



## IMPORTANT INFORMATION FOR PARENTS

### LEAVE OF ABSENCE DURING TERM TIME

The Supreme Court recently reached a decision in the case of *Platt v Isle of Wight Council* which has clarified the law on unauthorised leave, including holidays, during term time. The parents of children of compulsory school age are required to ensure that they attend school on a regular basis. The Supreme Court has made clear that attending school 'regularly' means that the children must attend school on every day that they are required to do so. As such, the parents of any child who is absent from school without authorisation for any length of time are likely to be considered as committing an offence under s444 of the Education Act 1996.

Head Teachers retain the ability to authorise leave in accordance with the Education (Pupil Registration) (England) Regulations 2006. When considering such requests for a leave of absence, the school are obliged to act within the law. Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances relating to the application. If the leave is granted, head teachers are able to determine the number of school days a child can be absent for.

It is for the Head Teacher to decide what is 'exceptional' and it is at their discretion if the circumstances warrant the leave to be granted. The school can only consider Leave of Absence requests which are made by the 'resident' parent.

Parents are therefore asked to respect these regulations under which we must now work, and that if there is a need to take a child out of school during term time, it must be made very clear in the request how the circumstances are exceptional.

*Each application for a leave of absence will be considered on a case by case basis and on its own merits.*

Applications for leave of absence which are made in advance and refused will result in the absence. Where applications for leave of absence are made in advance and refused, the child will be required to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an unauthorised absence, which may result in legal action being taken against the parent(s), by way of a Fixed Penalty Notice.

Failure to make an application for leave in advance can also result in a Fixed Penalty Notice being issued to the parent(s).

All matters of unauthorised absence relating to a Leave of Absence will be referred to the Warwickshire Attendance Service, part of Warwickshire County Council

**It is important to note**, Fixed Penalty Notices are issued to each parent of each absent child, (for example 2 children and 2 parents, means each parent will receive 2 invoices in the amount of £120 each, totalling £240 for both children, this is reduced to £60 per child if paid within 21 days).

Where a Fixed Penalty Notice is not paid within the required timeframe as set out on the notice, the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal proceedings under S444 Education Act 1996.

Fixed Penalty Notices are issued in accordance with Warwickshire County Council's Code of Conduct for Penalty Notices.

“Evidence shows that children with poor attendance are unlikely to succeed academically and are more likely to be NEET (not in education, employment or training) when they leave school”.

“If children are taken away for a two week family holiday every year and have an average number of days off for sickness and appointments, they will have missed the equivalent of a year off school by the time they are sixteen”.

“There is a clear link between poor attendance at school and lower academic achievement”.  
(Improving attendance at school – Charlie Taylor pub. DfE 2012)

**Warwickshire Secondary School pupils recorded 8,895  
half day sessions of absence due to holiday in the  
Autumn/Spring term during academic year 2017/18.**

**This is an increase of 1,816 on the previous year.**

Previous interpretations of the regulations, where Headteachers could grant pupils leave of absence of up to 10 days for the purpose of a two week family holiday in term time, has been interpreted by some parents as a right to an automatic two week term-time holiday. **This is not acceptable and the rules have been strengthened to prevent this happening in the future.**

For this reason, the Government has brought in new guidance, tightening taking time off in term-time. These new rules come into force on 1 September 2013. **Headteachers are no longer permitted to authorise absence for holidays taken during term time. They are permitted to grant leave only in exceptional circumstances.** If you think you have exceptional circumstances please talk to us without delay and before arrangements are entered into or money is committed.

If exceptional circumstances are accepted, the Headteacher will determine how much absence will be authorised.

**We understand that holidays are generally less expensive during term time but this does NOT count as an Exceptional Circumstance.**

**Parents please note:**

Leave which is taken for the following reasons will not be authorised:

- Availability of cheaper holidays
- Availability of desired accommodation
- Poor weather experienced in school holidays
- Overlap with the beginning or end of term

We greatly appreciate parental support to reduce the total amount of days lost due to holidays. We are committed to working in partnership with you to enable your child to reach their academic targets and to support their development and for this to happen we need to keep individual attendance as high as possible and we all need to play our part.

**Why attendance matters:**

- |                             |   |                  |
|-----------------------------|---|------------------|
| • Less than 5 days absence  | = | 98% attendance   |
| • 14 days absence (approx.) | = | 93.5% attendance |
| • 20 days absence (approx.) | = | 90% attendance   |
| • More than 30 days absence | = | 88% attendance   |

If a child achieves 80% attendance, this means that they have missed approximately 40 days of education over the academic year, averaging 1 day per week. If a child's attendance equates to 80% over their time in secondary school, they will miss more than a full year of education.

**Be aware:**

Holidays which are unauthorised should not be taken, If they are taken, parents are in breach of their legal duty to ensure that their child attends school full time and may be subject to a Fixed Penalty Notice or prosecution through the courts.

**Your child's progress academically, as well as socially, is our shared priority.**