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Leave of Absence request form

All schools by law must follow the Department for Education's statutory guidance relating to school attendance. They must use the appropriate national attendance or absence code, and follow the criteria set out within the guidance.

The statutory guidance states:

- **A leave of absence must not be granted unless there are exceptional circumstances and must be requested in advance.**
- A leave of absence must be requested in advance by a parent who the pupil normally lives with.
- Schools must judge each application individually, considering the specific facts and circumstances and relevant background context behind each request.
- Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school but absences should be kept to a minimum.
- A need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.
- A school cannot grant a leave of absence retrospectively. If the parent did not apply in advance, the leave of absence should not be granted.
- Where this guidance refers to a parent, the school and/or local authority will need to decide which adult(s) is most appropriate. Generally, parents include:
 - All natural parents, whether they are married or not;
 - All those who have parental responsibility
 - Those who have day to day responsibility for the child

The leave of absence request form should be submitted at least 10 days before the first day of absent being requested.

Taking your child out of school during term time is likely to be detrimental to their educational progress. If the absence is not authorised and the leave is taken, schools may refer to the Local Authority for legal action. Please find attached information regarding Penalty Notice Fines for School Attendance (page 3).

Please be aware, as per our school's Attendance Policy and the Wilshire published Code of Conduct relating to school attendance, that the law requires parents to seek permission from the Head Teacher to take their child out of school during daytime. The law states permission can only be granted if:

1. An application is made in advance (usually 10 days) by the parent the child normally lives with
2. The school finds there are exceptional circumstances
3. The absence is kept to a minimum

Please also note that, if on the rare occasion circumstances are deemed exceptional by the Head Teacher, the duration your child is permitted to be away from school may only be determined by the Head Teacher.

Helping Parents understand Penalty Notice Fines for School Attendance

From 19 August 2024, there is a National Framework for Penalty Notice Fines being issued for unauthorised absences recorded by schools

National Threshold

A single consistent national threshold for when a Penalty Notice must be considered by ALL schools in England, this is:

- 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period
- These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence
- For example, a 5-day unauthorised leave of absence would meet the national threshold
- The 10-school week period can span different terms or school years

Who may be fined?

- Penalty Notice Fines are issued to each parent who allows their child to be absent without authorisation from school
- For example, 3 siblings absent for unauthorised leave during term-time would result in each parent receiving 3 separate fines

First Offence

The first time a Penalty Notice is issued for unauthorised absence, the fine amount will be:

- £80 per parent, per child if paid **within 21 days**
- If **not paid within 21 days**, the fine will increase to **£160 per parent, per child**, payable between the 22nd and 28th day

Second Offence (within 3 years)

The second time a Penalty Notice is issued for unauthorised absence, a reduced rate is not available. The amount therefore will be:

- £160 per parent, per child – payable within 28 days

Third Offence and Any Further Offences (within 3 years)

The third time an offence is committed, a Penalty Notice WILL NOT be issued, and the case will be presented **straight to the Magistrate's Court**

- **Prosecution** can result in **criminal records** and **fines of up to £2,500**
- Cases found **guilty** in a **Magistrates Court** can show on the parent's future DBS certificate (Disclosure and Barring Service) due to a **'failure to safeguard a child's education'**

Further information

The **Department for Education** states; every day at school counts enormously and so does every consecutive day attended by pupils. Pupils need to be able to absorb new facts and knowledge, acquire new skills and consolidate before building further and progressing. They simply cannot do so if their structured school terms are disrupted by too many preventable absences.

Absence during Term Time

Parents do not have a legal right to take children out of school. Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances.

Requests for Leave of Absence

If the parent with whom the child normally lives does not apply for the absence this would be considered as an unauthorised absence and this parent would be liable to the issue of a Penalty Notice. Absence cannot be authorised if anybody else applies for the holiday.

Exceptional Circumstances

Dictionary definition of **exceptional**

- forming an exception or rare instance; unusual; extraordinary

What is an unauthorised absence?

- A parent has made a request to a school for an absence in term time and this has not been agreed by the school.
- A parent has not applied for an absence in advance (the regulations do not allow retrospective approval)

In what circumstances could an absence be authorised?

Headteachers may not grant any leave of absence during term time unless there are 'exceptional circumstances'. Headteachers should examine each case on its merits before making a decision and should determine the number of school days a child can be away from school for if the leave is granted.

A request for leave of absence could be considered exceptional in the following circumstances

- For service personnel and other employees who are prevented from taking leave of absence outside term time at any point in the academic year.
- The terminal illness or bereavement of a parent or sibling if the absence is concurrent.

However, the overriding principle should be that the absence ought not to be authorised if it will have a detrimental effect on the child's education.

For further advice please contact the Penalty Notice Officer:

Tel:01722 438123 Email: PNLO@wiltshire.gov.uk