



PARKLEA PRIMARY SCHOOL

Term Time Leave Policy

The school has adopted the following Term Time Leave Policy in conjunction with Luton Borough Council

INTRODUCTION

New legislation was passed in Spring Term 2024. The School Attendance (Pupil Registration) (England) Regulations 2024 which introduced a National Framework in England. The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude and any special educational need they may have. Parents have a legal duty to ensure their child attends school regularly at the school at which they are registered. Parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

There is no entitlement in law for pupils to take time off during the term to go on holiday or other absence for the purpose of leisure or recreation, or to take part in protest activity in school hours. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school."

The School Attendance (Pupil Registration) (England) Regulations 2024 set out the statutory requirements for schools. All references to family holidays and extended leave have been removed. The amendments specify that headteachers **may not** grant any leave of absence during term time unless there are "exceptional circumstances" and they **do not** have any discretion to authorise up to ten days of absence each academic year.

It is a rule of Parklea Primary that a leave of absence shall **not** be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing, in advance, on the prescribed form provided by the school. The school will usually consider that the parent who has made the application is therefore allowing the leave of absence, and also that all parents who are on the holiday are allowing the leave.

If leave of absence is authorised, the school will not provide any work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

APPLICATIONS FOR LEAVE OF ABSENCE / HOLIDAY

All requests must be made at least 2 weeks in advance to the Head Teacher by completing the school application form. A parent/carer with whom the child resides must make the application even though the pupil may not be taking the proposed leave with them. The form must be fully completed, and you will receive a written response confirming whether the request will be authorised or not.

Requests will not be processed more than 12 weeks in advance.

If emergency travel is unavoidable, please contact the school on the first day of absence.

In all circumstances travel information should be provided - you may be required to also supply booking and payment date information if the leave was booked last minute as an emergency. If flights are cancelled for any reason then original flight details and reasons for cancellation will be requested.

The information you provide will aid the Head teacher in making the decision on whether the leave was indeed unavoidable and exceptional. The headteacher/school may discuss the leave of absence request with other education settings and/or the Local Authority to determine any exceptional circumstances.

Where a parent removes a child after their application for leave was refused or where no application was made to the school, the absence will be recorded as unauthorised. It is likely that penalty notices will be requested, in line with the National Framework and Luton Code of Conduct, in respect of each parent believed to have allowed the absence.

National Framework for Penalty Notices

There is now a single consistent national threshold for when a penalty notice must be considered by all schools in England, of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period. The 10 sessions of absence do not have to be consecutive and can be made up of a combination of any type of unauthorised absence (G, O and/or U coded within the school's registers). The 10 school week period can span different terms, school years or education settings.

Where parents are deliberately avoiding the national threshold by taking several term time holidays below threshold, for example returning to school on the fourth day (before the five-day minimum) or using the days before and after school holiday dates during the academic year, or repeated absence for birthdays or other family events. The local authority will exercise discretion and consider issuing a penalty notice if appropriate.

Sanctions may include issuing each parent (for each child) with a Penalty Notice for £160, reduced to £80 if paid within 21 days (for the first offence). A second Penalty Notice issued within a three year period will result in a fine of £160 per parent, per child. If a third offence is committed the matter may be referred to the local authority for consideration of prosecution via the Magistrates Court. If prosecution is instigated for irregular school attendance, each parent may receive a fine of up to £2500 and/or up to 3 months in prison. If a parent is found guilty in court, they will receive a criminal conviction.

Luton PN code of conduct can be found on the Luton council website.

FAILURE TO RETURN TO SCHOOL ON THE DATE EXPECTED

If there is a reason which delays the pupil in returning to school the parent/carer must inform the school immediately. The school will require evidence of this issue and will then decide whether the absence will be authorised. For any travel arrangements outside of the UK we require proof of return flights, prior to the leave being taken. This may prevent you from receiving unauthorised absence for your child and being fined if they are unable to return on the date expected. Each case will be assessed individually and medical evidence from abroad will not be accepted routinely as evidence that a pupil was unable to attend school. Dates will need to be checked, and a translator may be required to clarify details of the medical certificate.

ROLL REMOVAL

A pupil may be removed from roll in either of these circumstances:

- If you take your child on leave of absence which has been authorised by the school but your child fails to return on the agreed date, any extra time absence from school will be counted as unauthorised. If your child fails to return within ten days of the expected date of return then the school may remove your child from the school roll and notify the Local Authority accordingly.
- Or if your child has 20 days continuous unauthorised absence.

Review

The Governing Body reviews this policy annually.

Agreed by Governors on: 9th December 2024

Next review date: As Required



REQUEST FOR LEAVE OF ABSENCE FROM SCHOOL DURING TERM TIME

Ideally this should be completed before booking any travel arrangements - however if you took emergency leave and you have returned, please complete and return this form within 5 school days.

Please give all evidence of the reasons for the leave with supporting documentation to enable the Headteacher to consider whether the absence will be authorised due to exceptional circumstances. You will be notified of the decision by the school office. If the absences are NOT deemed as exceptional, they will remain unauthorised, and a Penalty notice could be issued to both parents for 5+ days of absence.

Date passed to parent for completion (office to complete) _____

Date received by the office (office to complete) _____

To be completed by the Parent/Guardian who child normally resides with.

Pupil's name Class

Address

Ethnicity Date of Birth

Date of absence request From To

Reason for application

.....

Travelling abroad? Yes/No Country Return date to school

Proof of return (tickets, email, etc) shown to school on:.....

1st parent/guardian details

2nd parent/guardian details

First name

First name

Surname

Surname

Address

Address

.....

.....

Telephone

Telephone

I HAVE READ THE TERM TIME LEAVE POLICY and UNDERSTAND A PENALTY NOTICE WILL BE ISSUED WHERE THE LEAVE IS NOT AUTHORISED.

1st Parent/Guardian signature: **Date**

Name

2nd Parent/Guardian signature: Date

Name



SCHOOL RESPONSE

If the child has had previous term time leave, please state dates and number of days taken

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Leave agreed / Not agreed.

Signed Head Teacher

Reasons

Date form returned to parent/guardian