



Willow Tree Community Primary School

Leave of Absence including holidays in Term Time

Aims

The aim of this policy is to minimise absence for any reason during term time as this interrupts a child's education and disrupts educational progress. The attendance regulations 2015 give clear guidance as to the very few circumstances in which a parent may request Leave of Absence from school. The new law gives no entitlement to parents to take their child on holiday during term time.

Regulations and Guidance

Parents are responsible for making sure that their children of compulsory school age receive a suitable full-time education. This can be by regular attendance at school, at alternative provision, or otherwise (e.g. the parent can choose to educate their child at home). A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31st December. A child continues to be of compulsory school age until the last Friday of June in the school year that they reach sixteen. From September 2013 12 all 16 year-olds will be required to continue in education or training, until the end of the academic year in which they turn 17. From September 2015 they will be required to continue until their 18th birthday.

No parent/carer can demand leave of absence as of right. The Education Regulations state that applications must be made in advance by a parent/carer with whom the child lives and can only be authorised by the school in exceptional circumstances. Each leave application is considered individually by the school taking into account any factors presented by the family. Application forms are available from the school office.

The following are examples of the criteria for leave of absence, which may be considered as 'exceptional':

- Service personnel returning from active deployment
- Where inflexibility of the parents' leave or working arrangement is part of the organisational or company policy. This would need to be evidenced by the production or confirmation from the organisation/company
- Where leave is recommended as part of a parents' or child's rehabilitation from medical or emotional problems. Evidence must be provided.
- When a family needs to spend time together to support each other during or after a crisis

This is not an exhaustive list and the headteacher must consider the individual circumstances of each case when making a decision on this matter. Leave is only acceptable against exceptional circumstances and cannot be granted on the basis of attendance record, academic performance or the 'experience'

offered by being out of school. Where the headteacher feels that there may be exceptional circumstances which do not fit the criteria, they may refer to the local authority for advice. The decision of the headteacher is, however, final.

Please note that the ability to access a reduced cost of a holiday does not constitute an exceptional circumstance.

Legal Implications:

Where a child is taken out of school for the purpose of leave of absence in term time without the permission of the school, the absence will be coded as unauthorised and as such may result in a Penalty Notice. Penalties are applied by the Local Authority and as such are not at the discretion of the headteacher. If a Penalty Notice is not paid, the matter may be taken to prosecution in the Magistrates Court.

Amendments to 2007 Penalty Notice regulations will reduce the timescales for paying a penalty notice. Parents must, from 1st September 2013, pay £60 within 21 days or £120 within 28 days. This brings attendance penalty notices in line with other types of penalty notices and allows local authorities to act faster on prosecution if the fine is not paid.

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