

# Leave of Absence general guidance

Dear Applicant,

All schools **by law** must follow the Department for Education's statutory guidance relating to school attendance. They must use the appropriate national attendance or absence code, and follow the criteria set out within the guidance. The statutory guidance states:

- A leave of absence **must not be granted unless there are exceptional circumstances and must be requested in advance**
- A leave of absence must be requested **in advance** by a parent who the pupil normally lives with
- Schools must judge **each application individually**, considering the specific facts and circumstances and relevant background context behind each request
- Where a leave of absence is granted, **the school will determine the number of days a pupil can be absent from school**
- **A need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance**
- A school **cannot** grant a leave of absence retrospectively. If the parent did not apply in advance, the leave of absence should not be granted
- Where this guidance refers to a parent, the school and/or local authority will need to decide which adult(s) is most appropriate. Generally, parents include:
  - All natural parents, whether they are married or not;
  - All those who have parental responsibility
  - Those who have day to day responsibility for the child

Taking your child out of school during term time could be detrimental to their educational progress. If the absence is not authorised and the leave is taken, schools may refer to the Local Authority for legal action. Please find attached information regarding Penalty Notice Fines for School Attendance.

## Leave of absence request form

Dear Headteacher,

I would like to request permission for leave of absence for my child, a pupil registered at your school for the reasons detailed below (further information can be attached if required).

Pupil's full name	
Pupil's Date of Birth	
Year Group	
Class / Registration	
Pupil's full address and postcode	

First date of absence	
Last date of absence	
Date of return to school	
Number of school days absent	

**Please be aware**, as per our school's attendance policy and the Peterborough Local Authority's published Code of Conduct relating to school attendance, that the law requires parents to seek permission from the head teacher to take their child out of school during term time. The law states permission can only be granted if:

1. An application has been made in advance by the parent the child normally lives with; and
2. There are exceptional circumstances.

Please also note that, if on the rare occasion circumstances are deemed exceptional by the head teacher, the duration your child is permitted to be away from school may only be determined by the head teacher.

Reason for request including why you believe your circumstances to be exceptional  
(Further details may be attached to this form)

- Please provide evidence to support your request, this should include a copy of the flight / accommodation booking with evidence of date of initial booking
- If the exceptional circumstance is for medical reasons, it is essential that current medical evidence is provided
- Please provide any other relevant information (including relevant dates) and reasons why the student should be absent for the length of time requested.

If you have a child/ren at another school/s, please detail their name/s and which school/s they attend below.

Please note that you will need to complete a form for every child that attends Thorpe Primary Academy

Pupil's name, name of school and school telephone number:


<b>Full name of person(s) making request</b> (note requests must be made by a parent who the pupil normally lives with)	
<b>Relationship to child</b>	
<b>Full address and postcode</b> (if different from child's above)	
<b>Telephone number</b>	
<b>Please read the following statement and sign to indicate you understand this:</b>	
<p>I/We would like to request the above absence. I/We understand that the Trust strongly advises against taking unnecessary absence during term time and accept that this may have detrimental impact on my child(ren)'s progress.</p> <p>I/We understand that a penalty notice may be issued if this request is denied, and my child is absent during this period. I/We understand that a fine will be payable per parent per child.</p> <p>I/We have read and understood Peterborough City Council's information regarding penalty notices for absence from school and the action they may take. I/We understand that a penalty notice may be issued if this request is denied, and my/our child is absent during this period. I/We understand that a fine may be payable per child, per parent of £160.00 (£80 is paid within 21 days).</p>	
<b>Signature</b>	
<b>Date</b>	
<b>FOR OFFICE USE</b>	
Approved <input type="checkbox"/> Not Approved <input type="checkbox"/>	
<b>Number of days approved</b>	
Reason for leave of absence being granted / refused	
<b>Signature</b>	
<b>Name</b>	Mr Parkhouse
<b>Position</b>	Headteacher
<b>Date</b>	

# Guidance for Parents

## **Peterborough City Council: Penalty Notices regarding school absence - Guidance for parents**

### **Regular school attendance and parent's legal responsibilities**

At Thorpe Primary Academy our aim is to collaborate with parents to ensure that all our pupils receive the most from their education and reach their full potential.

This guidance is to remind all parents about the law that requires them to ensure that their child attends school regularly. The Government is clear that no child should miss school apart from in exceptional circumstances and schools must take steps to reduce absence to support children's attainment.

### **The important legal information – New from August 19th, 2024**

The Government have introduced a single national threshold for when a penalty notice must be considered by all schools in England. This threshold is 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence. The period of 10 school weeks can span different terms or school years.

In line with national guidance, the Local Authority (LA) retains the discretion to issue a penalty notice before the threshold is met. This might apply for example, where parents have taken several term time holidays below the national threshold. The LA also retains the discretion to consider going straight to prosecution where appropriate.

A maximum of 2 penalty notices per parent, per child can be issued within a rolling 3-year period. This period will start from the issue of the 1st penalty notice. The national framework also sets out the escalation process which applies to such penalty notices. If the national threshold is met for a third time (or subsequent times) within 3 years, another tool should be used. In Peterborough, where a pupil's attendance has met the national threshold for a third time within 3 years and the parent/s have already been issued with 2 penalty notices within that period, consideration will be given to prosecution under section 444 of the Education Act 1996, which can result in a criminal conviction and fine of up to £2,500.

A parent includes any person who is not a natural parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996. Penalty notices will usually be issued to the parent/s with day-to-day responsibility for the child's attendance or the parent/s who have allowed the absence (regardless of which parent has applied for a leave of absence).

The first penalty notice issued to a parent for a child will be charged at £160 to be paid within 28 days. This will be reduced to £80 if paid within 21 days. Where it is deemed appropriate to issue a second penalty notice, the second penalty notice to the same parent for the same child within 3 years of the first offence, is charged at a flat rate of £160 and is payable within 28 days.



**There is no reduced sum available in this instance.**

Part payments or payment plans are not acceptable, and fines must be paid in full within 21 or 28 days, at the rate specified within the penalty notice. There is no right of appeal against a penalty notice.

### **Requests for leave of absence**

Working together to improve school attendance advises all schools that they should only grant a leave of absence during term time in exceptional circumstances, considering each request on a case-by-case basis. If a leave of absence is granted, it is for the headteacher to determine the length of time the pupil can be away from school. Although we recognise the value and benefits of family holidays, it is unlikely a leave of absence will be granted for a family holiday as the Government 'does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance.'

Requests for leave must be made in advance, otherwise schools will be unable to consider your individual circumstances, and the absence will be recorded as unauthorised. Headteachers are not obligated to reconsider authorising leave if an application was not made in advance.

### **Support with ensuring regular school attendance**

If you require any support with ensuring your child's attendance, please contact the Attendance and Admissions Officer at Thorpe Primary Academy in the first instance.



# Understanding Penalty Notice Fines



## Helping Parents understand Penalty Notice Fines for School Attendance

From 19 August 2024, there is a National Framework for Penalty Notice Fines being issued for unauthorised absences recorded by schools

### National Threshold

A single consistent national threshold for when a Penalty Notice must be considered by ALL schools in England, this is:

- 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period
- These sessions do not have to be consecutive and can be made up of a combination of any type of unauthorised absence
- For example, a 5-day unauthorised leave of absence would meet the national threshold
- The 10-school week period can span different terms or school years

### Who may be fined?

- Penalty Notice Fines are issued to each parent who allows their child to be absent without authorisation from school
- For example, 3 siblings absent for unauthorised leave during term-time would result in each parent receiving 3 separate fines

### First Offence

The first time a Penalty Notice is issued for unauthorised absence, the fine amount will be:

- £80 per parent, per child if paid **within 21 days**
- If **not paid within 21 days**, the fine will increase to **£160 per parent, per child**, payable between the 22<sup>nd</sup> and 28<sup>th</sup> day

### Second Offence (within 3 years)

The second time a Penalty Notice is issued for unauthorised absence, a reduced rate is not available. The amount therefore will be:

- £160 per parent, per child – payable within 28 days

### Third Offence and Any Further Offences (within 3 years)

The third time an offence is committed, a Penalty Notice WILL NOT be issued, and the case will be presented **straight to the Magistrate's Court**

- **Prosecution** can result in **criminal records** and **fines of up to £2,500**
- Cases found **guilty** in a **Magistrates Court** can show on the parent's future DBS certificate (Disclosure and Barring Service) due to a **'failure to safeguard a child's education'**