

**Worcestershire County Council
Children's Services**

Education Investigation Service

**LEAVE IN TERM TIME
ABSENCE POLICY**

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Leave in Term Time Absence Policy

Introduction

This Worcestershire County Council LA Policy Statement has been developed within the context of the national and local priority of raising the educational achievement and attainment of pupils.

Guidelines with regard to travelling children are different. Please seek guidance from Worcestershire's Children's Service Gypsy Roma Traveller Service Tel: 01905 766609.

Leave of absence in term time which results in significant absence from school, is disruptive to the child's education and has a detrimental impact on attainment.

The purpose of this policy statement is to provide updated guidance on procedures to be followed by schools to manage absence in term time.

A number of factors indicated the need to introduce the policy:

- Government evidence on underachieving groups of pupils, particularly those from minority ethnic groups, and LAs responses to this, indicate a national trend in reducing the number of weeks deemed acceptable for an extended absence.
- The Worcestershire County Council Attendance Policy gives the LA's view that parents should be made more aware of the official regulations and legislation about absence in term time including holidays.

In order for the policy to succeed, it is essential that it is formally adopted and implemented by schools' governing bodies and shared with pupils, families and the wider community.

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Department for Education Guidance

Amendments to the Education (Pupil Registration) (England) Regulations 2006 remove reference to 'Family Holidays' and extended leave as well as the statutory threshold of ten school days. Headteachers may not grant any leave of absence unless there are exceptional circumstances, Headteachers should determine the number of school days a child can be away from school if the leave is granted. Such permission is granted in accordance with arrangements made by the governing body of the school. There is no automatic right to any holiday in term time.

Advice is available to schools from the Education Investigation Service.

Leave of absence must be requested from and agreed by the Headteacher in advance of any absence. If approved, the absence is registered as authorised and if not approved but still taken, as unauthorised. Schools should have documentation in place to use when dealing with requests for any leave. This provides parents/carers with information about the possible consequences of taking leave that has not been authorised.

The DfE guidance about holidays in term time makes the following points:

- each request can only be judged on a case by case basis;
- even in exceptional circumstances it is expected that Headteachers will use their discretion sparingly;
- Headteachers should not apply policies (for example, blanket bans) which might suggest that each application has not been considered on its individual merits;
- as a general guide any activity, holiday or event that can be arranged during the annual 13 week holiday time should not be authorised during the school term.

Leave in Term Time

This policy supports new legislation which makes it clear that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

There is no automatic right to any leave or holiday in term time.

Leave of absence must be requested from and agreed by the school in advance of any absence. If approved, the absence is registered as authorised and if not approved but still taken, as unauthorised. Schools should have documentation in place to use when dealing with any requests for leave in term time. This provides parents/carers with information about the possible consequences of taking leave that has not been authorised.

Permission is granted in accordance with arrangements made by the governing body of the school. Headteachers should determine the number of school days a child can be away from school if the leave is granted. Schools should not regard 10 days as the norm.

When considering requests for leave in term time, Headteachers should take into account that absence shall not be granted unless;

- a request has been made in advance to the proprietor¹ by a parent with whom the pupil normally resides, and
- the proprietor, or a person authorised by the proprietor, considers that leave of absence should be granted due to the exceptional circumstances relating to that request.

These regulations clearly make the point that the Headteacher has the final decision as to whether to authorise the leave or not. There should be no 'blanket policy' but schools should consider individual circumstances.

In deciding whether or not to grant the request for leave of absence the following should be taken into account;

- overall pattern of attendance;
- age of the child(ren)
- phase of education;
- time of the year and examinations;
- length, destination and purpose of the leave and whether it is likely to be a rare event in the life of the child;
- family circumstances and the parents/carers reasons for wanting to take their annual holiday during term time.

¹ A proprietor in this context refers to the person who has legal responsibility for the school i.e. Headteacher/Principal

A child's name can be removed from the register if the pupil has been granted a leave of absence and after absence:

- s/he has not returned by the agreed date;
- and s/he has continued to be absent for a further twenty school days;
- and the Headteacher is not satisfied that this is because s/he is ill or the absence is unavoidable.

Before a pupil is removed from the school roll their case should first be referred to the Education Investigation Service.

Procedures for authorising leave in term time can be summarised as:

- Holidays in term time are actively discouraged by the school and the LA;
- Holidays in term time are not a right and will not automatically be granted;
- 10 days should not be considered the 'norm';
- Leave should only be granted where proper procedures have been followed;
- Leave of absence must not be granted retrospectively;
- It remains a discretionary power of the Headteacher to authorise leave of absence. Clear advice needs to be included within the school's attendance policy and prospectus.
- Parents who continue to remove their child from school without authorisation may be issued with a Penalty Notice.

Guidelines and sample documentation

The appendices contained within this document provide guidance and sample documentation that schools may wish to adopt to support their implementation of this policy.

Legislation

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 provide, in respect of leave of absence in term time –

Regulation 7 Leave of Absence

- (1) Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school.
- “(1A) Subject to paragraph (2), leave of absence shall not be granted unless-
- (a) An application has been made in advance to the proprietor by a parent with whom the pupil normally resides; and
 - (b) The proprietor*, or a person authorised by the proprietor in accordance with paragraph (1), considers that leave of absence should be granted due to the exceptional circumstances relating to that application”;

Amendments to the 2006 Regulations remove reference to the threshold of ten school days. In the case of requests for extended trips, Headteachers should determine the number of school days a child can be away from school if the leave is granted.

Regulation 8 Deletions from Admissions Register

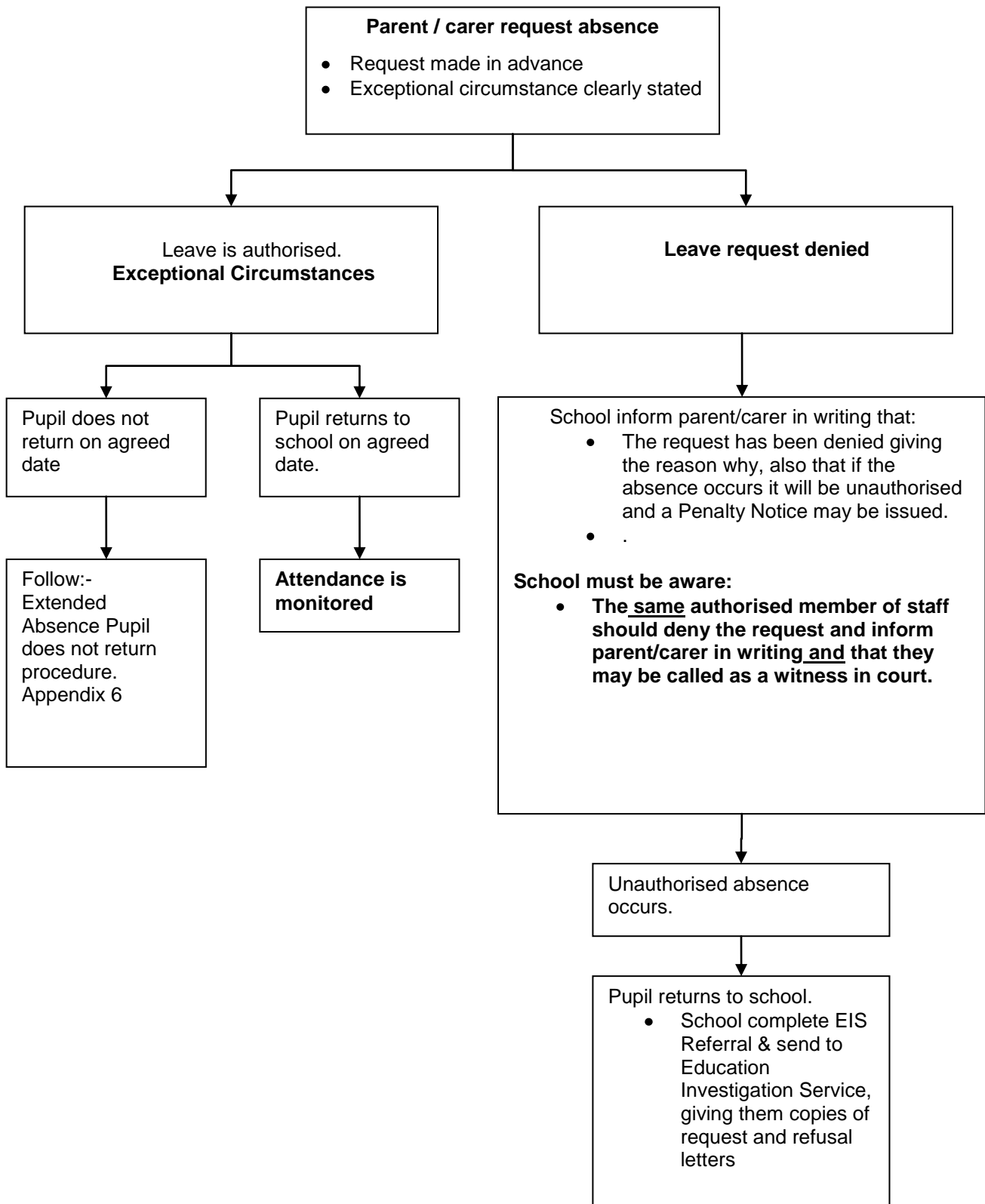
- (h) that he has been continuously absent from the school for a period of not less than twenty school days and –
- (i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2);
 - (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and
 - (iii) both the proprietor of the school and the Local Authority have failed, after reasonable enquiry, to ascertain where the pupil is;

A child’s name can be removed from the register if the pupil has been granted a leave of absence and, after the agreed period;

- s/he has not returned by the agreed date;
- and s/he has continued to be absent for a period of more than twenty school days;
- and the Headteacher is not satisfied that this is because s/he is ill or the absence is unavoidable;
- both the proprietor and the Local Authority have failed, after reasonable enquiry, to ascertain where the pupil is.

Appendix 1

Absence in Term Time Authorisation Procedure



SAMPLE DOCUMENTATION

Appendix 2

Guidance Notes for Parents requesting Leave in Term Time

1. Parents wishing the school to consider granting leave of absence in school term time should read these notes carefully and then complete and send to the headteacher the tear off request form below. This form should be sent to the school in time for the request to be considered **well before** the desired period of absence. Parents are strongly advised not to finalise any holiday booking arrangements before receiving the school's decision on their request. In any event the request form must be received by the school at least four weeks before the departure date to allow sufficient time for appropriate consideration.
2. The granting of leave of absence in school term time is, by law, a matter for consideration and decision by the school. There is no automatic right to any leave in term time. The Department for Education (DfE) and Worcestershire County Council (WCC) policy is that family holidays should not be taken in school term time. Where such requests are made, for the leave to be granted, the Headteacher should decide if there are **exceptional circumstances**.
3. Each case will be considered individually and on its own merits. Parents need, therefore, to consider very carefully before making any request for leave of absence the demands of the National and wider School Curriculum especially at the Key Stage assessment stage. In considering a request, the school will take account of: -
 - the **exceptional** circumstances stated that have given rise to the request;
 - the age of the child;
 - the stage of the child's education and progress and the effects of the requested absence on both elements;
 - the overall attendance pattern of the child;
 - the nature of the trip.
 - students/pupils on examination courses or due to take SATS will **not** normally be granted leave of absence.
4. Where parents have children in more than one school a separate request must be made to each school. The Headteacher of each school will make their own decision based on the factors relating to the child at their school. It is possible that because of these factors different decisions may be made. It is hoped that if this situation arises parents will be persuaded to accept the reasons for refusal given and, thereby, withdraw any other requests.
5. Where requests for a grant of leave of absence are received from only one parent the response letter – agreeing or refusing – will be either addressed to both/all parents where they live at the same address or to each where they do not. This is to ensure, particularly in the case of a refusal, that both or all 'parents' are fully aware of the consequences of ignoring a refusal as the refusal letter clearly states that each parent will receive a penalty notice.
6. Should the school decide to grant leave of absence but, the child **does not return to school at the time s/he was expected to** (i.e. following the expiry of the granted leave of absence period) and, no information is available to the school to explain/justify the continuing absence or, make known the whereabouts of the child, **his/her place at the school could be lost**.
7. Should the School decide **not to grant leave of absence** and parents still take their child out of school the absence will be recorded as **unauthorised** which may be subject to a Holiday Penalty Notice fine of £60 per parent per child. If not paid within 21 days this fine increases to £120 per parent per child. Failure to pay the £120 fine within the period 22 to 28 days may lead to Court proceedings.

SAMPLE DOCUMENTATION

Appendix 3

Request for Leave during Term Time

To: The Headteacher of:..... (School) Date.....

I request consideration of a grant of leave of absence from school during term time for:

my child (full name)

for the period from (date) to (date)

The **exceptional** circumstances and reason for this request are:

.....
.....
.....

I have (an)other child(ren) in (an)other school(s) as follows

Child(ren) (full name(s))School(s) attended

.....
.....

(Signature of 1st Parent/Carer(s).....Print Name.....

(Signature of 2nd Parent/Carer(s) Print Name.....

Please return completed form to the school office. The school will write to you and inform you of the decision on whether the request is authorised or not.

For Office Use Only

Current Attendance.....% Last Year's Attendance.....%

Number of school sessions taken as leave during term time(this Academic Year)

Agreed/Not Agreed

Request for leave is agreed/is not agreed for the above student to take leave during term time between the above dates.

Signed Date

Notification of decision: Date letter sent to parent

SAMPLE DOCUMENTATION

Appendix 4

School Letter - Leave Agreed

(Parents name and address)

Date

Dear (Parents name)

(Child's Name and Date of Birth)

Thank you for your letter dated (date) requesting permission for (pupil's name) to be absent from school for (number of days), (dates).

As you may be aware the Government has renewed appeals to parents not to take their children out of school during term time. The Governors of the school support this and have decided that students will only be given permission to take holidays in term time if there are exceptional circumstances.

Having looked at your application, I feel that your request can be supported in this instance. **Therefore, the absence to include the dates requested will be authorised.**

Our key priority is to ensure that (pupil's name) is as successful as possible and is able to achieve (his/her) full potential. I would hope that, in the future you are able to support this decision in line with the Local Authority and Government policy that leave should be restricted to the 13 weeks school holidays except in exceptional circumstances.

I have attached a copy of (pupil's name) attendance for this academic year.

The Headteacher has been fully consulted in relation to this request for leave and fully supports the decision made.

I hope this letter explains the reason for the decision that has been made.

Yours sincerely

(Name)

(Job Title)

SAMPLE DOCUMENTATION

Appendix 5

School Letter - Leave Not Agreed

(Parents name and address)

Date

Dear (Parents name)

(Child's Name and Date of Birth)

Thank you for your letter dated (date) requesting permission for (pupil's name) to be absent from school for (number of days), (dates).

As you may be aware the Government has renewed appeals to parents not to take their children out of school during term time. The Governors of the school support this and have decided that students will only be given permission to take leave in term time if there are exceptional circumstances. Having looked at your application, although understanding of your reasons, I do not feel that your request can be supported in this instance.

Therefore, if the absence occurs the dates will be unauthorised.

As a school we are asked to inform you that, in line with Worcestershire County Council Policy, unauthorised absence may be subject to a penalty notice fine of £60 payable per parent, per child, increasing to £120 each if not paid within 21 days. If this fine is not paid within 28 days this may lead to court proceedings.

Our key priority is to ensure that (pupil's name) is as successful as possible and is able to achieve (his/her) full potential. I would hope that, upon reflection you are able to support this decision in line with the Local Authority and Government policy that leave should be restricted to the 13 weeks school holidays except in exceptional circumstances.

I have attached a copy of (pupil's name) attendance for this academic year.

The Headteacher has been fully consulted in relation to this request for leave and fully supports the decision made.

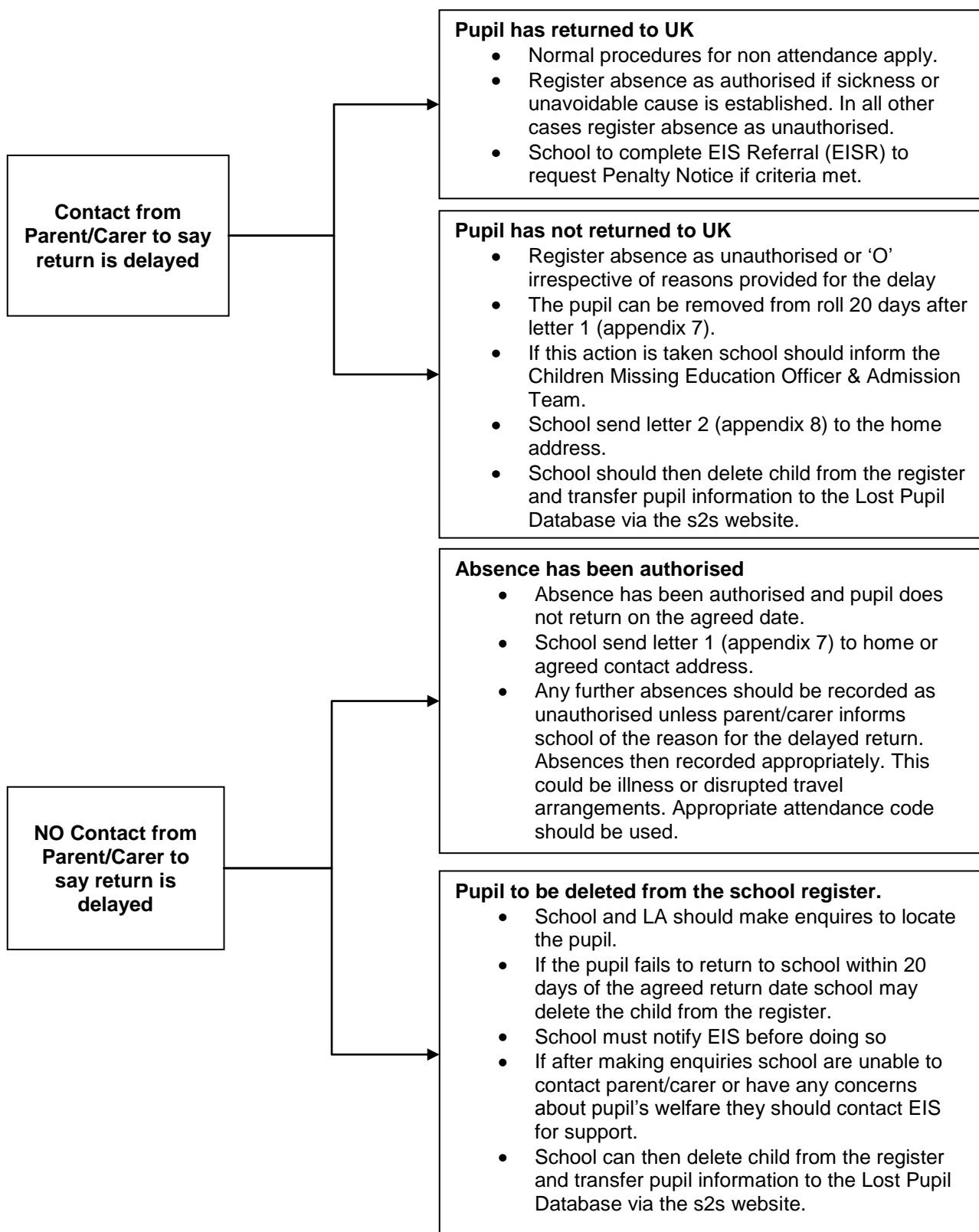
Thank you for your understanding; I hope this letter explains the decision that has been made.

Yours sincerely

(Name)
(Job Title)

Appendix 6

Absence in Term Time Pupil does not Return Procedure



SAMPLE DOCUMENTATION

Appendix 7

Letter 1

(Parents name and address)

Date

Dear (Parents name)

(Child's Name and Date of Birth)

Your childhas now been absent from school for
..... school days.

Before your child left England, you agreed that he/she would return to school on
.....

As this date has now passed and your child has not returned, I need to let you know that, if your child has not returned to school before
.....(i.e 20 days after the agreed return date) we will take him/her off the school register.

This means that your child can only be re-admitted if there is a place available at this school.

This is in line with the Worcestershire County Council policy.

Please contact me as soon as you return.

Yours sincerely

(Name)
(Headteacher)

SAMPLE DOCUMENTATION

Appendix 8

Letter 2

(Parents name and address)

Date

Dear (Parents name)

(Child's Name and Date of Birth)

Your child has now been absent from school for weeks.

Following my letter dated..... and in line with the Worcestershire County Council policy, I have removed your child from the school register.

This means that your child no longer has a place at this school.

To arrange provision for the future education of your child you now need to contact the School Admissions team to seek further advice on 01905 76.

Please contact me as soon as you return.

Yours sincerely

(Name)

(Headteacher)