

MOORFIELD PRIMARY SCHOOL



LEAVE OF ABSENCE POLICY

(A Guide for Schools in Stockport)

Term of Staff Review:	Autumn 2024
Reviewed & Approved By Governing Body:	Autumn 2024
Committee:	Full Governing Body
Term of Next Review:	Autumn 2025

Inspiring Creative Learners for Exciting Futures

1. Introduction

The purpose of this guidance is to:

- Assist schools in responding to parental requests for leave of absence.
- Assist schools in using the Education Penalty Notice system as a response to unauthorised leave of absence.

This guidance has been updated in September 2024 to take account of the changes arising from the Education (Penalty Notice) (England) (Amendment) Regulations 2024 and the statutory guidance document “Working together to improve school attendance: Statutory guidance for maintained schools, academies and local authorities” (published 29/02/2024, applies from 19/08/2024).

These changes create a national framework for the use of Education Penalty Notices across England. This framework includes a requirement on all schools to consider using Education Penalty Notices whenever a new national minimum threshold of 10 unauthorised absences in 10 school weeks has been met.

This national framework has been embodied locally in Stockport Council’s revised local Code of Conduct for Attendance-related Education Penalty Notices (August 2024) available on the Council’s website.

2. Responding to parental requests for leave of absence

The School Attendance (Pupil Registration) (England) Regulations 2024 restrict the ability of schools to grant permission for leave of absence to cases where they are satisfied that “exceptional circumstances” exist. The Regulations only apply to maintained schools. Other schools such as academies are however subject to the Department for Education’s guidance on this matter and it is recommended that academies take the same approach as maintained schools. Stockport Council recommends the following approach:

- The Council recommends National Association of Head Teachers guidance on exceptional circumstances is followed: this is copied below at Appendix 10.
- Each request must be considered on its merits, and the default position should not be that parents are being untruthful.
- The procedure for requesting permission should be clearly accessible to parents.
- Blanket policies to refuse all requests or certain categories of request are unlawful and should be avoided; schools should take care to ensure that letters and communications to parents do not suggest that a blanket approach is taken.
- As a general rule, a holiday is very unlikely to be exceptional given that there are 13 weeks of school holidays a year available to parents.

Requesting Evidence

Where exceptional circumstances are claimed it is reasonable for schools to seek evidence before agreeing to authorise some or all of the absence. In the case of absence taken at short notice, this can be requested after the child returns to school.

The most common scenario where it might be reasonable to seek evidence are likely to be where parents state they wish to visit family abroad due to an emergency which has arisen.

Parents can be advised that in order to assist school in deciding whether they can authorise the absences they are requested to provide certain documentary evidence. This could be:

- Evidence of a flight booking to show it was booked just before the absence started and that the absences weren’t planned months in advance.
- Medical evidence.

Other types of evidence might be appropriate in other circumstances.

A suggested letter is found at Appendix 8.

If this evidence is not produced, schools will be in a far stronger position if they decide not to authorise absences which may at first sight appear to be necessitated by “exceptional circumstances” because they will have given the parent an opportunity to provide the necessary evidence.

Authorising part of a period of absence

Where exceptional circumstances are demonstrated, but the amount of time sought is excessive, schools should consider authorising part of the request period of absence.

For example, in the case of a parent seeking four weeks of leave to visit an ill relative abroad or attend a family funeral, a school could consider authorising two weeks and indicating that the other two weeks would not be authorised.

Authorising part of the absence where exceptional circumstances are demonstrated enables schools to demonstrate that they have considered the merits of the case and have responded in a reasonable and proportionate manner.

How should the register be marked?

If it is clear that the leave of absence was for a holiday code G should be used if the absences is unauthorised, code C if authorised.

If the leave of absence was for a purpose other than a holiday, code O should be used if unauthorised, code C if authorised.

3. The new statutory duty to consider using the Education Penalty Notice system as a response to unauthorised holidays/leave of absence

From the start of the autumn term 2024 schools are required to consider using the EPN system whenever the minimum threshold of 10 sessions of unauthorised absence in 10 school weeks is met, whether the absences is due to term time holidays or any other reason.

The guidance is clear that for unauthorised absence due to reasons *other* than leave of absence, EPNs are unlikely to be an appropriate first response as supportive measures to improve attendance should always be implemented before punitive options are considered.

However, for instances of unauthorised absence arising from term time holidays/leave of absence taken without permission, the statutory guidance is clear that supportive measures are not required and that schools should proceed to refer cases for Education Penalty Notices.

Occurring at the start of the 2024-2025 school year, the government has created a new system of escalating penalties. These new rules mean that:

Parents who take their child out of school without permission for a term time holiday (or period of leave of absence for other purposes) can receive a fine of £80 per parent per child issued by the Local Authority.

- For the first offence occurring after the start of the 2024-2025 school year, a fine of £80 per parent per child can be issued, these fines are payable within 21 days but rise to £160 each if paid between 22 and 28 days. If unpaid after 28 days, the parent will be liable to prosecution for the offence of failing to ensure regular school attendance.
- If a parent is issued with a second EPN in relation to the same child within a rolling three-year period, it will be at the rate of £160.
- If a parent commits a third offence for which they would otherwise be fined within a rolling three year period, they cannot be offered the chance to pay a fine and will therefore simply be prosecuted.

4. Operating the EPN system

Introducing Education Penalty Notices (EPNs) at your school

If your school has not used the EPN system in the past we recommend that certain preliminary steps are taken:

- Notifying parents in advance through letters to parents and information in newsletters and the school website. We would recommend starting the communication process at least a term in advance to ensure parents are given plenty of notice.
- Updating the school's Attendance Policy if necessary to refer to the use of EPNs.
- Ensuring sufficient admin resources are in place to enable proper processing of parental requests, recording of information about instances of unauthorised leave of absence and submitting requests for EPNs to be issued in individual cases.

Operating the system successfully

Key considerations

- Ensuring requests are responded to quickly and in writing – we recommend that wherever possible all requests for permission are responded to in writing. This provides clarity for parents about the school's position and the possible consequences if the absences go ahead and reduces the chances of parents falsely claiming that someone at the school authorised the absences.
- Keeping accurate records of telephone conversations with parents about leave of absence.
- Ensuring consistency and transparency – where EPNs are used, the EPN system should be applied consistently to all cases of unauthorised leave of absence meeting the minimum criteria of 10 sessions (5 days); this is because the exercise of discretion should be applied to determining whether exceptional circumstances exist, not to whether a fine should be requested. If it appears to you that a fine should not be requested, that may suggest that the absences should be authorised. Selecting some parents who take unauthorised leave of absence to receive fines and others not to places schools at risk of accusations of unfair treatment or discrimination.

Getting the case ready

After an instance of unauthorised leave of absence meeting the criteria of 10 sessions (5 days) has occurred there are a few steps to take before submitting the request:

- Is a follow-up letter needed? – if the parent informed you of the holiday verbally at the start of the holiday or just before it's a good idea to have sent a follow up letter to confirm the absences are not authorised and that an EPN will be issued. A suggested letter can be found at Appendix 5.
- Is a "suspected holiday" letter needed? - if the parent did not inform you of the holiday and you found out about it from the child or one of the emergency contacts or some other way, please send a suspected holiday letter. The idea behind this is that the parent is given a chance to respond and provide further information within a specified period before an EPN is requested. This is particularly important in cases where the parent offered an alternative explanation at the time – e.g. that the pupil was ill. Two suggested letters can be found at Appendix 6 and Appendix 7. Letter A should be used in most cases where the parent has neither requested permission nor sought to advance an alternative reason for the absences, but Letter B should be used where it is necessary to challenge an alternative reason provided by the parent – usually that the child was ill. It is particularly important that all information and communications are recorded accurately. If in any doubt about how to proceed, please seek advice from the Education Legal Officer in the Local Authority.
- Requesting evidence of exceptional circumstances - depending on the circumstances it may be necessary to request evidence of exceptional circumstances before you can decide whether leave of

absence should be unauthorised and an EPN requested. For more information see page 3 above and the suggested letter at Appendix 8.

- Dealing with separated parents - although in theory both parents in a separated couple could be fined, it is unlikely to be fair or practical to do so, and so normally only the parent who took the holiday will receive a fine and only their details should be given when the fine is requested. A problem that sometimes arises is where the name and/or address of the “absent” parent who you have been informed took the child out for the holiday is not known to you. In those circumstances we recommend the following course of action:
 - (1) contact the parent with whom the child lives and ask for the name and/or address of the other parent, explaining that although either parent could receive a fine, in order to enable it to be issued appropriately to the other parent, you require their details. Ask for it to be provided within a specified period.
 - (2) if this is forthcoming, then send the parent who took the holiday the “suspected holiday” letter to give them a chance to respond.
 - (3) only once these steps are completed should you submit an EPN request

We would ask schools to be conscious of any risks of domestic abuse: clearly any action which might place a parent at risk of harm from the other parent must be avoided. If in any doubt about this, please seek advice from the Local Authority Education Legal Officer in the Education Welfare team.

Completing an Education Penalty Notice Request to the Education Welfare Service

You can request that an EPN be issued by completing the dedicated online form which can be found at: <https://www.stockport.gov.uk/start/request-an-education-penalty-notice>

Requests must be made within 2 months of the end of the period of absence. You will need to provide brief background information and upload copies of holiday request forms and relevant letters and emails with the family.

5. Further considerations: Safeguarding of Pupils Missing from School and Removal from Roll

Under Stockport’s procedures all pupils absent without authorisation for 10 consecutive days must be reported by school to the Contact Centre using the Missing from School online form. This applies to pupils with N, G and O codes and includes cases where the parent notified you of the holiday in advance.

6. Further information

Further information and advice about Leave of Absence and Education Penalty Notices can be obtained from your allocated Education Welfare Officer or from the Education Legal Officer at Stockport Council.

Telephone: 0161 218 1107

Email: education.welfare@stockport.gov.uk

Appendix 1

Suggested Leave of Absence Request form

Leave of Absence Request Form

This form should be completed and submitted to [insert details] within [four weeks] of the start of the proposed leave of absence. A separate form should be completed for each child that leave of absence is being requested for.

Parents and carers are reminded that leave of absence taken without permission may result in the issuing of fixed penalty fines by the local authority of up to £160 per parent per child or prosecution.

Parents are also reminded that leave of absence for the purpose of holidays in term time can no longer be granted save in the most exceptional circumstances.

Name of child:	
Form:	
Name of parent:	
Address:	
Telephone number:	
Start date of proposed leave of absence:	
End date of proposed leave of absence:	
Reasons for request:	

Signed _____

Dated _____

Appendix 2

Suggested letter to all parents prior to starting to use the EPN system

Dear Parent/Carer

Term Time Holidays and Leave of Absence

I am writing to advise you of a change in the school's policy in relation to holidays in term time and other leave of absence. These changes reflect changes in the law at a national level in recent years and are in line with the advice and policies promoted by Stockport Council across all the schools in Stockport.

The Legal Position

Schools are now only allowed to authorise leave of absence from school if they are satisfied that there are exceptional circumstances.

The effect of this change means that it is now very unlikely that permission for pupils for leave of absence for holidays will be granted. Schools may also require evidence to be provided before agreeing to authorise any exceptional leave of absence.

Education Penalty Notices

Parents should be aware that if holidays or other leave of absence are taken during term time without permission they can be issued with Education Penalty Notices by the Local Authority.

Education Penalty Notices (EPNs) are fixed penalty fines issued by Stockport Council. As a result of changes in the law, new rules apply to EPNs issued for instances of unauthorised leave of absence (such as for holidays) taking place after the start of the autumn term in September 2024. These are as follows:

- For the first fine issued for after the start of the 24-25 school year, the fine is £80 per parent per child if paid within 21 days, or £160 if paid within 28 days.
- If a second fine is then issued to the same parent for the same child within three years of the first fine it will be for £160.
- Third and subsequent offences - no further fines can then be issued if two have already been issued to the same parent for the same child within the previous three years (starting with the date of the first fine); instead the parent will be prosecuted by the Council in the Magistrates' Court.

Requests for Leave of Absence [to be tailored to the school's needs]

Parents are strongly requested to take holidays during the school holidays. If you wish to request Leave of Absence for any reason, we would ask you to do so [in writing to me/ in writing to the Chair of Governors/by completing a Leave of Absence request form/by making an appointment to see me] at least four weeks before the start of the proposed leave.

Yours faithfully

Appendix 3

Suggested letter to parents when granting permission (in full or partially) for a holiday or for leave of absence for other purposes

Date

Dear

Request for leave for [insert name of child] during the period [date] to [date].

Thank you for your request for leave of absence

Either

I have considered your request and can advise that I am willing to grant leave for [name of child] to be absent between the above dates.

Or

I have considered your request and can confirm that I am not willing to grant leave for [name of child] to be absent for the whole of the period requested. Permission is granted for [name of child] to be absent from **[date] until [date]** only.

[Name of child] will therefore be expected to return to school on **[date]**.

Please be aware that should your child fail to return to school on that date, any further absence from school will be unauthorised. This could result in:

- an Education Penalty Notice being issued to you
- in some cases, a prosecution being brought in the Magistrates' Court
- in some cases your child's name being removed from the school roll, resulting in your child losing his/her school place

Education Penalty Notices – further information

Education Penalty Notices (EPNs) are fixed penalty fines issued by Stockport Council. As a result of changes in the law taking effect from August 2024, new rules apply to EPNs issued for instances of unauthorised leave of absence (such as for family holidays) which occur after the start of the autumn term in September 2024. These rules have increased the level of the fines and also create a system of escalating sanctions for second and subsequent offences. The rules are as follows:

- For the first fine issued for an offence occurring after the start of the autumn term 2024, the amount of the fine is £80 per parent per child if paid within 21 days, or £160 if paid within 28 days.
- If a second fine is issued to the same parent for a further offence involving the same child within three years of the first fine, it will be for £160 per parent per child.
- Third and subsequent offences - no further fines can then be issued if two have already been issued to the same parent for the same child within the previous three years (starting with the date of the first fine); instead the parent will be prosecuted by the Council in the Magistrates' Court.
- N.B. Fines issued for offences taking place *before* the start of the 2024-2025 school year are not taken into account when determining which of the above sanctions applies.

In the event of unforeseen problems arising which prevent your child's return on the above date, please contact school immediately to discuss the position.

Yours sincerely

Appendix 4

Suggested letter to parents when refusing to grant leave of absence

Date

Dear

Request for leave for [insert name of child] during the period [date] to [date].

Thank you for your request for leave for the purpose of [give details].

Under current legislation, schools are now only allowed to authorise leave of absence if satisfied that exceptional circumstances exist.

Having considered your request I am not willing to give permission for the proposed leave of absence.

[Name of child]'s attendance at school during the above period is therefore required, and I must advise you if [he/she] does not attend school during this period, this could result in:

- an Education Penalty Notice being issued to you
- in some cases, a prosecution being brought in the Magistrates' Court
- In some cases your child's name being removed from the school roll, resulting in your child losing his/her school place

Education Penalty Notices – further information

Education Penalty Notices (EPNs) are fixed penalty fines issued by Stockport Council. As a result of changes in the law taking effect from August 2024, new rules apply to EPNs issued for instances of unauthorised leave of absence (such as for family holidays) which occur after the start of the autumn term in September 2024. These rules have increased the level of the fines and also create a system of escalating sanctions for second and subsequent offences. The rules are as follows:

- For the first fine issued for on offence occurring after the start of the autumn term 2024, the amount of the fine is £80 per parent per child if paid within 21 days, or £160 if paid within 28 days.
- If a second fine is issued to the same parent for a further offence involving the same child within three years of the first fine, it will be for £160 per parent per child.
- Third and subsequent offences - no further fines can then be issued if two have already been issued to the same parent for the same child within the previous three years (starting with the date of the first fine); instead the parent will be prosecuted by the Council in the Magistrates' Court.
- N.B. Fines issued for offences taking place *before* the start of the 2024-2025 school year are not taken into account when determining which of the above sanctions applies.

Yours sincerely

Appendix 5

Suggested letter where no request for permission made but parent informs school of holiday/leave of absence

Date

Dear [name/s of parent/s]

**Re: Name of child
Unauthorised Absence from school between [dates]**

I am writing to you with regard to [name]'s absences from school between the above dates which you have confirmed were due to leave of absence for the purpose of a holiday [other reason as appropriate].

As the school had not given permission for [name] to be absent from school during these dates, we are proposing to record the absences as unauthorised, and to refer the matter to the Local Authority. This may result in:

- an Education Penalty Notice being issued to you
- in some cases, a prosecution being brought in the Magistrates' Court

Education Penalty Notices – further information

Education Penalty Notices (EPNs) are fixed penalty fines issued by Stockport Council. As a result of changes in the law taking effect from August 2024, new rules apply to EPNs issued for instances of unauthorised leave of absence (such as for family holidays) which occur after the start of the autumn term in September 2024. These rules have increased the level of the fines and also create a system of escalating sanctions for second and subsequent offences. The rules are as follows:

- For the first fine issued for an offence occurring after the start of the autumn term 2024, the amount of the fine is £80 per parent per child if paid within 21 days, or £160 if paid within 28 days.
- If a second fine is issued to the same parent for a further offence involving the same child within three years of the first fine, it will be for £160 per parent per child.
- Third and subsequent offences - no further fines can then be issued if two have already been issued to the same parent for the same child within the previous three years (starting with the date of the first fine); instead the parent will be prosecuted by the Council in the Magistrates' Court.
- N.B. Fines issued for offences taking place *before* the start of the 2024-2025 school year are not taken into account when determining which of the above sanctions applies.

I would take this opportunity to remind you that in accordance with regulations imposed by the government leave of absence can only be granted in exceptional circumstances.

Yours sincerely

Appendix 6

Suspected holiday letter A - suggested letter where unauthorised leave of absence is suspected AND no alternative explanation provided by parent

Date

Dear

Re: Name of child
Unauthorised Absence from school between [dates]

I am writing to you with regard to [name]'s absences from school between the above dates. It has come to our attention that [name] was absent as a result of leave of absence taken without permission.

As the school had not given permission for [name] to be absent from school during these dates, we are proposing to record the absences as unauthorised, and to refer the matter to the Local Authority. This may result in:

- an Education Penalty Notice being issued to you
- in some cases, a prosecution being brought in the Magistrates' Court

Education Penalty Notices – further information

Education Penalty Notices (EPNs) are fixed penalty fines issued by Stockport Council. As a result of changes in the law taking effect from August 2024, new rules apply to EPNs issued for instances of unauthorised leave of absence (such as for family holidays) which occur after the start of the autumn term in September 2024. These rules have increased the level of the fines and also create a system of escalating sanctions for second and subsequent offences. The rules are as follows:

- For the first fine issued for an offence occurring after the start of the autumn term 2024, the amount of the fine is £80 per parent per child if paid within 21 days, or £160 if paid within 28 days.
- If a second fine is issued to the same parent for a further offence involving the same child within three years of the first fine, it will be for £160 per parent per child.
- Third and subsequent offences - no further fines can then be issued if two have already been issued to the same parent for the same child within the previous three years (starting with the date of the first fine); instead the parent will be prosecuted by the Council in the Magistrates' Court.
- N.B. Fines issued for offences taking place *before* the start of the 2024-2025 school year are not taken into account when determining which of the above sanctions applies.

Consequently, if you wish to provide any information regarding the reasons for these absences, I would ask you to contact me within the course of the next seven days.

Yours sincerely

Appendix 7

Suspected holiday letter B - suggested letter where unauthorised leave of absence is suspected following parent advising child was ill

Re: Name of child

Unauthorised Absence from school between [dates]

I am writing to you with regard to [name]'s absences from school between the above dates. It has come to our attention that [name] was absent as a result of leave of absence taken without permission.

The reason why we believe this to be the case is GIVE SPECIFIC DETAILS OF WHY SCHOOL DOES NOT ACCEPT THE PARENT'S EXPLANATION]

- an Education Penalty Notice being issued to you
- in some cases, a prosecution being brought in the Magistrates' Court

Education Penalty Notices – further information

Education Penalty Notices (EPNs) are fixed penalty fines issued by Stockport Council. As a result of changes in the law taking effect from August 2024, new rules apply to EPNs issued for instances of unauthorised leave of absence (such as for family holidays) which occur after the start of the autumn term in September 2024. These rules have increased the level of the fines and also create a system of escalating sanctions for second and subsequent offences. The rules are as follows:

- For the first fine issued for an offence occurring after the start of the autumn term 2024, the amount of the fine is £80 per parent per child if paid within 21 days, or £160 if paid within 28 days.
- If a second fine is issued to the same parent for a further offence involving the same child within three years of the first fine, it will be for £160 per parent per child.
- Third and subsequent offences - no further fines can then be issued if two have already been issued to the same parent for the same child within the previous three years (starting with the date of the first fine); instead the parent will be prosecuted by the Council in the Magistrates' Court.
- N.B. Fines issued for offences taking place *before* the start of the 2024-2025 school year are not taken into account when determining which of the above sanctions applies.

If you wish to provide any further information or evidence regarding the reasons for these absences, I would ask you to do so within the course of the next seven days.

Yours sincerely

Appendix 8

Suggested letter seeking evidence of exceptional circumstances following leave of absence where child has been withdrawn at short notice and parent claims exceptional circumstances exist

Re: Name of child

Absence from school between [dates]

As you will be aware schools are only able to authorise leave of absence if satisfied that there were exceptional circumstances. In order that we can determine whether some or all of the above absences can be authorised on the grounds of exceptional circumstances, we will therefore require some supporting evidence.

I would therefore be grateful if within the course of the next 7 days you could provide [to be completed as appropriate – the following are suggestions

- documentary evidence indicating when your flights were booked
- medical evidence in relation to the absence
- a death certificate

I would be grateful if you could provide this evidence within 7 days of the date of this letter.

I must make you aware that in the absence of satisfactory evidence, the absences will remain unauthorised and the case will be referred to the Local Authority. This may result in:

- an Education Penalty Notice being issued to you
- in some cases, a prosecution being brought in the Magistrates' Court

Education Penalty Notices – further information

Education Penalty Notices (EPNs) are fixed penalty fines issued by Stockport Council. As a result of changes in the law taking effect from August 2024, new rules apply to EPNs issued for instances of unauthorised leave of absence (such as for family holidays) which occur after the start of the autumn term in September 2024. These rules have increased the level of the fines and also create a system of escalating sanctions for second and subsequent offences. The rules are as follows:

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- Third and subsequent offences - no further fines can then be issued if two have already been issued to the same parent for the same child within the previous three years (starting with the date of the first fine); instead the parent will be prosecuted by the Council in the Magistrates' Court.
- N.B. Fines issued for offences taking place *before* the start of the 2024-2025 school year are not taken into account when determining which of the above sanctions applies.

I look forward to hearing from you.

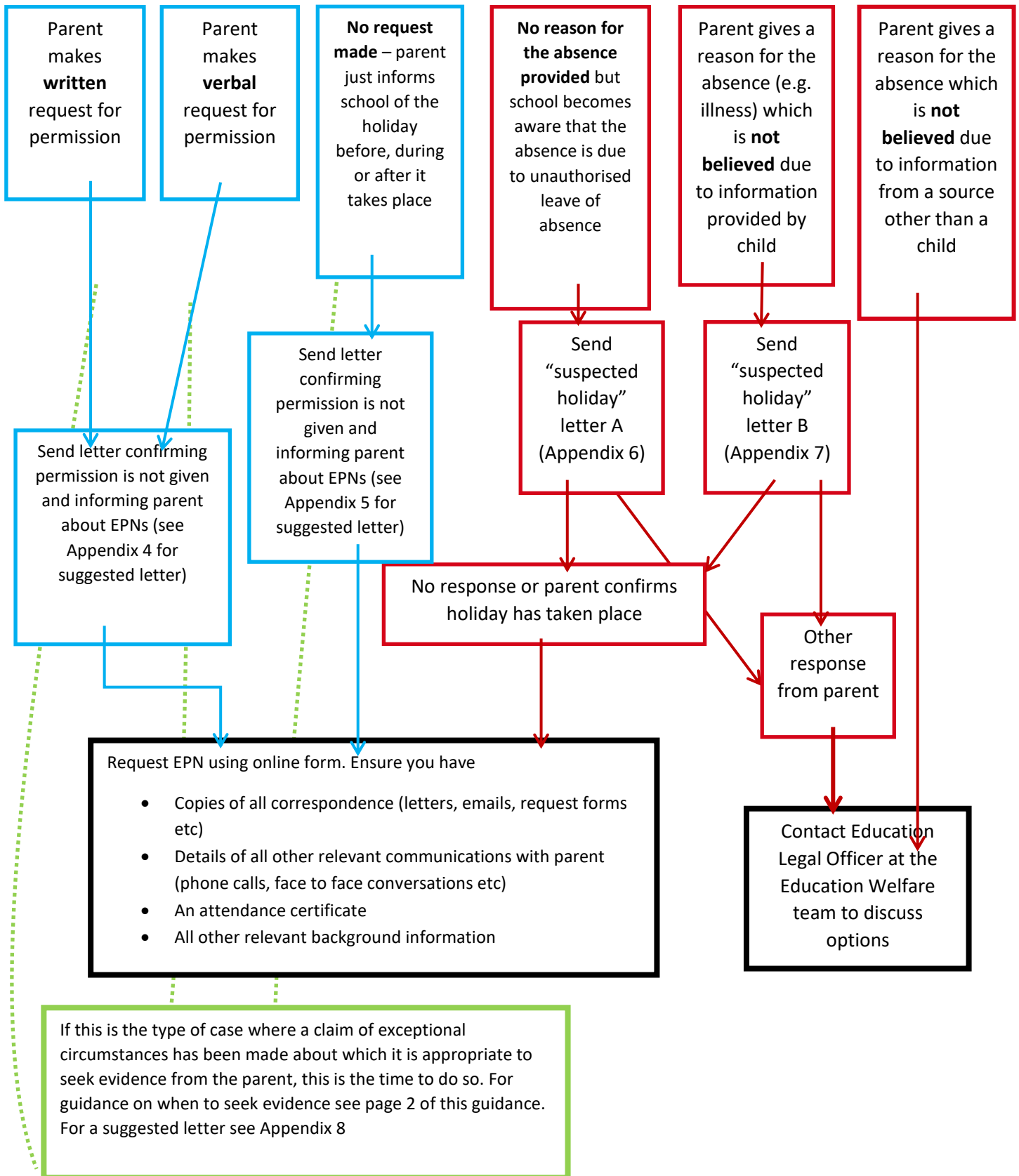
Yours sincerely

Appendix 9

Procedural flowchart - EPNs for unauthorised holidays/leave of absence

Information about holiday is from parents

Information about holiday is from child or 3rd party



NAHT Guidance on authorised absence in schools (October 2014)

Guidance on authorised absence in schools

There is some debate about what 'exceptional circumstances' means when deciding whether to grant absence for students during term time. We believe it is valuable to have some guiding principles to back schools in their decisions and provide consistency. This guidance has no statutory authority and is not imposed upon schools.

1. The decision to authorise absence is at the head teacher's discretion based on their assessment of the situation. Circumstances vary from school to school and so there can be no absolute rules on this subject.
2. Term times are for education. This is the priority. Children and families have 175 days off school to spend time together, including weekends and school holidays. Heads will rightly prioritise attendance. The default school policy should be that absences will not be granted during term time and will only be authorised in exceptional circumstances.
3. If an event can reasonably be scheduled outside of term time then it would not be normal to authorise absence.
4. Absence during term time for holidays/vacations is therefore not considered an exceptional circumstance.
5. Absences to visit family members are also not normally granted during term time if they could be scheduled for holiday periods or outside school hours. Children may however need time to visit seriously ill relatives.
6. Absence for a bereavement of a close family member is usually considered an exceptional circumstance but for the funeral service only, not extended leave.
7. Absences for important religious observances are often taken into account but only for the ceremony and travelling time, not extended leave. This is intended for one off situations rather than regular or recurring events.
8. Schools may wish to take the needs of the families of service personnel into account if they are returning from long operational tours that prevent contact during scheduled holiday time.
9. Schools have a duty to make reasonable adjustments for students with special educational needs or disabilities.
10. Families may need time together to recover from trauma or crisis.