

Leave of Absence

The regulations regarding Leave of Absence (The Education (Pupil Regulations) (England) Regulations 2006 as amended by Education (Pupil Regulations) (England) (Amendment) Regulations 2013.) advise:

- Head teachers **shall not** grant **any** Leave of Absence during term time **unless they consider** there are **exceptional** circumstances relating to the application.

Expectations

- 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.
- The school can only consider applications for Leave of Absence which are made by the resident parent. i.e the parent with whom the child normally resides.
- Applications for Leave of Absence must be made in advance.
- When making an application for Leave of Absence in advance parents are advised to give sufficient information and time to allow the Head teacher the opportunity to consider all the exceptional circumstances and to notify parents of their decision. It is advised that if the resident parent has not received notification or a response regarding the leave of absence application, it is their responsibility to ascertain if the leave is authorised prior to the start of the leave.
- Applications for Leave of Absence which are made in advance and refused will result in the absence being recorded as “unauthorised”. This may result in legal action against the parent, by way of a Fixed Penalty Notice, if the child is absent from school during that period.
- Where a leave of absence is requested, but additional days taken either prior to or after the request may be considered as part of the leave of absence and could result in a Fixed Penalty Notice being issued to the parent(s).
- Leave of Absences which are not made in advance cannot be authorised in line with legislation. This will result in the absence being recorded as ‘unauthorised’. This may result in legal action against the parent, by way of a Fixed Penalty Notice.
- All matters of unauthorised absence relating to a Leave of Absence will be referred to the Warwickshire Attendance Service of Warwickshire County Council.

- The Warwickshire Attendance Service have the authority to consider issuing Fixed Penalty Notices for Leave of Absence in line with the Warwickshire County Council's Non-School Attendance and Penalty Notices Code of Conduct. (A copy of which can be found at <https://www.warwickshire.gov.uk/pupilnonattendance>).
- **It is important to note**, Fixed Penalty Notices are issued to each parent of each absent child, (for example 2 children and 2 parents, means each parent will receive 2 invoices in the amount of £120 each, totalling £240 for both children, this is reduced to £60 each child if paid within 21 days).
- 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.