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**Sheffield City Council**

## **Exceptional Leave during Term Time Policy**

**October 2018**

## Introduction

- 1.1 This policy document has been developed to ensure that Children Young People and Families (CYPF) provides a clear statement of intent, expectation and consistent guidance in relation to the management of ALL term time leave of pupils who attend a school in Sheffield. It has been produced to ensure all decisions are within the national legislation.  
Legally there is no entitlement for parents to take their child out of school during term time. Any application for leave must be in exceptional circumstances and the head teacher must be satisfied that the circumstances warrant the granting of leave.
- 1.2 Parents can be fined for taking their children out of school during term time without consent from the school.
- 1.3 This policy also responds to the updated guidance issued from Department for Education (DfE) which states:-

### Term-time leave

The [Education \(Pupil Registration\) \(England\) Regulations 2006](#)

Amendments to the 2006 regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. **The amendments make clear that 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.

- 1.4 The Policy includes a number of guidance documents and templates to be used alongside this policy, to support schools in managing Exceptional Leave in Term Time and Children Missing from Education.

## 2. Rationale

- 2.1 This guidance is provided for parents/carers, schools, and governing bodies, on the process with regard to requesting, considering and the authorising of exceptional term time leave.
- 2.2 This guidance is provided for schools to manage and respond to situations where leave is not authorised or agreed and the procedures for the removal from school roll. This would include parents/carers who prevent their child from attending school regularly without a valid reason for the absence. Examples include: parents/carers who regularly take the extended weekend (Monday or Friday), advantage of last minute deals, or repeated visits abroad.
- 2.3 There may be exceptional circumstances where leave in school term time may be granted. This would be decided by the Head teacher on an individual basis for each request. There is strong evidence to indicate that significant absence from school during term time can have a negative impact upon a child's attainment and learning.

- 2.4 Research has shown that poor attendance impacts negatively on children's attainment. Children have to attend school for 190 days per year, this leaves 175 days (including weekends) free for families to take holidays.

### **3. Term time leave**

Sheffield Local Authority recognises the important link between regular attendance at school and the educational attainment of children.

- 3.1 Action **may be taken** by Sheffield Local Authority against parents/carers who fail to ensure that their child is properly educated. The action may result in a fine, or an appearance at court.
- 3.2 Parents and carers who regularly take their child out of school in term time may be prosecuted via the Magistrates Court.
- 3.3 Parents/carers are legally required to notify school of their intention to take leave in term time from the school at which their child is registered.
- 3.4 Head teachers of schools will consider all term time leave notifications. Each request for exceptional circumstances must be considered on its own merit and the impact upon the child's learning and wellbeing must be central to the decision made. However, a Head teacher may take into account previous leave requests and other factors related to the child when making their decision.
- 3.5 Parents/carers who do not notify school of term time leave and take their child on 'unauthorised leave', or fail to keep the school informed of changes to leave arrangements, may receive a fine, be prosecuted and/or the children may lose their place at their school.

### **4. Notifications of term time leave in exceptional circumstances**

- 4.1 Notifications for exceptional term time leave must be made at least 20 school days in advance of any arrangement being made. This will allow sufficient time for the notification to be considered by the school. The notification should be made in writing (letter or email) by the parent/carer using Appendix 1: Notification for Leave in term time form. One form per family per notification should be completed.
- 4.2 Schools should make arrangements to support parents/carers who have low literacy skills or for whom English is not their first language.
- 4.3 Term time leave notifications should include specific start and end dates, as this will formally constitute the leave period.
- 4.4 Parents/carers who are intending to travel abroad with their children during term time should not book travel prior to securing approval from the school.
- 4.5 Any changes to dates agreed by the school will require a re-submission for authorisation prior to departure.
- 4.6 The Head teacher's decision is final.

## 5. Family Emergency - where school have not been notified of leave

5.1 There will be some occasions where it has not been possible for the parent/carer to notify school of exceptional term time leave.

Whilst emergency situations are often difficult, parents/carers are still required to contact the school at the earliest possible opportunity to inform of the absence and reasons for this.

5.2 Parents/carers taking their children out of school due to a family emergency are encouraged to consider:

- That they have considered the impact and appropriateness for their child ;
- Whether or not alternative care arrangements could be made for the child to remain in school, e.g. stay with an extended family member;
- That they have looked at limiting the amount of time absent from school.

5.3 Where parents/carers have not notified school of leave, the child is at risk of losing their place at the current school in accordance with Section 8(h)<sup>1</sup> . Parents may also receive a penalty fine.

## 6. Considering the exceptional term time leave notification

6.1 The school should consider the term time leave notification **and only respond to parents when this has been deemed exceptional**

6.2 The school will consider all notifications for term time leave in accordance with the current legislation and this guidance.

6.3 It is good practice for schools to meet or converse with parents/carers (wherever possible) to discuss any exceptional circumstances raised prior to making the decision.

The school will need to consider each notification on its own merits and whether there are exceptional circumstances for authorising the absence.

## 7. The decision and informing the parent/carer by the School

7.1 The school will reach a decision and inform parents in **accordance with their own school policy.**

7.2 Schools must ensure that appropriate arrangements are made to communicate the decision to families who have low levels of literacy or where English is not the first language.

A decision may result in the term time leave notification being (a) Authorised<sup>2</sup>, (b) Unauthorised<sup>3</sup> or (c) part Authorised and Unauthorised. For example, Mr X has requested 3 weeks term time leave for his child. The school acknowledges that the reason given is important but feels that 3 weeks is excessive and authorise 1 weeks leave, with the remaining 2 weeks being unauthorised.

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<sup>1</sup> The Education (Pupil Registration) (England) Regulations (2006)

<sup>2</sup> Authorised- where the school has agreed that the leave is granted

<sup>3</sup> Unauthorised- where the school does not agree that the leave request should be granted

## 8. Unauthorised leave Penalty Notice Fine

- 8.1 If parents/carers choose to take their children out of school during term time for 5 or more consecutive school days (spanning over holiday periods or weekends, would constitute consecutive school days) and this is not authorised by the School, at schools request the Local Authority will issue Fixed Penalty Notice of £60 (if paid in 21 days) or £120 (if paid between 21 and 28 days). Each parent/carer can be issued with a penalty notice, one per parent, issued separately. i.e. one fine per parent/carer per family, regardless of the number of children in the family.
- 8.2 The responsibility for requesting Penalty Notice Fines is with the school and will be issued when requested by the Head Teacher.

The School should provide the paperwork for pupils identified and this should include:

- Original notification for term time leave (appendix 1 form)
- Exceptional leave response (if leave granted)
- Appendix 10 evidence letter (if notification not received)
- Up to date attendance certificate – showing unauthorised absence
- BLUE Head teachers certificate – covering holiday period

## 9. Recording of Leave by the School

- 9.1 School attendance registers are legal documents and the information recorded in them can be used as evidence in legal proceedings. It is therefore important that the information contained is accurate and the correct absence code is used. All absences must be coded in accordance with Absence and Attendance Codes: Guidance for Schools and Local Authorities (DCSF, Jan 2009).
- If leave is not deemed exceptional then G code should be recorded and we would recommend that a penalty notice is requested
  - If the head teacher is not willing to request a penalty notice then we would suggest that H code should be recorded

CODE	Description	Category
B	Educated off site (NOT Dual registration)	Authorised (Attending approved educational activity)
C	Other Authorised Circumstances (not covered by another code or description)	Authorised
E	Excluded (No alternative provision made)	Authorised
<b>G</b>	<b>Family Holiday (NOT Agreed or days in excess of agreement)</b>	<b>Unauthorised</b>
<b>H</b>	<b>Family Holiday (Agreed) exceptional circumstances only</b>	<b>Authorised</b>
I	Illness (NOT medical or dental etc. appointments)	Authorised
J	Interview	Authorised (Attending approved educational activity)
M	Medical/Dental appointments	Authorised
N	No reason yet provided for absence	Unauthorised
O	Unauthorised absence - not covered by any other code/description)	Unauthorised

P	Approved sporting activity	Authorised (Attending approved educational activity)
R	Religious observance	Authorised
S	Study leave - Study leave should be used sparingly and only for Year 11 pupils during mock and public examinations	Authorised
T	Traveller Absence	Authorised
V	Educational visit or trip	Authorised (Attending approved educational activity)
W	Work experience - Work experience under section 560 of the Education Act 1996.	Authorised (Attending approved educational activity)
D	Dual registration i.e. pupil attending another establishment – indicates dual registration not attendance	Attending approved educational activity

9.2 Schools may use the code 'D' (dual registered) where they are able to demonstrate that a child will receive suitable education in another education establishment (in the UK or abroad) for a temporary basis. For example, a parent is required to travel abroad due to the nature of their work and they get their child registered at another school for the duration of their visit. The main school is required to ensure that it accurately monitors and records the attendance of the child at the dual registered base.

## 10. Process for removing a child's details from the school roll

10.1 A child's name can only be removed from school roll if one of the conditions prescribed in the Education (Pupil Registration Regulations) (England) 2006; Section 8(1) is satisfied.

10.1 Section 8(1)(f)<sup>4</sup> would apply if the child has failed to attend school within 10 school days immediately following the expiry of the period for which leave was granted ('authorised absence'). Section 8(1)(h)<sup>5</sup> would apply if the child had been continuously absent from school for a period not less than 20 school days and at no time was that period authorised by the school (unauthorised absence).

10.2 In **addition to the above 8(1) f/h**, the school and CYPF must **also** demonstrate that they have satisfied the following two conditions:

- That the Head teacher does not have reasonable grounds to believe that the child is unable to attend the school by reason of sickness or any unavoidable cause<sup>6</sup>; and
- That both the Head teacher and the local authority have failed, after reasonable enquiry, to ascertain where the pupil is<sup>7</sup>.

<sup>4</sup> The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(f)

<sup>5</sup> The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(h)

<sup>6</sup> Unavoidable is defined as 'something beyond the control of the individual'. Not being able to get return tickets to the UK because of poor planning would not normally be considered unavoidable.

<sup>7</sup> In order to 'ascertain where the pupil is' a school must be able to confirm an exact address (e.g. house number or name, street, area, and country). Simply being told that the child is 'still in America' would not count as ascertaining where the pupil is.

- 10.3 Schools should not wait for the expiry of the periods specified above, prior to making enquiries. Enquiries should start on the first day of absence or first day immediately commencing the period for which the child was expected to return to school.
- 10.4 Schools must forward a completed Children Missing from Education (CME) Checklist (Appendix 5) and Pupil Deregistration Request (Appendix 6) to the CME team for all children, who they feel meet one of the legal requirements for deregistration.
- 10.5 The CME team will provide written confirmation (within 10 school days) to the school confirming the date the child can be removed. If a child cannot be removed the CME team will provide the school with an explanation.
- 10.6 The responsibility for the child transfers from the school to the CME Team from the date of the deregistration letter.
- 10.7 Schools must send an electronic Common Transfer File (CTF) to the School to Schools website for all children who have left their school<sup>8</sup>. The electronic transfer of data is a legal requirement under the Education (Pupil Information) Regulations 2005, as amended.
- 10.8 Exceptions to the normal rules regarding deregistration include:
- Children at a Special School who cannot be removed without the approval of the Special Educational Needs Department<sup>9</sup>
  - Children who are detained as part of a Court Order who cannot be removed if the period of the Order is less than 4 months<sup>10</sup>.
- 10.9 Legal action can still be pursued against a parent/carer following deregistration from a school. This is because the period of complaint would be taken from the time the child was on roll at the school.
- 10.10 Parents/carers of a child who has legally been removed from the school register will be required to reapply for a school place. There is no guarantee that a child will be able to secure a place at the school from which they have been removed.

## **11. Sheffield Local Authority and Schools process for dealing with unauthorised absence**

- 11.1 When a Head teacher does not authorise a leave request on legitimate grounds, it sends a clear message to the parent/carer that the school does not agree with the reasons provided by the parent/carer for the request for term time leave. If the parent/carer still takes their child on holiday in school term time the following may apply:
- Issuing a Fixed Penalty Notice
  - Prosecution for non-payment of the fixed penalty
- 11.2 If Parents/Carers are found guilty of an offence, when prosecuted by magistrates Court, they can be sentenced to a fine, or a community penalty.

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<sup>8</sup> Where a child has left the UK the CTF file destination code will be 'MMMMMMM' (7 M's). Where a child's whereabouts remain unknown/lost the CTF file destination code will be 'XXXXXXX' (7X's)

<sup>9</sup> The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(2)

<sup>10</sup> The Education (Pupil Registration) (England) Regulations 2006, Regulation 8(1)(i)

## **12. Communicating the policy to Parents/Carers**

12.1 Term time leave policy should be communicated to parents/carers regularly. It is considered good practice for schools to:

- refer to the policy in the schools attendance and behaviour policy
- promote the policy on the attendance board and in the school newsletter
- provide a leaflet on leave during term time for parents/carer of key points. The leaflet may be translated into community languages where possible
- promote the policy at parents evening and school events for new starters
- make reference to the policy in home/school agreements.

## **13. Return to the UK, where a child does not have a school place**

13.1 If a child and their family return to the UK the parent/carer will need to re-apply for a school place. Parents/carers requiring a school place must contact the Children Missing Education (CME) team on 0114 2736462.

13.2 The CME team can provide support to parents/carers to secure school places and other forms of education provision.

This Policy was adopted by Ecclesall Primary School in October 2018.