

Leave of Absence in Term Time from September 2024

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 School Attendance (Pupil Registration) (England) Regulations 2024, 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.

Schools can 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 schools alone.

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

Yes, if your child has 5 days (10 sessions) or more within a consecutive 10 week period due to an unauthorised leave of absence then you could be issued with a penalty notice.

Who is responsible and what is the penalty notice?

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.

- The penalty notice amount is £160 (per parent, per child) if paid within 28 days, reduced to £80 (per parent, per child) when paid within 21 days. This relates to the first Leave of Absence in term time.
- A flat rate of £160 (per parent, per child) for a second penalty notice within a three-year period.
- No more than 2 penalty notices can be issued within a three-year period, after which an alternative route (e.g. prosecution) should be considered instead.

If you do not pay the penalty notice issued to you, 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 9373343.