

Leave of Absence in Term Time

What is a Leave of Absence in term time?

A leave of absence is where parents or carers of a child decide to take their child out of school during term time. This may include holidays, religious observance, child performance and funerals or for another reason.

What does the law say?

Under the Education (Pupil Registration) (England) (Amendment) Regulations 2013, a penalty notice may be issued unless:

- On application by a parent with whom the child resides to the proprietor, or a person authorised by the proprietor considers that leave of absence should be granted due to exceptional circumstances.

Schools may grant a leave of absence in term time, but only if they consider it to be for exceptional circumstances.

Any application for a leave of absence must be made in advance and, if granted, it is for the school to determine the number of days a pupil can be away from school.

What are exceptional circumstances?

Neither the regulations nor the Department of Education define what might be considered exceptional circumstances.

It may include serious or terminal illness of a close relative, significant family trauma, a major family event like a relatives wedding or a one-off never-to-be-repeated experience. These events are examples only and it is for the school to decide if they consider any request to be exceptional circumstances.

How do I make an application for a Leave of Absence?

A leave of absence form can be obtained from schools.

All applications must be made in advance of the leave and parents should give full details as to why they believe the application is exceptional circumstances.

Will my application just be dismissed?

No. All applications must be judged on their own merits. Schools will consider why the application has been made and balance this against the child's record to ensure it does not have a negative impact on any educational progress.

School can, for example, take in a range of considerations before making a decision. This may include previous requests, current attendance, school policy, attainment and progress, impending tests, exams or significant school events and frequency of applications.

How will I be informed about my application?

Parents will be informed in writing by the school if the leave of absence has been granted or not, in accordance with the school attendance policy.

Can I appeal the school's decision?

No, there is no right of appeal, as the discretion to authorise is the school's alone.

Can I get a Penalty Notice if I take the leave without permission?

Yes, if your child has 7.5 days or more, in an academic year, due to an unauthorised leave of absence then you could be issued with a penalty notice.

Who is responsible and what is the fine?

Each parent is individually responsible for the child's attendance and commits a separate offence if the child does not attend school on a regular basis.

Your local council can give each parent a fine of £60 per child, which rises to £120 each, per child, if you do not pay within 21 days. If you do not pay the fine after 28 days, you may be prosecuted for your child's absence from school.

If receive a Penalty Notice, can I appeal it?

No, there is no right of appeal.

If, however, the penalty notice was issued to the wrong person, should not have been issued or contained material error, then we may withdraw it upon representations from you.

Can I speak someone about Penalty Notices?

Yes, for schools in the borough of Reading, you can contact the Brighter Futures for Children's Attendance Support Team on 0118 937 6545.