

Directorate for Children and Adults

Leave of Absence

Guidance for Schools

Revised May 2017

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Please note:

1. Replace all previous leave of absence information and pro-forma documents with this leave of absence guidance.
2. All penalty notice requests must be word processed.
3. All penalty notice requests to be submitted within 10 days of the child returning back to school from leave of absence.
4. In order to process penalty notice requests, we require all correspondence sent to and received from parents/carers (**text messages are not accepted in court**).
5. Any incomplete packs will be returned back to school.

1. Introduction

It is well recognised that good, consistent attendance at school is crucial to a child or young person's future prospects. Reducing absence from school continues to be a priority both nationally and locally, because missing school damages pupils' attainment levels, disrupts school routines, affects the learning of others and can leave young people vulnerable to anti-social behaviour, child sexual exploitation and crime.

Leave of absences are the second most common cause of authorised absence, after illness. Previous data from the National Primary Strategy underscored the overall impact that attendance has on attainment. Differences of more than 20 and 30 percentage points are a stark reminder of the value of 'being there'. We all need to reinforce the message that '**every lesson counts**'.

In 2013, the Department for Education took further action to emphasise that, as a general rule, children should not be taken out of school for the purpose of a holiday. The legislation was further underpinned by the Platt v Isle of Wight Case heard in Supreme Court in January 2017 where regular school attendance was clarified as 'following the rules of the school'.

Should you need further information about this guidance please contact:

Attendance & Pupil Support Service
2nd Floor
Kirkgate Buildings
Byram Street
Huddersfield
HD1 1BY

Tel: 01484 221919

attendance.pupilsupport@kirklees.gov.uk

2. Regulations and DfE Guidance

In 2013, the DfE amended the 2006 Pupil Registration Regulations in the Education (Pupil Registration) (England) (Amendment) Regulations.

The amendments to the 2006 regulations (which came into force on 1st September 2013):

- Removed references to family holiday and extended leave;
- Removed references to the statutory threshold of ten school days;
- Made it clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances.

It is up to head teachers to determine whether circumstances are “exceptional”, and up to head teachers to determine the number of school days a child can be away from school if the leave is granted.

Also included at the end of this document is advice and guidance to schools produced by the NAHT regarding ‘exceptional circumstances’ which Head teachers may also find useful.

The DfE provide guidance on school attendance for all schools and local authorities which is regularly updated. This can be found at

<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/f00221879/advice-on-school-attendance>

This also gives advice on leave of absence during term time and the use of Codes H, G and O. Whilst it is not the DfE’s expectation that schools continue to grant leave of absence for the purpose of a family holiday (unless there are exceptional circumstances that make this necessary), for the time being, they are retaining Code H: ‘Family holiday authorised by the school’ and Code G: Family holiday not authorised by the school or in excess of the agreed period’ so that the DfE can measure the changes to regulations.

3. Safeguarding children’s welfare

In a small number of cases schools may have concerns about a child’s welfare, such as, that the child will be forced into marriage whilst abroad. In such cases, the school should seek support from their local authority. For more information and guidance on this, please refer to the online **Local Safeguarding Children Boards Procedure Manual**.

<http://westyorkscb.proceduresonline.com/index.htm>

4. Guidance for Kirklees Schools

Good practice

Across Kirklees schools, there are many examples of good practice in relation to leave of absence. These include:

- The use of standard forms to request leave of absence;
- Ensuring all communication is confirmed in writing. This is particularly important if a penalty notice is unpaid and the matter goes to Court;

- A detailed section on leave of absence in the school's attendance policy. This includes the criteria that will be used in deciding whether the leave will be authorised, and the consequences (see below) of taking unauthorised leave or failing to return by the agreed date;
- The use of a pyramid-wide attendance policy, which includes a common approach to dealing with requests for leave of absence;
- Communication with other schools in the pyramid where there are known siblings;
- Obtaining copies of airline tickets with defined return dates.
- Visit the family home and leave a calling card requesting the parent calls the school on receipt of the calling card. (In doing this, it eliminates the parents claiming the child is sick but calling into school from holiday).

Consequences of unauthorised leave

All potential consequences resulting from unauthorised leave must be clearly communicated and explained to parents. Parents must be made aware of

- The possibility of a penalty notice being issued (to each parent for each child);
- The possibility of losing the school place, and the likelihood of being re-admitted to the school;
- The possibility of prosecution under Section 444 of the Education Act 1996 for repeat offences of unauthorised leave of absence.
- The possibility of a fine of up to £1,000 and a criminal record for non-payment of a penalty notice should the case go to court.

Schools are strongly advised to include these consequences in their attendance policy and in all their communication with parents regarding leave of absence.

5. Unauthorised Leave of Absence

Penalty notices may be used where the child does not return by the agreed date – in this case, **all** of the leave should be marked as unauthorised.

Where parents continue to take unauthorised leave of absence, despite having previously been issued with a penalty notice, the Local Authority will consider a direct prosecution under Section 444 of the Education Act 1996.

Penalty notices for Unauthorised Leave

The *Education (Penalty Notices) Regulations 2007* set out the details of how the penalty notice scheme must operate, and that all penalty notices must be issued in accordance with the Local Code of Conduct.

The Kirklees Code of Conduct was revised in July 2013.

Under the Code, all Kirklees schools are required to have a written school attendance policy which includes:

- The school policy in relation to leave of absence;
- The criteria to be used when deciding whether to authorise leave of absence;
- The information required from parents requesting leave of absence;
- The sanctions to be used if agreements are not kept - this could include requesting that a penalty notice be issued.
- The expectation of attendance, i.e. attend every day unless authorised.

A summary of the school's policy on leave of absence must be included in the school brochure/prospectus. Parents should be reminded regularly of the policy and of the procedure to request leave of absence.

Under the revised Code, penalty notices may be issued:

- If parents have not sought permission from the head teacher before taking their child out of school for leave during term-time;
- If the head teacher has refused the request but the absence occurs anyway;
- If a child has not returned to school by the agreed date with no satisfactory explanation;

AND

- Where the individual leave of absence has been recorded by the school as unauthorised in the attendance register on at least 10 consecutive school sessions (5 school days).

Procedure for requesting a Penalty Notice

Pro-forma documentation for requesting a penalty notice is included at the back of this guidance. Please complete and include the following documents to request a penalty notice:

- **Form PNS1**. Please note that the first and last names of both parents (as defined under the Education Act section 576) are needed, as penalty notices are issued against both parents where appropriate;
- Copy of the **attendance summary** covering the period of leave and showing the return to school date;
- Copy of the **leave request** from parents.
- Copy of the **refusal letter** to parents advising that the leave request has been refused (if applicable), advising them that a penalty notice will be issued to each parent of each child.
- Copy of the **letter** observing that the pupil has not been in school and the consequences.

NB: The Local Authority will NOT issue a penalty notice without copies of such letters, as there needs to be clear evidence that the parents were fully aware of the potential consequences of the unauthorised absence.

Prosecution

The school will be notified if the penalty notice has not been paid and prosecution is being sought. In this event please provide:

- **Form PNS2.** This is a pro-forma witness statement and will be needed if the penalty notice is unpaid and prosecution follows. The statement only needs to be brief – confirmation that the leave was not authorised or that the child did not return by the due date, along with parents’ names and addresses.
 - Please prepare one witness statement per family.
 - On the witness statement, please provide any other information you may have (i.e. a child may state that they have been on holiday and parents had called in stating their child was ill). Please also state and exhibit any further correspondence you may have had, (i.e. telephone calls, etc.).
- Please attach a signed attendance certificate for each child showing the absences marked as unauthorised holiday (code G), or unauthorised absence (code O if the leave was not requested).

The Local Authority will submit the witness statement (PNS2), the signed attendance certificate and any other related documentation for prosecution in the Magistrate’s Court. The school will be informed of the outcome of the prosecution.

6. Deletion from the register

In order to minimise the unnecessary transfer of children across schools, Kirklees Council does not recommend deleting children from the register but instead supports the use of penalty notices for periods of unauthorised holiday and extended leave, where appropriate.

However, where schools do intend to delete a child from the admissions register, head teachers are reminded that all deletions from the admissions register must comply with regulation 8 of the *Pupil Registration Regulations 2006*. In relation to leave of absences, regulation 8 allows for deletion from the register under the following circumstances:

- Where the leave has been authorised, if the pupil fails to return within 10 school days of the agreed return date. The school must check that the pupil does not have a good reason for their absence, such as disrupted travel arrangements or illness, before removing the pupil from the school roll;
- Where the leave has not been authorised, after 20 days of unauthorised absence.

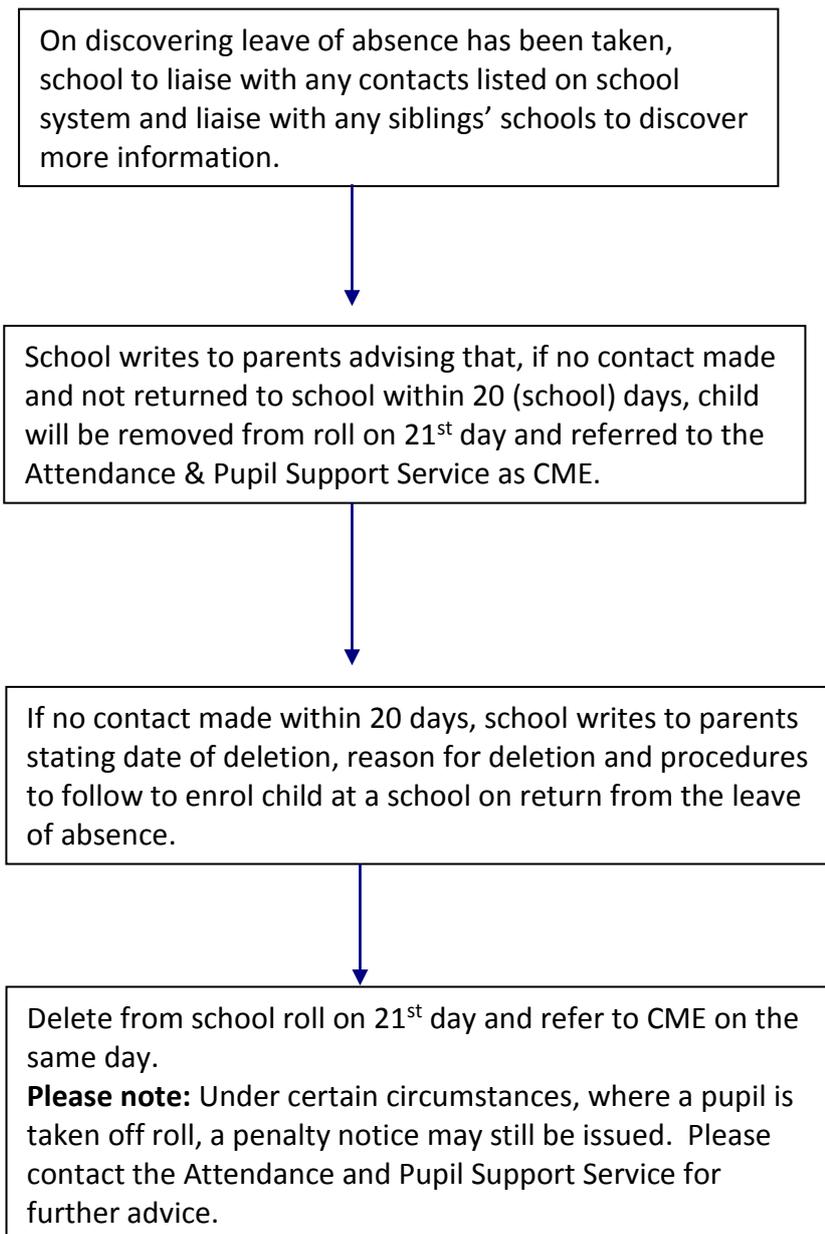
In line with the revised *Advice on School Attendance*, the local authority should be notified in advance of the deletion, when the school becomes aware that the deletion will be made. Flowcharts covering actions to be taken by the school are included in this guidance on pages 8 to 10.

7. Recording the absence

The appropriate register code will be:

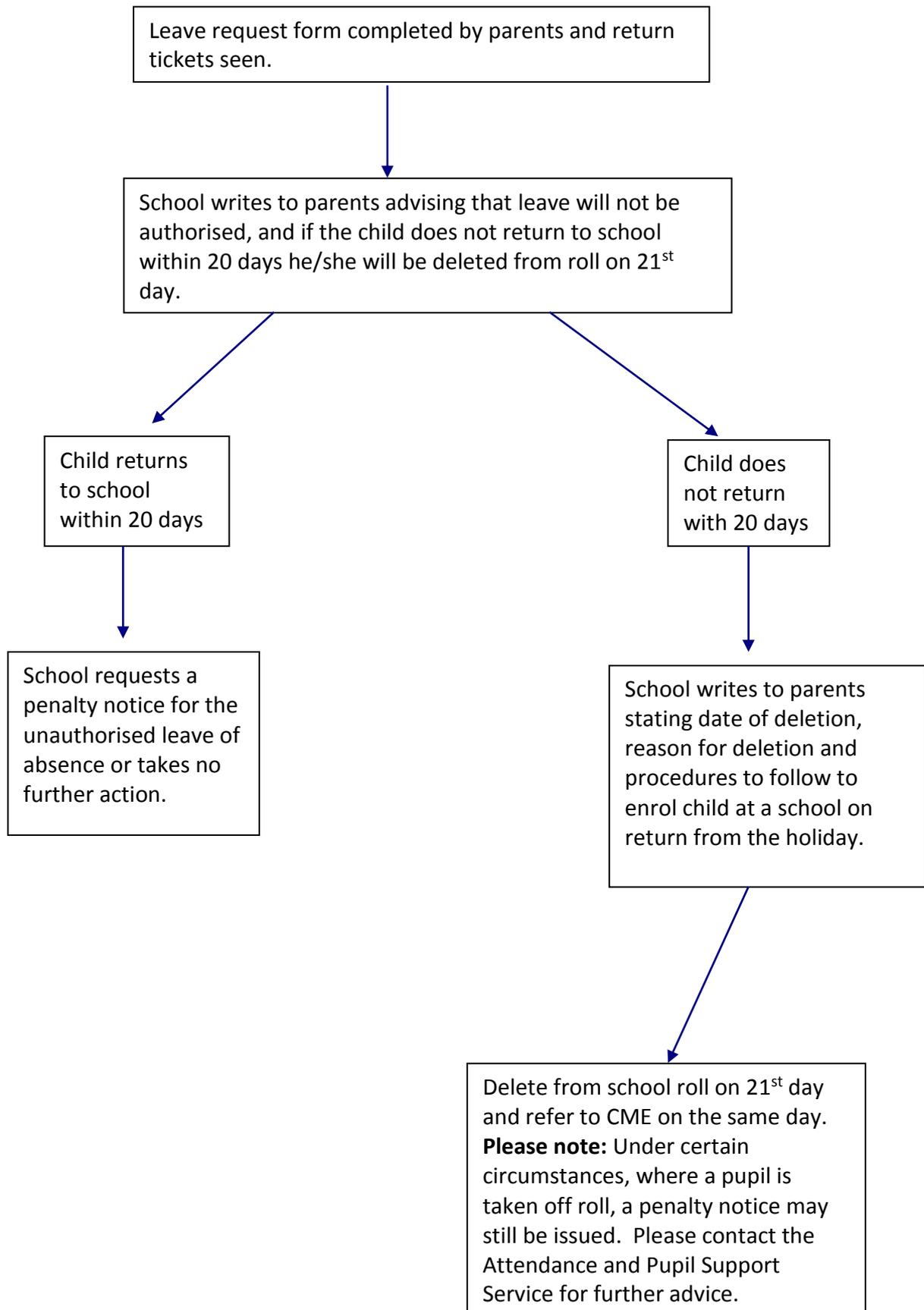
- H – Authorised holiday;
- G – Unauthorised holiday (not agreed or days in excess of agreement);
- C – Other exceptional circumstances, authorised by the head teacher;
- O – Unauthorised absence.

Deletion from school roll – leave of absence is taken but not requested

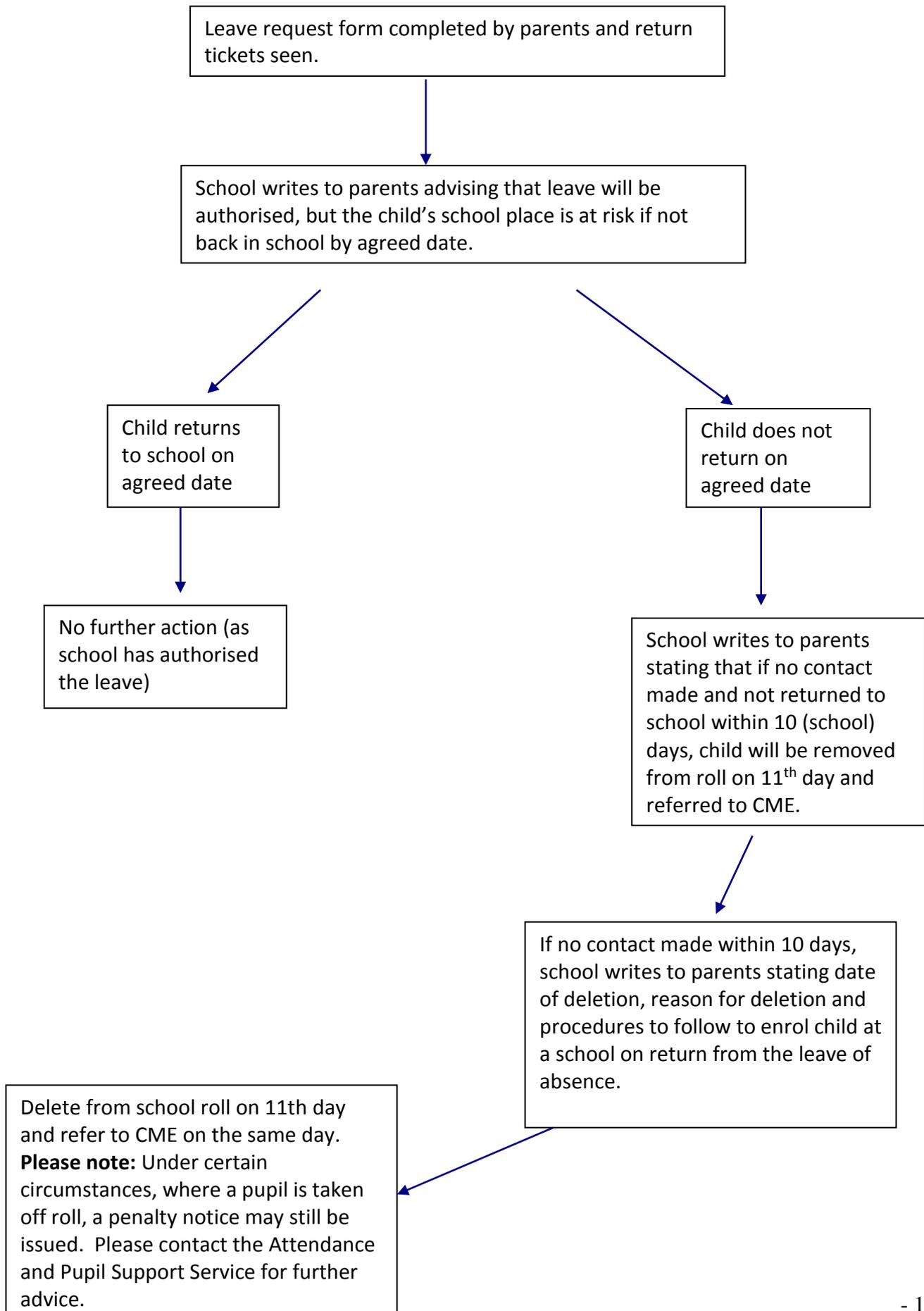


Note – if the family is not on holiday but has left/disappeared please follow usual CME procedures. If you are worried about the safety of an absent pupil, please contact the police for a Safe & Well check.

Deletion from school roll – leave of absence is requested but not authorised by the school.



Deletion from school roll – leave of absence is authorised by the school but family does not return by the agreed date.



PRO-FORMA DOCUMENTATION

PNS1 – Penalty notice request form

PNS2 – Pro-forma witness statement

PRO-FORMA LETTERS

PNS4 – Leave authorised

PNS5 – Leave not authorised

PNS6 – Warning letter – absence not authorised

PNS7 – Penalty notice letter – absence not authorised

PNS8 – Warning letter – did not return by due date

PNS9 – Penalty notice letter – did not return by due date

PNS10 – Leave not requested – Penalty notice letter

PNS1 - Request for a Penalty Notice for Leave of absence

(NOTE : Penalty notices are issued against both parents/carers. Full names are essential)

Parent/Carer 1		Last name:	
First name:			
Address:		Tel:	

Parent/Carer 2		Last name:	
First name:			
Address:		Tel:	

Pupil		Last name:	
First name:			
UPN:		DOB:	
Ethnicity:		School Name:	

Information about <u>this</u> Leave of absence:			
Was permission for this absence requested in advance by the parent?			
Was permission given?			
Dates of the unauthorised absence:	From:		To:
Dates of any absence you have authorised:	From:		To:

Signed: (Head Teacher)		Date:	
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Please indicate that the following documents are included in this pack:	
An attendance certificate showing the absences marked as an unauthorised holiday (code G if leave of absence was requested or O if the leave of absence was unrequested).	
A copy of the letter or communication from the parent(s) requesting the leave of absence.	
A copy of any corresponding evidence from the parent(s), e.g. flight tickets or details of leave of absence.	
A copy of the letter to the parent(s) (<u>if applicable addressed to both</u>) advising them that the leave of absence has been refused (if applicable);	
A copy of the letter to the parent(s) (<u>if applicable addressed to both</u>) advising them that a penalty notice will be issued.	

<u>For Administrative use only</u>	
Authorised by	Date
Authorised by	Date

Form PNS2 – Pro-forma witness statement

WITNESS STATEMENT

Criminal Procedure Rules, r27.1(1)
Criminal Justice Act 1967, Section 9, MC Act 1980 s.5B

Statement of: [INSERT HEADTEACHER'S NAME]

Age if under 18: Over 18

This statement (consisting of ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:

Date :

STATEMENT IN RESPECT OF: **INSERT DEFENDANT'S NAME (PARENT/CARER)**

I am the Head teacher of [insert full name of school].

I can confirm that [insert child's name / date of birth] is on the register at the above school.

I can confirm that (Insert Parent/Carer's name) of (Insert address) is this child's parent/carer

I have checked the school attendance records and can confirm that the attendance record shown as exhibit (Exhibit – Head teacher's initials 1) is a true and accurate record of [insert child's name] attendance at school between [insert date] to [insert date]. The record shows that (insert child's name) was absent from school without authorisation from (insert date) to (insert date).

Permission to take (insert name) out of school for the period was requested (Exhibit – Head teacher's initials and number) and refused (Exhibit –Head teacher's initials and number).

OR:

Permission was not requested for this leave of absence.

Following the unauthorised leave, a letter (Exhibit – Head teacher's initials and number) was sent to the parents confirming this and informing them of the application for fixed penalty notices which were subsequently issued. No response was received and the penalty notices were not paid.

Signed _____ Head Teacher Date: _____

I can confirm that:

- This school has a written attendance policy in place which includes procedures in relation to leave of absence.
- A summary of the leave of absence policy is included in the brochure (or provided separately as an addendum) and communicated regularly to parents.
- The absence to which this request refers is recorded as unauthorised in the school register.

Signed _____ **Head Teacher** **Date:** _____

PNS 4 - LEAVE OF ABSENCE REQUEST AUTHORISED)

Name

Address etc.

Dear (Name of Parent/s)

Re: Leave of absence request for

Following your recent request forto be allowed leave of absence, I am writing to confirm that I have authorised this planned absence, fromto My reasons are as follows:

-
-
-

However, I must point out that the school strongly discourages leave of absence during term time.

I must also draw your attention to the school's Attendance Policy. This makes it clear that if *leave of absence occurs* which has not been authorised, a penalty notice may be issued. The penalty notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence you may be fined up to £1,000, and you will receive a criminal record.

Finally, you also need to be aware that **if your child does not return to school on the date stated** in the request, the school place is at risk of being withdrawn.

Yours sincerely

(PNS5 - LEAVE OF ABSENCE REQUEST NOT AUTHORISED)

Name

Address etc.

Dear (*Name of Parent/s*)

Re: Leave of absence request for

Following your recent request for to be granted leave of absence, I regret that I am unable to authorise this leave. My reasons are as follows:

-
-
-

Should you continue with your plans for, I must draw your attention to the school's Attendance Policy. This makes it clear that if a leave of absence occurs which has not been authorised, a penalty notice may be issued.

The penalty notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence you may be fined up to £1,000, and you will receive a criminal record.

Finally, you also need to be aware that if your child fails to return to school following 20 days of absence, he/she is at risk of losing their school place.

Yours sincerely

(PNS6 - ABSENCE NOT AUTHORISED – WARNING LETTER)

Name

Address etc.

Dear (*Name of Parent/s*)

Penalty notice warning – leave of absence

It has come to my attention thathas been absent from school for days from..... to This leave of absence was not authorised by the school.

The school's Attendance Policy makes it clear that parents must seek permission for leave of absence in writing from the head teacher in advance should they wish to take students out of school. If leave, or part of the leave, is taken which has not been authorised, a penalty notice may be issued.

The penalty notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence you may be fined up to £1,000, and you will receive a criminal record.

On this occasion I have decided not to request that the Local Authority issue a penalty notice against you. You should consider this letter as a warning and any further leave of absence without prior permission **will** lead to such action being taken against you.

Yours sincerely

(PNS7 - ABSENCE NOT AUTHORISED – PENALTY NOTICE LETTER)

Name

Address etc.

Dear (*Name of Parent/s*)

Penalty notice for leave of absence

It has come to my attention thathas been absent from school for days from to This leave of absence was not authorised by the school.

The school's Attendance Policy makes it clear that parents must seek permission for leave of absence in writing from the head teacher in advance should they wish to take students out of school. If leave, or part of the leave, is taken which has not been authorised, a penalty notice may be issued.

The school will be arranging for a penalty notice to be issued against you. The penalty notice request will be processed by Kirklees Council in due course on behalf of the school.

The penalty notice will be issued to each parent of each child. Each penalty notice will be for £60 if it is paid within 21 days, and will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence you may be fined up to £1,000, and you will receive a criminal record.

Yours sincerely

(PNS8 - DID NOT RETURN BY DUE DATE – WARNING LETTER)

Name

Address etc.

Dear (*Name of Parent/s*)

Penalty notice warning – leave of absence

It has come to my attention thatdid not return from the authorised leave of absence by the agreed date. This means thatdays of this absence have been treated as unauthorised.

The school's Attendance Policy makes it clear that parents must seek permission for leave of absence in writing from the head teacher in advance should they wish to take students out of school. If leave, or part of the leave, is taken which has not been authorised, a penalty notice may be issued.

The penalty notice is for £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence, you can be fined up to £1,000, and you will receive a criminal record.

On this occasion I have decided not to request that the Local Authority issues a penalty notice against you. You should consider this letter as a warning and that any further unauthorised leave of absence **will** lead to such action being taken against you.

Yours sincerely

(PNS9 - DID NOT RETURN BY DUE DATE – PENALTY NOTICE)

Name

Address etc.

Dear (*Name of Parent/s*)

Penalty notice for leave of absence

It has come to my attention thatdid not return from the authorised leave of absence by the agreed date. This means thatdays of this absence have been treated as unauthorised.

The school's Attendance Policy makes it clear that parents must seek permission for leave of absence in writing from the head teacher in advance should they wish to take students out of school. If leave, or part of the leave, is taken which has not been authorised, a penalty notice may be issued.

As you did not request permission for the entire leave of absence, the school will be arranging for a penalty notice to be issued against you. The penalty notice request will be processed by Kirklees Council in due course on behalf of the school.

The penalty notice will be issued to each parent of each child. Each penalty notice will be for £60 if it is paid within 21 days, it will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence you may be fined up to £1,000, and you will receive a criminal record.

Yours sincerely

(PNS10 - LEAVE NOT REQUESTED – PENALTY NOTICE LETTER)

Name

Address etc.

Dear (*Name of Parent/s*)

Penalty notice for leave of absence

It has come to my attention thatis currently absent from school and this leave of absence was not requested.

The school's Attendance Policy makes it clear that parents must seek permission for leave of absence in writing from the head teacher in advance should they wish to take students out of school. If leave, or part of the leave, is taken which has not been authorised, a penalty notice may be issued.

As you did not request permission for this absence, the school will be arranging for a penalty notice to be issued against you. The penalty notice request will be processed by Kirklees Council in due course on behalf of the school.

The penalty notice will be issued to each parent of each child. Each penalty notice will be for £60 if it is paid within 21 days, it will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence you may be fined up to £1,000, and you will receive a criminal record.

Finally, you also need to be aware that if your child fails to return to school following 20 days of absence, he/she is at risk of losing their school place.

Yours sincerely



Guidance on authorised absence in schools

There is some debate about what ‘exceptional circumstances’ means when deciding whether to grant absence for students during term time. We believe it is valuable to have some guiding principles to back schools in their decisions and provide consistency. This guidance has no statutory authority and is not imposed upon schools. However, the legal definition of exceptional circumstances is that it must be exceptional to the child.

1. The decision to authorise absence is at the head teacher’s discretion based on their assessment of the situation. Circumstances vary from school to school and so there can be no absolute rules on this subject.
2. Term times are for education. This is the priority. Children and families have 175 days off school to spend time together, including weekends and school holidays. Heads will rightly prioritise attendance. The default school policy should be that absences will not be granted during term time and will only be authorised in exceptional circumstances.
3. If an event can reasonably be scheduled outside of term time then it would not be normal to authorise absence.
4. Absence during term time for holidays/vacations is therefore not considered an exceptional circumstance.
5. Absences to visit family members are also not normally granted during term time if they could be scheduled for holiday periods or outside school hours. Children may however need time to visit seriously ill relatives.
6. Absence for a bereavement of a close family member is usually considered an exceptional circumstance but for the funeral service only, not extended leave. However, if the funeral is held abroad, it is considered acceptable to authorise up to a maximum of 5 school days.
7. Absences for important religious observances are often taken into account but only for the ceremony and travelling time, not extended leave. This is intended for one off situations rather than regular or recurring events.
8. Schools may wish to take the needs of the families of service personnel into account if they are returning from long operational tours that prevent contact during scheduled holiday time.
9. Schools have a duty to make reasonable adjustments for students with special educational needs or disabilities.
10. Families may need time together to recover
11. It is acceptable to take a student’s previous record of attendance into account when making decisions.
12. It is important to note that head teachers can determine the length of the authorised absence as well as whether absence is authorised at all.

Any examples provided are illustrative rather than exhaustive. The fundamental principles for defining 'exceptional' are rare, significant, unavoidable and short. And by 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

Background

The education (pupil registration) (England) (amendment) regulations 2013, which came into force on 1 September 2013, removed references to family holidays and extended leave as well as the notional threshold of ten school days. The amendments made clear that head teachers may not grant any leave of absence during term time unless 'exceptional circumstances' exist. The regulations also stated that head teachers should determine the number of school days a child can be away from school if leave is granted for 'exceptional circumstances'.

The DfE advice on school attendance (November 2013)* should also be considered and read in conjunction with the 2013 regulations.

(*Most recent guidance – November 2016)

We believe the guidelines in this document to be compatible with the above policy. They clarify the definition of external circumstances; they do not change it.

Ofsted have confirmed that their focus is on whether recurrent absence is being addressed; only if there is an issue with this will they look more deeply into why the school has authorised absence. Concern about inspection should not govern schools' decisions in this area. Head teachers are under pressure to meet overall absence thresholds however.

Variations to term time

Where schools serve communities whose patterns of work create a regular barrier to attendance and family life schools could consider changes to term times. Where this involves changes to compulsory terms, we strongly recommend this is co-ordinated across schools and local authorities in an area. Some schools have adopted flexible term patterns, with the same overall number of days of study but some discretion to families under certain conditions.