

Leave of Absence in Term Time - Frequently Asked Questions

What does the law say about leave of absence in term time?

Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. The guidance states **the need or desire for a holiday or leave, for the purpose of leisure or recreation, would not normally be considered exceptional**. Head Teachers should determine the number of school days a child can be away from school if any leave is considered to be exceptional.

Under the Education Act 1996, parents commit an offence if they fail to ensure their child's regular school attendance. Taking a child out of school for a leave of absence without permission, and where the absence amounts to 10 sessions or more of unauthorised absence in a 10 school week period is viewed as failing to ensure your child's regular attendance at school.

Who has parental responsibility for a child?

The Department for Education (DfE) state a parent means:

- All **natural parents**, whether they are married or not;
- Any person who **has parental responsibility** for a child or young person; and,
- Any person who **has care of a child or young person i.e. lives with and looks after the child**.

The DfE further state: **'generally parents include all those with day-to-day responsibility for a child.**

What are the responsibilities of a parent?

The parent who the child lives with is normally the parent who is expected to make an application to school, for a proposed leave of absence, using the Leave of Absence Request form.

If an application is not made in advance, the parent is expected to inform school of the reason for absence and provide specific details around it.

The child must attend school on the expected date of return. If they are absent either before or after the leave the parent may be requested to provide additional information. Any absence without reasonable cause will be recorded as unauthorised.

If a leave of absence request is unauthorised, will it be referred for a Fixed Penalty Notice?

Schools refer leave of absence where **10 unauthorised absence sessions (a session being a morning or afternoon registration period) have been recorded in any 10 school week period**. This may be a result of a single period of leave or multiple periods equalling 10 sessions.

Who receives a Fixed Penalty Notice?

Penalty Notices are issued in accordance with the national framework and local code of conduct. A fixed penalty notice can be issued to **each person with parental responsibility** for the child/children, but usually to the parent/s who have **allowed** the absence.

When will a prosecution take place?

Parents can be prosecuted if they receive a fixed penalty notice and it is not paid. Payment of a Penalty Notice, where offered, is an alternative to prosecution by discharging liability for the offence. If unpaid, prosecution for the original offence, under the Education Act, can follow. A prosecution will also take place if, within a 3 year period, a third period of leave reaches the criteria of 10 unauthorised absences in a 10 school week period.