



LEAVE OF ABSENCE IN TERM TIME – new regulations

“Evidence shows that children with poor attendance are unlikely to succeed academically and are more likely to be NEET (not in education, employment or training) when they leave school”.

“If children are taken away for a two week family holiday every year and have an average number of days off for sickness and appointments, they will have missed the equivalent of a year off school by the time they are sixteen”.

“There is a clear link between poor attendance at school and lower academic achievement”. (Improving Attendance at School – Charlie Taylor pub. DfE 2012)

**Warwickshire Secondary School pupils recorded
15492 half day sessions of absence due to holiday
in Autumn Term 2012 alone. This disrupts the
learning of all not just those who are away.**

Previous interpretations of the regulations where Head Teachers could grant pupils leave of absence of up to 10 days for the purpose of a two week family holiday in term time has been interpreted by some parents as a right to an automatic two week term-time holiday. This is not acceptable and the rules have been strengthened to prevent this happening in future.

For this reason the Government has brought in new guidance tightening

taking time off in term-time. These new rules come into force on 1 September 2013. Head Teachers are no longer permitted to authorise absence for holidays taken during term time. They are permitted to grant leave only in exceptional circumstances. If you think you have exceptional circumstances please talk to us without delay and before arrangements are entered into or money committed.

If exceptional circumstances are accepted the Head Teacher will determine how much absence will be authorised.

We understand that holidays are generally less expensive during term time but this does NOT count as an Exceptional Circumstance.

Parents please note:

Leave which is taken for the following reasons **will not be authorised:**

- Availability of cheaper holidays
- Availability of desired accommodation
- Poor weather experienced in school holidays
- Overlap with beginning or end of term

We greatly appreciate parental support to reduce the total amount of days lost due to holidays. We are committed to working in partnership with you to enable your child to reach their academic targets and to support their social development and for this to happen we need to keep individual attendance as high as possible and we all need to play our part.

Why attendance matters:

- ❖ Less than 5 days absence = 98%+ attendance
- ❖ 14 days absence (approx.) = 93.5% attendance
- ❖ 20 days absence (approx.) = 90% attendance
- ❖ More than 30 days absence = 88% attendance

If a child achieves 80% attendance this means that they have missed approximately 40 days of education over the academic year, averaging 1 day per week. If a child's attendance equates to 80% over their time in secondary school they will miss more than a full year of education.

Be aware: Holidays which are unauthorised should not be taken. If they are taken, parents are in breach of their legal duty to ensure that their child attends school full time and may be subject to a Fixed Penalty Notice or prosecution through the courts.

Your child's progress academically as well as socially is our shared priority.





The Government is introducing some significant changes to attendance regulations for pupils at school from September 2013, some of which you need to be aware of.

The most important of these is in relation to term-time leave of absence.

Amendments have been made to the 2006 regulations in the Education (Pupil Registration) (England) (Amendment) Regulations 2013. These amendments, as described below, will come into force on 1 September 2013.

The Education (Pupil Registration) (England) Regulations 2006 have allowed head teachers to grant leave of absence for the purpose of a holiday during term time in "special circumstances" of up to ten school days leave per year. Head teachers can also grant extended leave for more than ten school days in "exceptional circumstances".

Amendments to the 2006 regulations remove references to "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.

The government has not defined the 'exceptional circumstances' referred to in the 2013 regulations. It is for the Head teacher to decide what he/she views as exceptional circumstances.

Parents are therefore asked to respect these new regulations under which we must now work, and that if there is a need to take a child out of school during term time, it must be made very clear in the request how the circumstances are exceptional.

Each application for a leave of absence will be considered on a case by case basis and on its own merits.

Applications for leave of absence which are made in advance and refused will result in the absence being unauthorised which may result in legal action against the parent, by Fixed Penalty Notice, if the child is absent from school during that period.

If a Fixed Penalty Notice is issued and is not paid within the timeframe set out in that notice, the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.

The school's Attendance policy has been updated to reflect the change in the legislation and is available.....

Attendance Compliance Enforcement Service

Attendance Policy Extract:

Leave of Absence

The Government have issued new regulations in September 2013 regarding Leave of Absence; The Education (Pupil Regulations) (England) Regulations 2006 as amended by Education (Pupil Regulations) (England) (Amendment) Regulations 2013

- Head teachers **shall not grant any** Leave of Absence during term time **unless they consider** there are **exceptional** circumstances relating to the application.
- Parents do not have any entitlement to take their children on holiday during term time. Any application for leave must establish that there are **exceptional circumstances** and the Head Teacher must be satisfied that the circumstances warrant the granting of leave.
- Head Teachers will determine how many school days a child may be absent from school if the leave is granted.
- Applications for Leave of Absence must be made in advance and failure to do so will result in the absence being unauthorised.
- Applications for Leave of Absence which are made in advance and refused will result in the absence being unauthorised which may result in legal action against the parent, by Fixed Penalty Notice, if the child is absent from school during that period.
- If a Fixed Penalty Notice is issued and is not paid within the timeframe set out in that Notice, the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.

Each application for a Leave of Absence will be considered on a case by case basis and on its own merits.

**APPLICATION FOR LEAVE OF ABSENCE FOR A SCHOOL PUPIL IN TERM
TIME IN EXCEPTIONAL CIRCUMSTANCES ONLY**

Important Information for Parents/Carers

- The Education (Pupil Registration) (England) Regulations 2006 as amended by Education (Pupil Registration) (England) Regulations 2013 no longer permit Head Teachers to authorise leave for holidays
- Head Teachers may grant leave of absence in exceptional circumstances
- If the exceptional circumstances are agreed, the Head Teacher will determine the length of the absence authorised
- Requests for Leave of Absence should be made before any arrangements confirmed or money committed
- If Leave of Absence is granted please contact school to discuss measures to minimise the impact of the absence on your child's academic progress
- This form **MUST** be completed by the parent(s)/resident parent/carer(s) before requests will be considered
- Please complete a Leave of Absence form for each child

Please note: Parents do not have any entitlement to take their child on holiday during term time.

I wish to apply for Leave of Absence from school to be granted to:

Name of Child: _____ Form Group: _____

Dates of Proposed Absence: From: _____ To: _____

Reason for Proposed Absence – please provide reasons to support the application including evidence (they can only be exceptional circumstances) (see overleaf before completing)

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Total Days Requested On This Occasion

(For siblings) I have also applied to _____ School/Academy for leave of absence for

_____ (Insert child/children's name)

Signature of Parent/Carer: _____ Date _____

For school use only

Timetable checked: Form tutor consulted: Y/N
Previous leave checked: Y/N Attendance %: _____
Consistent with school policy/regulations: Y/N

Reasons for decision:

1st date of absence..... Expected date of return

Authorised: Y/N Head Teacher/Attendance Lead: Date:

The Education (Pupil Registration) (England) Regulations 2006 as amended by Education (Pupil Registration) (England) Regulations 2013 which come into effect on 1st September 2013 state:

1. Head Teachers shall not grant any leave of absence during term time unless they consider there to be exceptional circumstances relating to the application.
2. The Head Teacher must be satisfied that exceptional circumstances warrant the granting of a leave of absence.
3. The Head Teacher will determine how long the absence should be and any additional absence will not be authorised.
4. Parents whose children have unauthorised absence may be subject to a Fixed Penalty Notice and/or prosecution.

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- Parents have a legal duty to ensure that their children of compulsory school age receive a suitable full time education through regular attendance at a school or otherwise (ie home education) (Section 7 Education Act 1996)
 - If a child who is of compulsory school age, who is registered at school and fails to attend regularly, it is the parent that will be guilty of an offence (Section 444 (1) Education Act 1996)

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- *Children need to attend school regularly to benefit from their education*
 - *Missing out on lessons leaves children vulnerable to falling behind*

Parents:

- a. The application must be made in advance by the parent(s) that the child normally resides with.
- b. Parents can be issued with a Fixed Penalty Notice or prosecuted for unauthorised absence including holidays.

We have a shared responsibility to ensure that the law is upheld and that your child achieves to his/her full potential. We look forward to your co-operation.

Attendance Compliance Enforcement Service