

Leave of Absence during Term Time Applications

Dear Parent / Carer,

Leave of Absence Application Form:

Please find attached an application form for leave of absence during term time. You should complete parts A and B, leaving part C blank for school use only.

Leave of Absence Regulations:

When making an application for leave of absence during term time, please be aware that from 1st September 2013, Head Teachers are not able to grant any leave of absence during term time **unless there are exceptional circumstances**. Please see the 'Frequently Asked Questions' page attached to the back of the application form overleaf.

The application form attached therefore asks you to outline the reasons why you feel your application for leave of absence during term time should be regarded as 'exceptional.'

Leave of Absence Authorisation:

Following the submission of your application, you will be notified as soon as possible of the School's decision. Please note that leave of absence authorisation is entirely at the Head Teacher's discretion, and if authorisation is granted, the number of days to be authorised will also be determined by the Head Teacher.

Parents / carers should be aware that if your requested leave of absence is not authorised, but you still take the child out of school, or you keep your child away from school for a longer time than agreed / authorised, the absence (or excess absence where longer than agreed) will be recorded as unauthorised.

Unauthorised absences on your child's attendance record may mean that you are liable to incur a Fixed Penalty Notice or could face prosecution. Fixed Penalty Notices will be issued to **each person with parental responsibility** for the child / children who is deemed liable for the offence / offences. 'The Frequently Asked Questions' page attached to the back of the application form overleaf explains the circumstances where enforcement action may be taken more fully.

Yours Sincerely,

Mrs Tait

Leave if Absence in Term Time Frequently Asked Questions

What does the law say about leave of absence in term time?

It says Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of school days a child can be away from school if the leave is granted.

If my child's school refuses to authorise my term time leave of absence request, will I receive a Fixed Penalty Notice and can I be prosecuted?

Durham County Council's Fixed Penalty Notice Protocol acknowledges that regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Circumstances where a Penalty Notice might be issued include unauthorised leave of absence in term time, or other parentally condoned absence where the absence amounts to **seven school days or more in a minimum twelve rolling school week period**. You can be prosecuted if you receive a fixed penalty notice and it is not paid.

Under the Education Act 1996, parents commit an offence if they fail to ensure their child's regular school attendance. Taking a child out of school for a leave of absence without permission, and where the absence amounts to seven school days or more of unauthorised absence in a minimum twelve week rolling term is viewed as failing to ensure your child's regular attendance at school.

Payment of a Penalty Notice, where offered, is an alternative to prosecution. If unpaid, prosecution for the Education Act offence may therefore ensue. A fixed penalty notice will be issued to **each person with parental responsibility** for the child / children who is deemed liable for the offence / offences.

Who has parental responsibility for a child?

The Department for Education (DfE) state a parent means:

- All **natural parents**, whether they are married or not;
- Any person who **has parental responsibility** for a child or young person; and,
- Any person who **has care of a child or young person i.e. lives with and looks after the child.**

The DfE further state: '**generally parents include all those with day to dayresponsibility for a child.'**