



Leave of Absence, Holidays in Term Time and Extended Leave of Absence Policy for Pupils

Agreed by Governors on: 20/03/17

Signed by Chair of Governors: Sally Birkbeck

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PUPIL LEAVE OF ABSENCE /HOLIDAY in TERM TIME

SUMMARY STATEMENT

Attendance at school is a child's legal entitlement and the parents' legal responsibility. The Department for Education expects all pupils to attendance to be 95%.

Following changes to the Pupil Registration Regulation in September 2013, Governors and the Head teacher will only grant leave of absence in the most exceptional circumstances, such as bereavement.

Requests for holiday in term time will not be granted or authorised, except in the most exceptional circumstances.

All applications for leave of absence must be made in advance by the parents or carers.

Parents and Carers making a request will be invited to a meeting with a Governor and the Head teacher/Deputy Head Teacher to discuss any request for leave of absence /holiday in term time. No leave arrangements such as booking flights should be made prior to this meeting. Parents and carers will receive the decision of the meeting in writing.

Parents and Carers will also be invited to a meeting with a Governor and the Head teacher/Deputy Head Teacher to discuss explain any unauthorised leave of absence/holiday in term if taken without authorisation or notice.

Records of all absences, authorised or unauthorised are legally required to be kept in school and are reported at least annually on a child's Annual Review of their Statement of Special Educational Needs/Education, Health and Care Plan and in returns to OFSTED, the Department of Education and the Local Authority.

Safeguarding

Any unexplained or unauthorised absence is a safeguarding concern and children may be reported as "Missing in Education"

Statutory Guidance from the Department of Education includes the following

- "A child going missing from education is a potential indicator of abuse or neglect.***
- "Staff should follow the school's procedures for dealing with children that go missing from education ,particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and help prevent the risks of going missing in the future " .***
- "Schools should put into place appropriate safeguarding policies, procedures and responses for children who go missing from education, particularly on repeat occasions. It is essential that all staff are alert to signs to look out for and the individual trigger to be aware of when considering the risks of potential***

safeguarding concerns such as travelling to conflict zones, Female Genital Mutilation (FGM) and forced marriage.”

- ***All schools must inform the Local Authority (LA) of any pupils who fails to attend school regularly, or has been absent without the school’s permission for a continuous of 10 school days or more, at such intervals as are agreed between the school and the LA.***

Child Sexual exploitation

- **“A significant number of children who are victims of sexual exploitation go missing from home, care and education at some point”.**

Leave of Absence/holidays in term time: Guidance

- It is important that children attend school regularly if they are to benefit from the learning opportunities provided.
- Children who are absent from school due to holiday in term time will miss out on important learning.
- The time teachers and staff have to help children in a class is reduced if they spend time helping a child catch up after a holiday.
- Educational experiences in school missed as a result of a family holiday cannot be re-captured later.
- If a child does not attend school regularly they will not be able to keep up with school work. This has a serious impact on opportunities later in life.

Leave of Absence for Family Holidays in term time

Following changes to the Pupil Registration Regulation in September 2013 Governors and the Head teacher will only grant leave of absence in the most exceptional circumstances, such as bereavement. Requests for holiday in term time will not be granted or authorised, except in the most exceptional circumstances.

All applications for leave of absence must be made in advance by the parents, carers or corporate parent that the pupil normally resides with and Children’s Services have provided schools with a standard ‘Leave of Absence Request Form’

Schools’ discretion around leave of absence is far-reaching. They are able to refuse the whole period requested by a pupil’s parents, grant part of the period and refuse the remainder, or grant the whole of the period requested. Any leave of absence granted by a school must be recorded as authorised using the appropriate absence code. Periods that are refused must be recorded as unauthorised.

All requests should be treated on a case by case basis which should give it the flexibility to respond to difficult circumstances whilst discouraging unnecessary absence.

All requests for a leave of absence will be responded to by inviting parents/carers to a meeting with a Governor and the Head teacher to discuss the request. The outcome of the

meeting will be explained in writing giving the reasons for the decision. It is particularly important that letters approving a request clearly state:

- the number of days of absence the school are prepared to authorise and the expected date of return;
- that the parents are expected to contact the school if anything delays the pupil returning to school when expected; and
- what action will be taken if the pupil fails to return when expected.

Similarly, a letter refusing a request should explain the reasons for the refusal and what action will be taken if the parents ignore the refusal and keep their child away.

The document “***Children's Services Holidays in Term Time Penalty Notice Procedures***” available on Bradford School Online includes a number of ‘template’ letters for this purpose.

Parents should be made aware that time off school for **family holidays** is not a right. Leave of absence for the following reasons should not be authorised, as they are not exceptional circumstances:

- availability of cheap holidays;
- availability of the desired accommodation;
- poor weather experienced in school holiday periods.

Whilst the application must be made by the parent(s) that the child normally resides with, there is no restriction on who the holiday is taken with. This is a matter for the parent(s) not the school.

The issues that schools should take into account when considering a request for leave of absence include:

- the amount of time requested
- the pupil's absence/attendance record. The DFE have set attendance at 95%
- any previous holiday /leave of absence requests
- the dates of holidays of siblings in other schools, to enable a family holiday
- length of the proposed leave
- pupil's ability to catch up the work missed and the family's ability to provide it
- progress and achievement
- pupil's educational needs

- general welfare of the pupil
- any safeguarding concerns
- circumstances of the request
- purpose of the leave
- when the request was made
- timing within the pupil's school life e.g. will they miss key events such as transition to new classes/schools? Have they just started, are they leaving? What is the impact of this?
- arrangements and bookings already made
- alternative care arrangements
- arrangements for siblings
- DFE and BMDC guidance
- OFSTED recommendations
- medical evidence for any health considerations

Removal from Roll (applies from the term after a child is 5 years old)

The Pupil Registration Regulations 2006 state that schools can delete pupils who fail to return on the date they were expected back from leave of absence or extended leave of absence if they fail to do so within 10 school days. However, the school must check that the pupils do not have a good reason for their absence, such as disrupted travel arrangements or illness, before deleting the pupil. The school and its local authority must make reasonable enquiries to establish the reason for non-return before the deletion is made. Schools are advised in line with the Children Missing Education guidance that they must refer all cases of children who are removed from the school roll having failed to return following a period of leave of absence to the Education Social Work Service who will make additional enquiries to attempt to locate the child.

If the pupil has a good reason to be absent he/she should be marked authorised absence using the relevant Attendance Code and the pupil cannot be deleted. If, in the school's view, the pupil does not have a good reason, the parents should be reminded of:

- the date the school said it expected the pupil to return;
- the parents' responsibility to ensure that the child attends school regularly;
- the possibility of legal sanctions against the parents;
- the possibility of the school deleting the pupil from the school roll; and
- that the pupil must be marked unauthorised absence.

If, after making reasonable enquiry, the school is unable to contact the parents or has any concerns about the pupil and his/her welfare, it should seek assistance from the Education Social Work Service. Schools should not wait until they are about to delete a pupil to seek this assistance. Further guidance on reasonable enquiry and areas that might cause concern to schools is available from the Bradford Council, Children Missing Education 'When a Child Goes Missing' guidance for schools.

Penalty Notice Code of Conduct – Revised August 2014 By BMDC

(applies from the term after a child is 5 years old)

1. Legal Basis:

Section 23 of the Anti-Social Behaviour Act 2003 empowers designated LEA officers, Head teachers (& Deputy and Assistant Head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2004 came into force on 27 February 2004.

The issuing of Penalty Notices must conform with all requirements of the Human Rights Act and all Equal Opportunities legislation.

Bradford Council has the prime responsibility for developing the protocol within which all partners named in the Act will operate.

2. Purpose:

Bradford Council recognises that regular school attendance plays a crucial role in raising educational standards for children and young people and in turn contributing to the broader social inclusion agenda.

The law states that the parent of every child of compulsory school age must ensure their child receives efficient, full-time and suitable education. Under the Education Act 1996 a parent may be prosecuted if they fail to ensure their child attends regularly.

Penalty notices supplement the existing sanctions currently available to Bradford Council to enforce attendance at school where appropriate.

The Education Social Work Service is responsible for fulfilling Bradford Council's statutory responsibilities to promote and enforce school attendance. The Service works in partnership with schools to support parents and pupils and to overcome barriers to securing good attendance.

The use of sanctions is only considered appropriate when there is reasonable expectation that their use will secure improvement.

3. Circumstances where a Penalty Notice may be issued:

(Applies from the term after a child is 5 years old)

A Penalty Notice can only be issued in cases of unauthorised absence.

Use of Penalty Notices will be ***unrestricted and parents may receive more than one penalty notice for the same child in any academic year, particularly in cases where unauthorised leave of absence/holidays in term time occurs. The Education Social Work Service will consider a prosecution under Section 444(1) of the Education Act 1996 where a penalty notice have previously been issued.***

In cases where families contain more than one poor-attending pupil, multiple issue may occur but this will be the subject of careful consideration and co-ordination.

There will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of a Penalty Notice.

The issuing of a Penalty Notice is considered appropriate in the following circumstances:

- overt truancy (including pupils caught on truancy sweeps),
- parentally-condoned absences,
- unauthorised leave of absence/holidays in term-time,
- excessive delayed return from authorised holidays without prior school agreement,
- persistent late arrival at school (after the Register has closed),

To ensure consistent delivery of Penalty Notices the following criteria will apply:

- at least 10 sessions (5 school days) lost to unauthorised absence by the pupil in a period of 6 school weeks.
- other than in specific circumstances* the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued and given a maximum of 20 school days to effect an improvement. An attendance target will be issued with the formal warning.

** the deliberate taking of a holiday in term time without the school's permission or where permission has been denied (where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given) and where this has created a period of unauthorised absence of at least 10 sessions.*

Consultation between a school and the relevant officer from the Education Social Work Service should take place before considering whether a Penalty Notice would be appropriate in order to ensure that all cases are consistent with the agreed criteria.

4. Procedure for issuing Penalty Notices:

The Principal Education Social Worker will issue Penalty Notices in Bradford.

Penalty Notices will only be issued by post and never as an on the spot action; this to satisfy that all evidential requirements are in place and to meet Health and Safety requirements.

The Principal Education Social Worker will receive requests to issue Penalty Notices from

schools, West Yorkshire Police and neighbouring LAs. These requests will be actioned provided that:

- all relevant information is supplied in the specified manner,
- the circumstances of the pupil's absence meets all the requirements of this Protocol,
- the issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.

The Principal Education Social Worker will respond to all requests within 10 school days of receipt and where all criteria are met will:

- issue a formal written warning to the parent/carer of the possibility of a Penalty Notice being issued,
- in the same letter set a period of 20 school days within which the pupil must attain the specified target,
- issue a Penalty Notice through the post at the end of the 20 day period if the required level of improvement has not been achieved.
- ***Immediately issue a Penalty Notice, at the request of a school, where leave of absence/holiday in term time has been taken without seeking the permission of the school or where permission has been denied and where that school has a clear policy in place that has been widely communicated to parents, that penalty notice fines will be issued for unauthorised leave of absence/holidays in term time.***

5. Procedure for Withdrawing Penalty Notices:

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- proof has been established that the Penalty Notice was issued to the wrong person,
- the use of the Penalty Notice did not conform to the terms of this Protocol.
- ***At the request of the school***
- ***Where parents provide evidence that the absence was due to an unavoidable cause***

Payment of Penalty Notices:

Arrangements for payment will be detailed on the Penalty Notice.

Payment of a Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the penalty Notice.

From 1 September 2013, payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120.

The LEA retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

6. Non-payment of Penalty Notices:

Non-payment of a Penalty notice will result in the withdrawal of the Notice and will trigger the fast-track prosecution process under the provisions of Sec 444, 1996 Education Act.

7. Policy and Publicity

All schools will be required to amend existing Attendance Policies to include information on the deployment of fixed penalties.

8. Reporting and Review

The Principal Education Social Worker will report at regular intervals to the Headteacher Associations, West Yorkshire Police and other relevant partners on the deployment and outcomes of Penalty Notices as required

The Principal Education Social Worker will review Penalty Notice use at regular intervals.