

## Leave of Absence in Term Time

- 1 The Anti-Social Behaviour Act (2003) now gives the Local Authority and School the power to issue fixed penalty fines for unauthorised leave of absence in term time.
- 2 No parent can demand leave of absence as a right.
- 3 Any request for leave of absence must be made in advance.
- 4 Leave of absence cannot be authorised retrospectively.
- 5 The request for leave of absence **should** be made by the parent /carer “with whom the child normally resides”. If this is the parent /carer who is not taking the child out of school, the full name and address of the parent /carer who is taking the child out of school **must** be provided on the form.
- 6 If the request for leave of absence in term-time is made because of the parent /carer’s workplace leave arrangements then a letter from the employer explaining why the leave of absence has to be taken in term-time **must** be attached to this request form on proper letter- headed paper.
- 7 There is no requirement to authorise just because a request has been made. The amendments \* make it clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances  
See Code of Conduct /Guidance relating to Leave of Absence
- 8 The circumstances of each individual request for leave of absence will be taken into account
- 9 The decision to approve / not approve the request is for the school, not the Authority or the parent. Only schools can authorise / not authorise absence.
- 10 There is no statutory threshold of ten days
- 11 If important work has been missed by the pupil due to the parents making a request for leave of absence the parents should not expect special arrangements to be made by the school for that pupil to catch up that work.

\* The Education (Pupil Registration) (England) Regulations 2006

**If you go ahead with the leave of absence when unauthorised, you may receive a Fixed Penalty Notice issued through the Local Authority. Per child, this will be £60 if paid within 21days; payment after this time but within 28days is £120 Failure to pay a fixed Penalty Notice will render you liable to criminal proceedings in the Magistrates Court under Section 444(1) of the Education Act 1996.**