



Sutton on the Forest CE VC Primary School Leave of Absence in Term Time Policy

Aims

Actively promoting high attendance levels is a characteristic of an outstanding school. As a result of this belief, the school is reminding parents of the following guidance on holidays in term time.

The aim of this guidance is to minimise the amount of time lost to term time holidays in order to maximise the educational potential of every child. There are 175 days each year when your child is not in school. Absence for any reason during term time interrupts a child's education and disrupts educational progress.

This guidance is issued to assist you as parents in making the decision in regard applying for leave during term time.

Regulations and Guidance

The law says that parents do not have the right to take their child out of school for a holiday during term time. Under the Education (Pupil Registration) Regulations 2006, the Head teacher has **discretionary power** to authorise up to ten days absence in a school year for a family holiday if the circumstances warrant it. No parent can demand leave of absence for the purposes of a holiday as a right. The regulations do say that schools **may agree to authorise** up to ten days "holiday leave" in special circumstances such as;

- For service personnel and other employees who are prevented from taking holidays outside term time if the holiday will have a minimal disruption to the pupil's education.
- When a family needs to spend time together to support each other during or after a crisis.
- A one off never to be repeated occasion that can only take place at the time requested.

Holidays which are taken for the following reasons **will not be authorised**;

- Availability of cheap holidays.

- Availability of the desired accommodation.
- Poor weather experienced in school holiday periods.
- Overlap with beginning or end of term or half term.

If the decision has been made to not authorise this absence, **this does not prevent** families from taking their children out of school for these days. However, it will be recorded as an unauthorised absence, which can result in the involvement of the Educational Social Worker.

Requesting Absence

Requests for holidays in term time must be made six weeks prior to the holiday and it is strongly advised that you do not book your holiday until approval has been given. Parents may be required to attend an interview with Mrs Botham to discuss the application. A request must then be made in writing on the holiday request form. Parents/carers should **clearly explain the reason** for the request, where possible referring to the special circumstances outlined above. Written documentation is required as evidence explaining the special circumstances as to why term time leave is being applied for. Your child's attendance and progress will be considered as part of this process. Parents and carers will be notified in writing of the decision within ten school days of the date of application.

We will not authorise a request for holiday in term time if the following applies:

- When the pupil's attendance has been below 90% for the previous 20 weeks.
- The pupil already has unauthorised absence.
- If the period of leave requested coincides by chance with the start of term, or statutory assessments or other significant events in the school calendar.
- We will only grant one period of absence per academic year for holidays during term time.

If the holiday in term time is agreed it will be recorded as "H" on the school attendance register (authorised absence).

If the school does not agree to grant the leave for the holiday and parents/carers take their child on holiday, then this will be recorded as unauthorised absence "G" (family holiday not agreed).

Legal Implications

If a child of compulsory school age fails to attend regularly at a school at which they are registered or at a place where alternative provision is provided for them the parents may be guilty of an offence and can be prosecuted by the local authority. Only local authorities can prosecute parents and they must fund all associated costs. Local authorities should consider the Attorney General's Guidelines for Crown Prosecutors in all prosecution cases. Local authorities must conduct all investigations in accordance with the Police and Criminal Evidence (PACE) Act 1984.

Local authorities have the power to prosecute parents who fail to comply with a school attendance order (section 443 of the Education Act 1996) or fail to ensure their child's regular attendance at a school (section 444 of the Education Act 1996). Section 444 has two separate but linked offences: Section 444(1): where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly, and fails to ensure the child does so. Section 444ZA applies the offence to where parents fail to secure the regular attendance of their child at a place where alternative provision is provided.

There are statutory defences for parents to use under the Act. The fines available to the courts if parents are found guilty of the section 444 (1) offence include a level 3 fine of up to £1,000. If they are found guilty of the section 444 (1A) the fine is at level 4, up to £2,500 and the court can also sentence them to imprisonment for up to three months. Local authorities have the power to prosecute parents of pupils found in a public place during school hours after being excluded from school. The fine is a level 3 fine of up to £1,000.

From the 1st September 2013

The penalty is £60 if paid within 21 days of receipt rising to £120 if paid after 21 days but within 28 days. The payment must be paid direct to the local authority. The parents can only be prosecuted if 28 days have expired and full payment has not been made.

There is no right of appeal by parents against a penalty notice. If the penalty is not paid in full by the end of the 28 day period the local authority must decide either to prosecute for the original offence to which the notice applies or withdraw the notice. Only local authorities can make decisions on whether parents should be prosecuted for school attendance offences. All schools (including academies) have a duty to refer regular absence (authorised and unauthorised) to the relevant local authority. This may include any evidence to show how they supported the pupil and parent to improve attendance. It is for each local authority to judge each referral on its own merits and

make a decision on the next probable cause of action.

It is the statutory duty of local authorities to carry out investigations including witness statements leading up to prosecutions. Local authorities should conduct all investigations in accordance with PACE and Attorney General's Guidelines for Crown Prosecutors. Local authorities cannot delegate this function to schools (including academies) or charge them for this service.

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REVIEW: Autumn 2016