

# LEAVE OF ABSENCE DURING TERM TIME

## UPDATED INFORMATION FOR PARENTS

The Supreme Court has clarified the law on unauthorised leave, including holidays, during term time (Platt v Isle of Wright 2017). The Supreme Court has made clear that attending school 'regularly' means that the children must attend school on every day that they are required to do so. As such, the parents of any child who is absent from school without authorisation for any length of time are likely to be considered as committing an offence under s444 of the Education Act 1996.

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.

If the leave is granted, Head teachers are able to determine the number of school days a child can be absent for.

It is for the Head teacher to decide what is 'exceptional' and it is at their discretion if the circumstances warrant the leave to be granted. 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.

The school can only consider Leave of Absence requests which are made by the 'resident' parent ie the parent with whom the child normally resides.

Where applications for leave of absence are made in advance and refused, the child will be required to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an unauthorised absence, which may result in legal action being taken against the parent(s), by way of a Fixed Penalty Notice.

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).

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

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, part of Warwickshire County Council.

**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 per child if paid within 21 days).

Where a Fixed Penalty Notice is not paid within the required timeframe as set out on the notice, the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal proceedings under S444 Education Act 1996.

Fixed Penalty Notices are issued in accordance with Warwickshire County Council's Code of Conduct for Penalty Notices.

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

**Warwickshire School pupils recorded 96,366 half day sessions of absence due to holiday in the Academic year 2021/22.**