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Exceptional leave in term time Guidance

July 2016

1.Introduction

- 1.1 This policy document has been developed to ensure that Children Young People and Families (CYPF) provides a clear statement of intent, expectation and consistent guidance in relation to the management of ALL term time leave of pupils who attend a school in Sheffield. It has been produced to ensure all decisions are within the national legislation.
Legally there is no entitlement for parents to take their child on holiday during term time. Any application for leave must be in exceptional circumstances and the head teacher must be satisfied that the circumstances warrant the granting of leave.
- 1.2 Parents can be fined for taking their child on holiday during term time without consent from the school.
- 1.3 This policy also responds to the updated guidance issued from Department for Education (DfE) which states:-

Term-time holiday

The [Education \(Pupil Registration\) \(England\) Regulations 2006](#)

Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head teachers should determine the number of school days a child can be away from school if the leave is granted.

Headteachers have the discretion to grant leave, but they should only do so in exceptional circumstances. If a headteacher grants a leave request, it will be for them to determine the length of time that the child can be away from school. This leave is unlikely, however, to be granted for the purposes of a family holiday.

Parents can be fined for taking their child on holiday during term time without consent from the school.

2. Rationale

- 2.1 This guidance is provided for parents/carers, schools, and governing bodies, on the process with regard to requesting, considering and the authorising of exceptional term time leave.
- 2.2 This guidance is provided for schools to manage and respond to situations where leave is not authorised or agreed and the procedures for the removal from school roll. This would include parents/carers who prevent their child from attending school regularly without a valid reason for the absence. Examples include: parents/carers who regularly take the extended weekend (Monday or Friday), advantage of last minute deals, or repeated visits abroad.
- 2.3 There may be exceptional circumstances where leave in school term time may be granted. This would be decided by the Head teacher on an individual basis for each

request. There is strong evidence to indicate that significant absence from school during term time can have a negative impact upon a child's attainment and learning.

- 2.4 Research has shown that poor attendance impacts negatively on children's attainment. Children have to attend school for 190 days per year, this leaves 175 days (including weekends) free for families to take holidays.

3. Term time leave

Children Young People and Families (CYPF) recognise the important link between regular attendance at school and the educational attainment of children. **Head teachers may not grant any leave of absence during term time unless there are exceptional circumstances.**

- 3.1 Action **may be taken** by CYPF against parents/carers who fail to ensure that their child is properly educated. The action may result in a formal warning, a fine, or an appearance at court.
- 3.2 Parents and carers who regularly take their child out of school in term time may be prosecuted via the Magistrates Court.
- 3.3 Parents/carers are legally required to request exceptional term time leave from the Head teacher of the school at which their child is registered.
- 3.4 Head teachers of schools will consider all term time leave requests. Each request must be considered on its own merit and the impact upon the child's learning and wellbeing must be central to the decision made. However, a Head teacher may take into account previous leave requests and other factors related to the child when making their decision.
- 3.5 Parents/carers who do not request term time leave and take their child on 'unauthorised leave', or fail to keep the school informed of changes to leave arrangements, may receive a fine, be prosecuted and/or the children may lose their place at their school.

4. Requesting of term time leave in exceptional circumstances

- 4.1 Requests for exceptional term time leave must be made at least 20 school days in advance of any arrangement being made. This will allow sufficient time for the request to be considered by the school. The request will be made in writing (letter or email) by the parent/carer using Appendix 1: Request for Exceptional Leave form. One form per child per request should be completed.
- 4.2 Schools should make arrangements to support parents/carers who have low literacy skills or for whom English is not their first language.
- 4.3 Exceptional Term time leave requests must include specific start and end dates, as this will formally constitute the leave period. Where no specific dates are provided, then the request cannot be considered or granted.
- 4.4 Parents/carers who are intending to travel abroad with their children during term time should not book travel prior to securing approval from the school.

4.5 Any changes to dates agreed by the school will require a re-submission for authorisation prior to departure.

4.6 The Head teacher's decision is final.

5. Family Emergency - where no leave has been requested

5.1 There will be some occasions where it has not been possible for the parent/carer to make a request for exceptional term time leave.
Whilst emergency situations are often difficult, parents/carers are still required to contact the school at the earliest possible opportunity and submit a written request for exceptional term time leave. This written request can be made on behalf of the parent/carer by someone nominated by the parent/carer. The request must include a specific leave period including a return date.

5.2 Parents/carers taking their children out of school due to a family emergency are encouraged to consider:

- That they have considered the impact and appropriateness for their child ;
- Whether or not alternative care arrangements could be made for the child to remain in school, e.g. stay with an extended family member;
- That they have looked at limiting the amount of time absent from school.

5.3 Where parents/carers have not requested leave from the school which their child attends, the child is at risk of losing their place at the current school in accordance with Section 8(h)¹.

6. Considering the exceptional term time leave request

6.1 The school should consider the exceptional term time leave request **and in accordance with their own school policy will either send a written response only if leave is to be authorised or some schools may respond to each request submitted, the response should be given in a timely manner.**

6.2 The school will consider all requests for exceptional term time leave in accordance with the current legislation and this guidance. Schools may refer or seek the advice of Children and Families Attendance and Inclusion Officers (A&IOs), prior to making a decision but the final decision remains with the Headteacher.

6.3 It is good practice for schools to meet with parents/carers (wherever possible) to discuss the leave request prior to making the decision.

The school will need to consider each request on its own merits and whether there are exceptional circumstances for authorising the absence.

6.4 When schools are considering exceptional term time leave requests, the following factors may help to reach a decision:

- Time of the academic year when the leave has been requested
- Duration of the absence – number of school days being missed
- The child's current attendance and punctuality rate

¹ The Education (Pupil Registration) (England) Regulations (2006)

- Exceptional Term time leave requested/taken in previous academic years for a similar purpose
- Whether parent/carers have considered limiting the amount of time the child would be absent from school e.g. wrapping around school holiday
- Have alternative care arrangements been considered by the parent/carer to limit the time away from school
- Impact on any interventions, assessments or referrals being undertaken with the child or family e.g. family support, social care assessments, CAMHS, SEN
- The impact that the absence will have on the child.

7. The decision and informing the parent/carer by the School

- 7.1 The school will reach a decision and **in accordance with their own school policy will either send a written response if leave is to be authorised or some schools may respond to each request submitted, the response should be given in a timely manner.**
- 7.2 Schools must ensure that appropriate arrangements are made to communicate the decision to families who have low levels of literacy or where English is not the first language.

A decision may result in the term time leave request being (a) Authorised², (b) Unauthorised³ or (c) part Authorised and Unauthorised. For example, Mr X has requested 3 weeks term time leave for his child. The school acknowledges that the reason given is important but feels that 3 weeks is excessive and authorise 1 weeks leave, with the remaining 2 weeks being unauthorised.

8. Penalty Notice Holiday Fine

- 8.1 If parents/carers take their children on holiday during term time for 5 or more consecutive days and this is not authorised by the School, they can be issued with a Fixed Penalty Notice (Holiday Fine) of £60 (if paid in 21 days) or £120 (if paid between 21 and 28 days). Each parent/carer can be issued with a notice, one per parent per family, i.e. one fine per parent/carer per family, regardless of the number of children in the family.
- 8.2 The responsibility for requesting Penalty Notice Holiday Fines is with the school and will be issued when requested by the Head Teacher, **unless it would not be in the public interest to do so.**

The School should provide the paperwork for pupils identified and this should include:

- Completed Request for Support Form – stating a holiday fine
- Parents request for holiday absence plus the schools response
- Up to date attendance certificate – showing unauthorised absence
- BLUE Head teachers certificate – covering holiday period

9. Recording of Leave by the School

- 9.1 School attendance registers are legal documents and the information recorded in them can be used as evidence in legal proceedings. It is therefore important that the information contained is accurate and the correct absence code is used. All absences

² Authorised- where the school has agreed that the leave is granted

³ Unauthorised- where the school does not agree that the leave request should be granted

must be coded in accordance with Absence and Attendance Codes: Guidance for Schools and Local Authorities (DCSF, Jan 2009).

CODE	Description	Category
B	Educated off site (NOT Dual registration)	Authorised (Attending approved educational activity)
C	Other Authorised Circumstances (not covered by another code or description)	Authorised
E	Excluded (No alternative provision made)	Authorised
G	Family Holiday (NOT Agreed or days in excess of agreement)	Unauthorised
H	Family Holiday (Agreed) exceptional circumstances only	Authorised
I	Illness (NOT medical or dental etc. appointments)	Authorised
J	Interview	Authorised (Attending approved educational activity)
M	Medical/Dental appointments	Authorised
N	No reason yet provided for absence	Unauthorised
O	Unauthorised absence - not covered by any other code/description)	Unauthorised
P	Approved sporting activity	Authorised (Attending approved educational activity)
R	Religious observance	Authorised
S	Study leave - Study leave should be used sparingly and only for Year 11 pupils during mock and public examinations	Authorised
T	Traveller Absence	Authorised
V	Educational visit or trip	Authorised (Attending approved educational activity)
W	Work experience - Work experience under section 560 of the Education Act 1996.	Authorised (Attending approved educational activity)
D	Dual registration i.e. pupil attending another establishment – indicates dual registration not attendance	Attending approved educational activity

- 9.2 Schools may use the code 'D' (dual registered) where they are able to demonstrate that a child will receive suitable education in another education establishment (in the UK or abroad) for a temporary basis. For example, a parent is required to travel abroad due to the nature of their work and they get their child registered at another school for the duration of their visit. The main school is required to ensure that it accurately monitors and records the attendance of the child at the dual registered base.

10. Process for removing a child's details from the school roll

- 10.1 A child's name can only be removed from school roll if one of the conditions prescribed in the Education (Pupil Registration Regulations) (England) 2006; Section 8(1) is satisfied.

- 10.1 Section 8(1)(f)⁴ would apply if the child has failed to attend school within 10 school days immediately following the expiry of the period for which leave was granted ('authorised absence'). Section 8(1)(h)⁵ would apply if the child had been continuously absent from school for a period not less than 20 school days and at no time was that period authorised by the school (unauthorised absence).
- 10.2 In **addition to the above 8(1) f/h**, the school and CYPF must **also** demonstrate that they have satisfied the following two conditions:
- That the Head teacher does not have reasonable grounds to believe that the child is unable to attend the school by reason of sickness or any unavoidable cause⁶; and
 - That both the Head teacher and the local authority have failed, after reasonable enquiry, to ascertain where the pupil is⁷.
- 10.3 Schools should not wait for the expiry of the periods specified above, prior to making enquiries. Enquiries should start on the first day of absence or first day immediately commencing the period for which the child was expected to return to school.
- 10.4 Schools must forward a completed Children Missing from Education (CME) Checklist (Appendix 5) and Pupil Deregistration Request (Appendix 6) to the CME team for all children, who they feel meet one of the legal requirements for deregistration.
- 10.5 The CME team will provide written confirmation (within 10 school days) to the school confirming the date the child can be removed. If a child cannot be removed the CME team will provide the school with an explanation.
- 10.6 The responsibility for the child transfers from the school to the CME Team from the date of the deregistration letter.
- 10.7 Schools must send an electronic Common Transfer File (CTF) to the School to Schools website for all children who have left their school⁸. The electronic transfer of data is a legal requirement under the Education (Pupil Information) Regulations 2005, as amended.
- 10.8 Exceptions to the normal rules regarding deregistration include:
- Children at a Special School who cannot be removed without the approval of the Special Educational Needs Department⁹
 - Children who are detained as part of a Court Order who cannot be removed if the period of the Order is less than 4 months¹⁰.

⁴ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(f)

⁵ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(h)

⁶ Unavoidable is defined as 'something beyond the control of the individual'. Not being able to get return tickets to the UK because of poor planning would not normally be considered unavoidable.

⁷ In order to 'ascertain where the pupil is' a school must be able to confirm an exact address (e.g. house number or name, street, area, and country). Simply being told that the child is 'still in America' would not count as ascertaining where the pupil is.

⁸ Where a child has left the UK the CTF file destination code will be 'MMMMMMM' (7 M's). Where a child's whereabouts remain unknown/lost the CTF file destination code will be 'XXXXXXX' (7 X's)

⁹ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(2)

¹⁰ The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(i)

- 10.9 Legal action can still be pursued against a parent/carer following deregistration from a school. This is because the period of complaint would be taken from the time the child was on roll at the school.
- 10.10 Parents/carers of a child who has legally been removed from the school register will be required to reapply for a school place. There is no guarantee that a child will be able to secure a place at the school from which they have been removed.

11. CYPF and Schools process for dealing with unauthorised absence

- 11.1 When a Head teacher does not authorise a leave request on legitimate grounds, it sends a clear message to the parent/carer that the school does not agree with the reasons provided by the parent/carer for the request for term time leave. If the parent/carer still takes their child on holiday in school term time the following may apply:

- Issuing a Fixed Penalty Notice
- Prosecution for non-payment of the fixed penalty

- 11.2 If Parents/Carers are found guilty of an offence, when prosecuted by magistrates Court, they can be sentenced to a fine, or a community penalty.

12. Communicating the policy to Parents/Carers

- 12.1 The exceptional leave during term time leave policy should be communicated to parents/carers regularly. It is considered good practice for schools to:

- refer to the policy in the schools attendance and behaviour policy
- promote the policy on the attendance board and in the school newsletter
- provide a leaflet on exceptional leave during term time for parents/carer of key points. The leaflet may be translated into community languages where possible
- promote the policy at parents evening and school events for new starters
- make reference to the policy in home/school agreements.

13. Return to the UK, where a child does not have a school place

- 13.1 If a child and their family return to the UK the parent/carer will need to re-apply for a school place. Parents/carers requiring a school place must contact the Children Missing Education (CME) team on 0114 2736462.
- 13.2 The CME team can provide support to parents/carers to secure school places and other forms of education provision.

Request for Exceptional Term Time Leave (one form per child)

Name of School:

Name of Pupil		Name of Parents or Carers	
Siblings in this or other schools (name, dob, name of school)		Telephone number	
		Email	
Dates of exceptional leave request. From _____ To _____			
Why are you requesting an exceptional leave of absence during term time?			
What steps have you taken to minimise the impact of the leave on your child's learning?			
Where will you be staying during the leave period? Please provide the full address and Emergency Contact Details (UK and Abroad)			
UK:			
Abroad:			
- I confirm that the information on this form is true - I agree to keep the school informed of any changes to my travel arrangements or if my child is unable to return to school on to due date - I am aware that if my child does not return to school by the date provided that he/she is at risk of losing their place at this school - I am aware that I may be fined and/or prosecuted for any time which my child is absent from school that has not been authorised by the Head teacher.			
Signed by parent/carer		Print name & relationship to child	Date
For school use only		Date request received / /	
Has the request been considered by the Head teacher? Y/N			
Has the request been discussed with the parent/carer? Y/N Date:			
No of school days Requested No of days Authorised No of days Unauthorised			
Date of decision letter sent to parent/carer :			
If unauthorised leave is taken and this case complies with Penalty Notice criteria please forward to MAST along with Pupil/student attendance register.			
Name of school		Head teacher's signature	Date

School Decision Letter (template)

SCHOOL NAME

Date:

Name:

Address:

Reference:

To the Parent/Carer of

On the (date) you requested that the school consider term time leave for your child(ren) (name, DOB). You said that you wanted to go to (place) for (reason). You said that you would be away from school from (date) to(date). This equates to school days

The Head teacher has considered your request and has reached the following decision:

☐

School days will be **agreed** by the school

☐

School days will **not be agreed** by the school

The reasons for the Head teacher's decision are given below.

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We expect your child to return to school on (date). If your child is unable to return on this date please let us know, as failure to do so may result in your child losing their place at this school. This will mean you will have to re-apply for a place at this school. You may also risk being fined or prosecuted by Sheffield City Council if your child is absent from school without the Head teacher's permission.

Signed on behalf of the School:

Printed Name:

