



## Brockley Primary School

### Attendance and Absence

Parental requests for leave of absence for their children in term-time (including Holiday Requests)

Parents have a legal obligation to ensure that their child receives efficient full-time education. We strongly urge parents to avoid taking family holidays during term time as school can only approve leave in „exceptional circumstances“.

- In September 2013, the Education (Pupil Registration) (England) (Amendment) Regulations 2013 came into force. These regulations make it clear that Headteachers should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.
- Any requests should be on an official school absence request form handed into the school office for consideration prior to any holiday/leave arrangements being made.
- You may be issued with a Penalty Notice should leave be taken which is not authorised.

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

#### Absence during term-time

Derbyshire County Council state that:

On 6 April 2017 the Supreme Court appeal, in relation to the Platt v Isle of Wight case, determined that under section 444(1) of the Education Act 1996 attending school 'regularly' means:

"In accordance with the rules prescribed by the school"

From 1 September 2017, if requested, we will consider the issue of a penalty notice for any period of holiday absence which has not been authorised by the headteacher regardless of a child's wider school attendance.

Application for term-time leave of absence must be made in advance by the parent with whom the child normally resides on the form headed „Application for leave of absence during term time“. These may be obtained from the school office. Leave of absence will only be granted where the Headteacher considers it is due to „exceptional circumstances“. Parent will be informed within 7 school days as to whether the request has been authorised or unauthorised.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 explanatory note states:

Regulation 7 of the 2006 Regulations is amended to prohibit the proprietor of a maintained school granting leave of absence to a pupil; except where an application has been made in advance and the proprietor considers that there are exceptional circumstances relating to the application. Leave of absence taken without authorisation may be referred to the Education Welfare Service. This may result in prosecution proceedings, or a Fixed Penalty Notice. If a Fixed Penalty Notice is issued, a separate Notice would be issued to each parent for each child.

AS OF 1ST SEPTEMBER 2013, THE RATE PER PARENT PER CHILD WILL BE £60. IF PAID WITHIN 21 DAYS AND RISING TO £120 IF PAID BETWEEN 22 AND 28 DAYS.

If the penalty notice is not paid each parent may be liable to prosecution at the Magistrates Court, and if proved, each notice may receive a criminal conviction and/or a fine to the maximum of £1,000 plus costs.

The Education (Pupil Registration) (England) Regulations 2006 used to allow headteachers to grant leave of absence for the purpose of a family holiday during term time in “special circumstances” of up to ten school days leave per year. Headteachers could also grant extended leave for more than ten school days in exceptional circumstances. Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that headteachers may not grant leave of absence during term time 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. These changes do not mean that an application for leave of absence for the purpose of a family holiday cannot be granted by the headteacher. The headteacher has the discretion to grant leave if he/she believes that there are exceptional circumstances. The dictionary definition of exceptional is “unusual” or “rare”. Each case will be looked at on its individual merits; although it will be “exceptional” to authorise leave of absence, there may be circumstances where it would be right and reasonable to do so.

Circumstances that may not be considered exceptional are:

- Availability of cheap holidays and cheap travel arrangements.
- Days overlapping with the beginning or end of term.
- Birthday of pupil or family member.

If leave of absence is granted for the purpose of a family holiday registration code H should be used.

If leave of absence for the purpose of a family holiday is not granted and then taken, registration code G should be used which could result in a penalty notice being issued if requested by the headteacher. Other leave of absence that is granted should be recorded as C in the attendance register. Leave not granted, but taken, should be recorded O.

Parents requesting leave of absence for exceptional circumstances must make the request in writing at least two weeks before the anticipated start date. Best practice would be that the headteacher responds in writing to each parent by name with his/her decision as soon as is practicable. Leave of absence cannot be approved retrospectively. See example letters 1 and 2. If a penalty notice is not paid the local authority must consider initiating legal proceedings against the parent/carer, for the original offence of unauthorised absence from school. Section 444, Education Act 1996. In making the decision the local authority should consider the Attorney General's Guidelines for Crown Prosecutors. The local authority will take into account the number of unauthorised sessions and any mitigating factors where it would not be in the public interest to proceed with legal action.

Parents who remove their child from the school for the purpose of a family holiday without seeking prior approval can be issued with a penalty notice. If the headteacher has compelling evidence that absences were for the purpose of a family holiday, registration code G should be used. See example letter 3. Retrospective approval cannot be given.