



# **Leave in Term Time Absence Policy**

In line with:

‘Working Together to Improve Attendance’ DfE May 2022

The Education (Penalty Notices) (England) Regulations 2007 (amended  
2016)

The Education Act 1996 - Section 444

**Reviewed and Revised August 2023**

## **Leave in Term Time Absence Policy**

### **Introduction**

This Telford & Wrekin 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 the Advisory Teacher for EHE & GRT - Tel: 01952 381002 and/or *the Multicultural Development Team (MDT)*, Tel: 01952 380828

Leave 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 Telford & Wrekin Council Attendance Policy (Revised 2020) supports 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.

## **Legislation**

The Education (Pupil Registration) (England) Regulations 2006 (Amendment 2016) 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 removed 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 permission for 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.

## **DfE Guidance**

Amendments to the Education (Pupil Registration) (England) Regulations 2006 removed 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 Attendance Support Team.

Leave of absence must be requested from and agreed by the Headteacher in advance of any absence. If approved, the absence is registered as 'H' code, authorised and if not approved but still taken, registered as 'G' code, unauthorised. Schools should have documentation in place to use when dealing with requests for any leave, the Attendance Support Team will provide sample documentation to all Telford & Wrekin schools. This provides parents/carers with information about the possible consequences of taking leave that has not been authorised. Schools should display information on their website.

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**

The LA policy supports 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 confirm in writing their decision whether to authorise any leave in term time or not following any requests for leave in term time. This provides parents/carers with written 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 remove all reference to 10 days leave.

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 proprietor 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;
- can the leave requested be taken during the 13 weeks the school is closed?
- age of the child(ren)
- phase of education;
- time of the year and examinations;
- length, destination and purpose of the holiday 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.

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.

Any pupils to be removed from the school roll should first be referred to [childrenmissingeducation@telford.gov.uk](mailto:childrenmissingeducation@telford.gov.uk) .

**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 should not automatically be granted;
- Reference to 10 days is removed;
- Leave should only be granted where proper procedures have been followed;
- Leave of absence should 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.

See Appendix 1

## **Extended Absence**

Amendments to the 2006 regulations (April 2013) remove reference to extended leave. 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.

If parents are considering visits to their country of family origin, they are encouraged to make them during school holiday periods.

Parents should be advised that:

- Any extended absence can be damaging to a child's progress.
- The cumulative effect of periods of absence can seriously impact on a child's educational achievement.

Where leave of absence is granted, the school may wish to consider a home/school contract, stating date of return, agreed and signed by the parent and Headteacher. A suggested format for the contract, which should be printed on school headed paper, is attached at Appendix 4. The school and the parent(s) should retain a copy of the contract.

Failure to agree a home/school contract or non-return by the agreed date may trigger a Penalty Notice (please refer to T & W code of conduct on Penalty Notices in relevant section of this guidance) and places the child at risk of losing his/her school place. Parents would then have to re-apply online for a school place via their 'My Telford' account at Telford & Wrekin Council following the school application procedures. This means that:

- the child may or may not be readmitted,
- parents may have to go to appeal which may or may not be successful,
- the child may have to go to another school.

In normal circumstances, requests for absence should be made to the school well in advance. In exceptional circumstances, e.g. family bereavement, families are still required to contact the school to request leave of absence.

This policy relates to all parents wishing to take their children on extended visits to their country of family origin or leave of absence for other exceptional circumstances.

## **Procedures for Agreed (Extended) Absence**

The procedures and timeline for intervention regarding extended visits are detailed in the flow charts included in Appendix 5a & 5b.

The letters referred to in the timeline are included in Appendices 6a, 6b and 6c should be issued on school headed paper.

Please contact [Admissions@telford.gov.uk](mailto:Admissions@telford.gov.uk) for advice regarding pupils returning to the UK without a school place.

Please be aware that parents may need to consider that Countries they are travelling too may be subject to further restrictions at short notice under the Covid-19 legislation.

Unless otherwise stated, actions detailed should be taken by the school. The school has a responsibility to monitor closely the attendance of any pupil who has been granted extended absence.

## **Maximising the Educational Opportunities of Visits**

When schools and parents/families meet to agree the extended absence contract, they should discuss ways in which pupils can be helped to derive maximum educational benefit from the visit.

## **Procedures for Sharing with Families the Recommendations made in the Guidelines**

For this policy statement to be effective, it is essential that schools share with parents the expectations and procedures outlined in this document.

This could be done in a number of different ways:

- new intake evenings or parents' evenings,
- leaflet for parents,
- reminders in newsletters,
- statement in the school's prospectus (if available),
- on school's website.

**The Local Authority recommends that the following Information is added to schools website & any correspondence to parents regarding leave in term time**

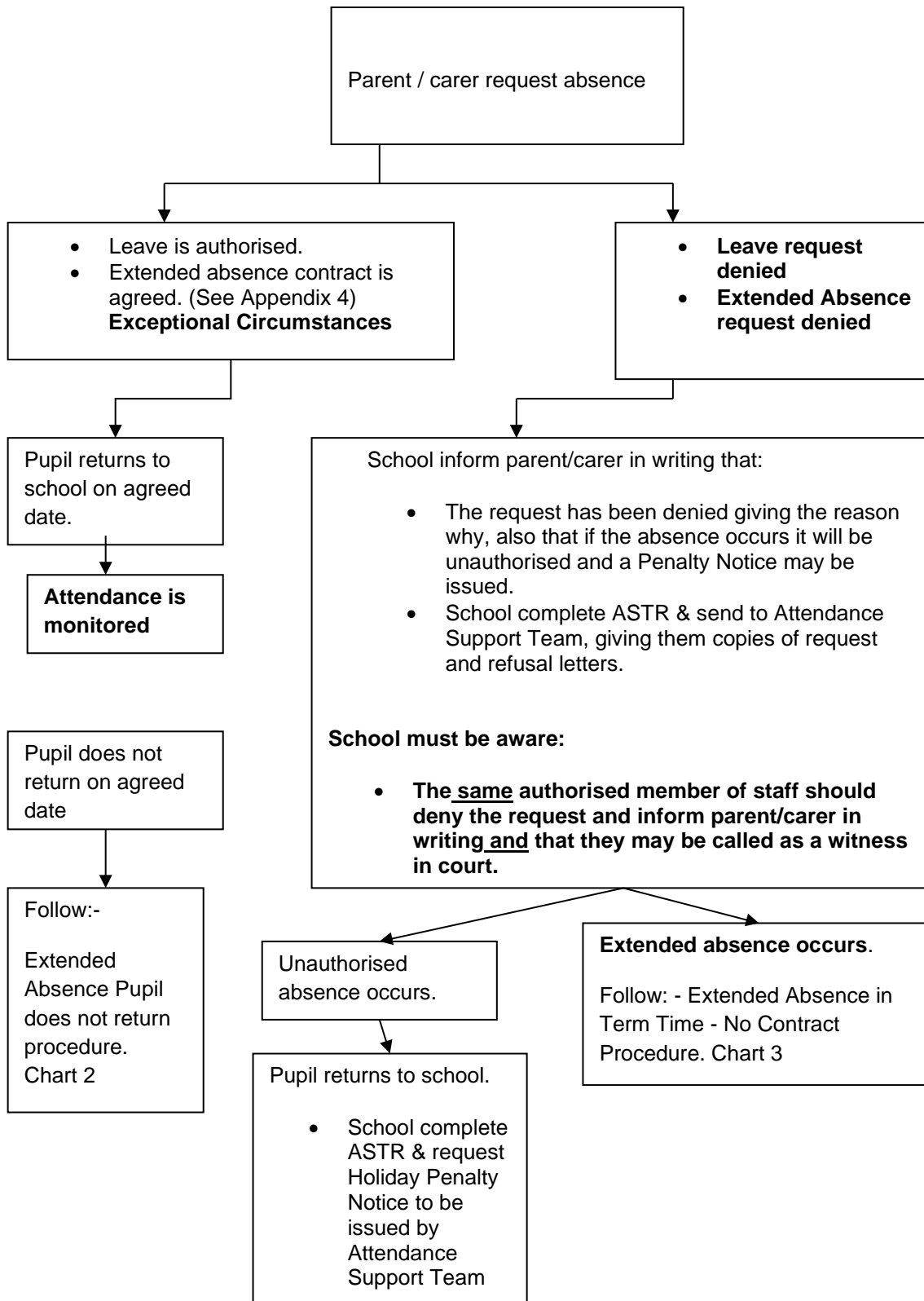
*'Parents should apply to the Headteacher for any request for leave in term time by completing a request form available from school. (DfE guidance states schools should not authorise leave retrospectively).'*



*The Government has renewed appeals to parents not to take their children out of school during term time. The Governors and Headteacher 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. Each application will be considered and the Headteacher will determine the duration of any leave if it is agreed and authorised. However, if the application is not agreed and the absence occurs the sessions missed will be unauthorised. Parents will be notified of any decision in writing. This notification may be hand delivered directly to the parent or posted to the parents' home address.*

*As a school we are asked to inform you that, in line with Telford and Wrekin 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.*

**Authorisation Procedure**



## Appendix 2

### Guidance Notes for Parents requesting Leave in Term Time

1. Parents wishing the school to consider granting leave in term time should read these notes carefully and then complete and send to the Headteacher the request form below. This form should be sent to the school in time for the request to be considered **before** the desired period of absence. (Parents are strongly advised not to finalise any planned absence before receiving the school's decision regarding their request. In any event the request form must be received by the school at least four weeks before the leave in term time requested dates to allow sufficient time for appropriate consideration.
2. The granting of leave of absence in term time is, by law, a matter for consideration and decision by the Headteacher. There is no automatic right to any leave in term time. The Department for Education (DfE) and Telford & Wrekin Local Authority (LA) policy is that leave 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 in term time the demands of the National and wider School Curriculum especially at the Key Stage assessment stage. In considering a request, the school may also 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;
  - whether the same trip could be taken during the 13 weeks school is closed to pupils?
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 in term time 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 may receive a penalty notice.
6. Should the school decide to grant the leave 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 in term time 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 the leave** and parents still take their child out of school the absence will be recorded as **unauthorised** which may be subject to a Penalty Notice fine of £60 per parent per child. This fine will increase to £120 if not paid within 21 days. Failure to pay the £120 fine within the period 22 to 28 days may lead to Court proceedings.

## Request for Leave during Term Time

Date.....

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

I request permission for leave in term time from school for my child:

(full name) .....

from (date) ..... to (date) ..... for ..... school days.

My child will be accompanied during the leave by:

(parent/carer) ..... and (parent/carer).....

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

(If necessary, please continue on a separate sheet and attach it to this form)

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

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

.....

.....

**Name of 1<sup>st</sup> Parent/Carer(s)** ..... **Signed** .....

Current address.....

Mobile No:.....

**Name of 2<sup>nd</sup> Parent/Carer(s)** ..... **Signed** .....

Current address.....

Mobile No:.....

**Please return the completed form to the school office. The school will write to you and inform you of the decision on whether your request is authorised or not. Please do not confirm any holiday booking until you have confirmation of permission for the leave in term time from the Headteacher.**

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**For Office Use Only**

Date request for leave in term time received by school .....

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

Number of school sessions previously taken as leave in term time .....

Re: **Siblings:** other schools confirmed? .....

What action are other schools taking? .....

**Leave in term time Agreed/Not Agreed**

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

Signed ..... Job Title.....

Print Name ..... Date .....

Notification of decision: Date letter sent to parent .....



