APPLICATION FOR LEAVE OF ABSENCE FOR A SCHOOL PUPIL IN TERM TIME IN EXCEPTIONAL CIRCUMSTANCES ONLY

Important Information for Parents/Carers

Generally, the DfE 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.

- **Exceptional circumstances**: All schools can grant a leave of absence for other exceptional circumstances at their discretion:
  - It must be requested in advance by a parent who the pupil normally lives with.
  - Schools are then expected to consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request.
  - If a leave of absence is granted, it is for the school to determine the length of the time the pupil can be away from school.
- When making an application for Leave of Absence the resident parent is advised to give sufficient information and time to allow the Head teacher the opportunity to consider all the exceptional circumstances and to notify of their decision.
- Requests for leave of absence should made before any arrangements confirmed or money committed.
- It is advised if you have not received notification from the school regarding the leave of absence request, it is your responsibility to ascertain if the leave is authorised prior to the start of leave.
- Failure to make a request for a leave of absence in advance will result in the absence being recorded as unauthorised.
- Any additional days taken either side of a leave of absence period, which has not been applied for, may be considered as part of the leave of absence period and be unauthorised.
- Unauthorised Leave of Absences will be referred to the Warwickshire Attendance Service upon the child's return to school for consideration of a Penalty Notice.

Please see over for important information relating to the changes in relation to Penalty Notices

I wish to apply for Leave of Absence from school to be granted to:

Name of Child: _____ Form Group: _____

First Date of Proposed Absence: _____ Last date of Proposed Absence: _____

Expected date of return to school: _____

Reason for Proposed Absence – please provide reasons to support the application including evidence (*see overleaf before completing*):

……..……..……
……..……
……..……

Total Days Requested on this occasion. ☐

(For siblings) I have also applied to _____ School/Academy for leave of absence for
(Insert child/children's name)

Signature of resident Parent/Carer: _____

Print Name: _____ Date: _____

For school use only: NAME OF CHILD: _____ **Date received by school:** _____

1st date of absence requested by parents: ……. Last date of absence requested by parents: …….

Expected date of return to school (as advised by parents): ……

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Absence: Authorised / Unauthorised / Split (please delete as appropriate)

The reasons for this decision are: ……...

- **LOA record sheet to be completed by school and submitted where verbal requests made/ for other relevant information**

Head teacher/Attendance Lead: …..……..... Date: ……..……

- ***Copy of this completed section should be sent back to parent with letter***

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- Parents have a legal duty to ensure that their children of compulsory school age receive a suitable full-time education through regular attendance at a school or otherwise (ie home education) (Section 7 Education Act 1996). If a child who is of compulsory school age, who is registered at school and fails to attend regularly, it is the parent that will be guilty of an offence (Section 444 (1) Education Act 1996).

- Section 576 Education Act 1996 defines 'parent' as:
  - Any natural parent, whether married or not;
  - Any parent who, although not a natural parent, has parental responsibility as defined in the Children Act (1989) for a child or young person;
  - Any person who, although not a natural parent, has care of a child or young person.

- The National threshold is 10 sessions of unauthorised absence in a rolling period of 10 school weeks. If the local authority believes a penalty notice would be appropriate, they retain the discretion to issue one before the national threshold is met. This might apply for example, where parents are deliberately avoiding the national threshold by taking several term time holidays below threshold, or for repeated absence for birthdays or other family events. Please refer to Warwickshire County Council's Code of Conduct for non-school attendance and penalty notices for further information.

Leave of Absence taken <u>after 1 September 2024:</u>

The law relating to Penalty Notices has been amended and Penalty Notices issued for Leave of Absences taken after 1 September 2024 will be issued in accordance with the updated legislation.

- **<u>First Leave of Absence offence:</u>** The Penalty Notice amount of £160 to be paid within 28 days, this is reduced to £80 each child if paid within 21 days.

- **<u>Second Leave of Absence offence within a 3 year period (from the date of issue of the first penalty notice):</u>** The amount of £160 paid within 28 days. No reduced amount.

- ***<u>Third Leave of Absence offence within a 3 year period (from the date of issue of the first penalty notice).</u>*** *A penalty notice will not be issued, and the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.*

- Any Penalty Notices issued and/or prosecution will apply to <u>each parent for each child who fails to attend school (e.g 2 absent children is 2 offences under section 444 Education Act 1996).</u>

- A Penalty Notice is an alternative to prosecution, however if the Penalty Notice expires and is not paid Warwickshire County Council will consider instigating a criminal prosecution under the Education Act 1996.

- Payment plans will not be offered and/or payments received outside of the 28 day period will not be accepted.

- Where criminal proceedings are issued and a parent is found guilty, the court could issue a sentence of a fine of up to £1,000 for a Section 444(1) conviction; or £2,500, a community sentence period or a custodial period of up to 3 months for a Section 444(1A) conviction.