (Pupil Registration Regulations) (England) 2006; Section 8(1) is satisfied.

Section 8(1)(f)<sup>4</sup> would apply if the child has failed to attend school within 10 school days immediately following the expiry of the period for which leave was granted ('authorised absence'). Section 8(1)(h)<sup>5</sup> would apply if the child had been continuously absent from school for a period not less than 20 school days and at no time was that period authorised by the school (unauthorised absence).

Schools should not wait for the expiry of the periods specified above, prior to making enquiries. Enquiries should start on the first day of absence or first day immediately commencing the period for which the child was expected to return to school.

Schools must forward a completed Children Missing from Education Form to the CME team for all children, who they feel meet one of the legal requirements for deregistration.

The CME team will provide written confirmation (within 10 school days) to the school confirming the date the child can be removed. If a child cannot be removed the CME team will provide the school with an explanation.

The responsibility for the child transfers from the school to the CME Team from the date of the deregistration letter.

Schools must send an electronic Common Transfer File (CTF) to the School to Schools website for all children who have left their schools. The electronic transfer of data is a legal requirement under the Education (Pupil Information) Regulations 2005, as amended.

Exceptions to the normal rules regarding deregistration include:

- Children at a Special School
- Children who are detained as part of a Court Order

Legal action can still be pursued against a parent/carer following deregistration from a school. This is because the period of complaint would be taken from the time the child was on roll at the school.

Parents/carers of a child who has legally been removed from the school register will be required to reapply for a school place. There is no guarantee that a child will be able to secure a place at the school from which they have been removed.

## **Local Authority and Schools process for dealing with unauthorised absence**

When a Head teacher does not authorise a leave request on legitimate grounds, it sends a clear message to the parent/carer that the school does not agree with the reasons provided by the parent/carer for the request for term time leave. If the parent/carer still takes their child on holiday in school term time the following may apply:

- Issuing a Fixed Penalty Notice
- Prosecution for non-payment of the fixed penalty

If Parents/Carers are found guilty of an offence, when prosecuted by magistrates Court, they can be sentenced to a fine, or a community penalty.

## **Review**

This policy will be reviewed every two years, or earlier if circumstances or legislation change. It should also be read in conjunction with the schools safeguarding procedures and policies.

**Review: Updated 2019**

**Request for Exceptional Term Time Leave  
(one form per child) Name of School:**

<b>Name of Pupil</b>  <b>Siblings in this or other schools (name, dob, name of school)</b>		<b>Name of Parents or Carers</b>  <b>Telephone number</b>  <b>Email</b>	
<b>Dates of exceptional leave request. From</b>		<b>To</b>	
<b>Why are you requesting an exceptional leave of absence during term time?</b>    <b>What steps have you taken to minimise the impact of the leave on your child's learning?</b>    <b>Where will you be staying during the leave period?</b>    			
I am aware that I may be fined and/or prosecuted for any time which my child is absent from school that has not been authorised by the Head teacher.			
<b>Signed by parent/carer</b>		<b>Print name &amp; relationship to child</b>	<b>Date</b>
<b>For school use only</b>		<b>Date request received</b>	
<b>Has the request been considered by the Head teacher?</b> Y/N			
<b>Has the request been discussed with the parent/carer? Y/N</b> <b>Date:</b>			
<b>No of school days Requested .....</b> <b>No of days Authorised .....</b> <b>No of days Unauthorised .....</b>			

**Appendix 2**

**School Decision Letter (template)**

Reference:

To the Parent/Carer of .....

On the ..... (date) you requested that the school consider  
term time leave for your child(ren) ..... (name, DOB).

You said that you wanted to go to

..... (place) for

..... (reason). You

said that you would be away from school from .....

(date) to

.....(date). This equates to ..... school days

The Head teacher has considered your request and has reached the following  
decision:

School days will be **agreed** by the school

School days will **not be agreed** by the school

The reasons for the Head teacher's decision are given below.

We expect your child to return to school on .....

(date). If your child is unable to return on this date please let us

know, as failure to do so may result in your child losing their place at

this school. This will mean you will have to re-apply for a place at

this school. You may also risk being fined or prosecuted by Sheffield

City Council if your child is absent from school without the Head

teacher's permission.

Signed on behalf of the School:

..... Printed

Reference:

To the Parent/Carer of .....

Your child was due to return to school on .....(date). We have made enquiries and have been unable to confirm that your child is absent because of sickness or other another unavoidable circumstances.

As we are unable to confirm where your child is or a return date, I am writing to let you know that I will be requesting that your child is removed from the school roll. I will be informing the Children Missing from Education Team who may make enquiries with the Police, Social Care and Child Benefits.

**It is important that you contact .....  
(name) the School (telephone number) as soon as you  
receive this letter. I will continue to make enquiries to  
find out where your child is.**

Yours sincerely

Reference:

To the Parent/Carer of .....

I am writing to let you know that ..... (child's name) has been removed from the register of this school on ..... (date). If you would like your child to attend this school you will have to re-apply for a place.

Please contact the Children Missing Education (CME) team on 0114 2736462, who will be able to help you find a school place.

Yours sincerely

Head Teacher